



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF PHILLIP BAIRD

CASE NO. 1080256

DESCRIPTION OF VEHICLE: Jeep Wrangler (OR WXB906)

DATE OF HEARING: August 28, 2008

APPEARANCES:

Mr. Phillip Baird, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

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

Mr. Phillip Baird appeared and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Baird and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 6).

Mr. Baird testified that when he parked his vehicle he did not see the temporary no parking signs/barricades. He stated that he drove up the street about ½ block, parked, and then walked back down the sidewalk and still did not see any signs.

The parking patrol deputy ordering the tow submitted a written "Tow Hearing Report." (Exhibit 5). The Tow Hearing Report stated that the temporary no parking sign ("No Parking 7:30-10:00 am Friday Subject To Tow") was placed in a location close to the location where Mr. Baird's vehicle was towed on August 6, 2008 at 4:56 pm. Mr. Baird's vehicle was towed at 7:47 am on August 8, 2008. The deputy statement also said that the signs were installed as required more than 24 hours in advance of the tow of Mr. Baird's vehicle.

The Hearings Officer finds the deputy statement to be more credible than the testimony of Mr. Baird. The Hearings Officer finds that the temporary no parking sign was placed and verified more than 24 hours before the tow of Mr. Baird's vehicle (per Portland City Code 16.30.210 D.). The Hearings Officer finds that the tow of Mr. Baird's vehicle on August 8, 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 29, 2008

GJF: rs



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement

Tow Number: 22057

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Baird, Phillip	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received