



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

1900 S.W. 4<sup>th</sup> Avenue, Room 3100  
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**HEARINGS OFFICER'S ORDER**

**APPEAL OF PHILLIP HOUSTON**

CASE NO. 1080253

DESCRIPTION OF VEHICLE: Ford Explorer (OR SL38553)

DATE OF HEARING: August 26, 2008

**APPEARANCES:**

Phillip Houston, Appellant

Officer Tom Dorris, for the City

HEARINGS OFFICER: Mr. Gregory J. Frank

The Hearings Officer, on substantial evidence and based upon the record as a whole, finds as follows:

Mr. Houston appeared and testified on his own behalf. Parking Enforcement Officer Dorris appeared and testified on behalf of the City. The Hearings Officer makes this decision based upon the testimony of Mr. Houston and Officer Dorris, and the exhibits admitted into the evidentiary record of this case (Exhibits 1 through and including 9).

Mr. Houston testified that he was parked one space in front of the restricted Loading Zone space. Mr. Houston showed the Hearings Officer a picture of the general location, including the Loading Zone.

Officer Dorris testified that he received a call to travel to SW Alder between 4<sup>th</sup>/5<sup>th</sup>. Officer Dorris stated that when he arrived he found Mr. Houston's vehicle "straddling" the area restricted by the Loading Zone, and an area permitted for parking. Officer Dorris stated that the call he received was prompted by a commercial carrier who needed access to the Loading Zone. Officer Dorris showed Mr. Houston color pictures taken of Mr. Houston's vehicle "straddling" the Loading Zone. Mr. Houston indicated that he could have been mistaken exactly where he was parked and was not going to argue with the pictures.

The Hearings Officer finds that Mr. Houston's vehicle, on August 1, 2008, was parked in such a manner to be partially within the restricted Loading Zone area. As such, the Hearings Officer finds that Officer Dorris followed the relevant rules/laws when ordering Mr. Houston's vehicle towed. The Hearings Officer finds that the tow of Mr. Houston's vehicle on August 1, 2008 is valid.

Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: August 28, 2008

GJF: rs/cb



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement

Tow Number: 1080253

Enclosure

If a refund has been authorized, it will be sent from the City's Accounts Payable Office. Please allow at least 2 weeks.

| Exhibit # | Description                       | Submitted by        | Disposition |
|-----------|-----------------------------------|---------------------|-------------|
| 1         | Hearing request letter            | Houston, Phillip    | Received    |
| 2         | Tow receipt and parking violation | Houston, Phillip    | Received    |
| 3         | Tow Desk printout                 | Hearings Office     | Received    |
| 4         | Hearing Notice                    | Hearings Office     | Received    |
| 5         | Tow Hearings Process Info. sheet  | Hearings Office     | Received    |
| 6         | Corrected hearing notice          | Hearings Office     | Received    |
| 7         | Tow hearing report                | Parking Enforcement | Received    |
| 8         | Parking violation report #1       | Parking Enforcement | Received    |
| 9         | Parking violation report #2       | Parking Enforcement | Received    |