



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 TIFFANI PENSON

CASE NO. 1080257

DESCRIPTION OF VEHICLE: Lexus ES 300 (OR VUG014)

DATE OF HEARING: August 28, 2008

**APPEARANCES:**

Ms. Tiffani Penson, Appellant

Deputy Deborah Barkley, 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:

Ms. Penson appeared and testified on her own behalf. Parking patrol deputy Barkley appeared and testified on behalf of the City. The Hearings Officer makes this decision based upon the testimony of Ms. Penson and Deputy Barkley, and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 8).

Ms. Penson testified that she works in the 1900 SW Fourth Avenue building and customarily parks in close proximity to the building. Ms. Penson testified that on August 12, 2008, she parked in a Carpool Parking Spot at the corner of SW College and SW Fourth. Ms. Penson stated that she observed two poles (delineators) in two parking spaces east of the location where she parked; each pole had a sign restricting parking. Ms. Penson stated that there was no pole (delineator) indicating that parking was restricted for the spot she parked. Ms. Penson stated that she "honestly did not see the sign" posted on a large pole at the corner.

Ms. Penson expressed concern that the sign on the large pole was "higher than the other two signs," and the signage was "different" from the other two signs, and the sign was behind her car where she was parked and therefore she would not have been able to see the sign. (See also Ms. Penson's letter to the hearings office – Exhibit 2).

Deputy Barkley testified that on August 12, 2008, she received a complaint call that a vehicle was parked in a temporary no parking zone (construction). When she arrived, Deputy Barkley stated that she

observed two temporary no parking signs on delineators (posts) and a third temporary no parking sign on a large pole near the corner of SW Fourth and SW College. Deputy Barkley stated that the sign on the large pole was visible while traveling north on SW Fourth and the two signs on the posts were visible from the three restricted parking spots.

Both Ms. Penson and Deputy Barkley referred to photo exhibits submitted by Ms. Penson (Exhibit 3). Deputy Barkley also referred to photos on Exhibit 8. The Hearings Officer finds that the temporary no parking sign on the large pole (corner of SW Fourth/SW College) is conspicuous to a driver of a vehicle traveling north and approaching the parking spot from which Ms. Penson's vehicle was towed. The Hearings Officer finds that the temporary no parking sign on the large pole was placed and verified on August 8, 2008 at 2:50 pm (see Exhibit 7). The Hearings Officer finds that the temporary no parking sign was properly placed more than 24 hours before the tow of Ms. Penson's vehicle was ordered (per 16.230.210 D).

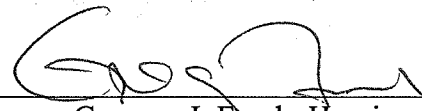
The Hearings Officer finds that Deputy Barkley followed the relevant laws/rules in ordering Ms. Penson's vehicle towed on August 12, 2008. The Hearings Officer finds the tow valid.

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

  
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Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 22499

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request form	Penson, Tiffani	Received
2	8/15/08 Letter	Penson, Tiffani	Received
3	7 Photos	Penson, Tiffani	Received
4	Tow Desk printout	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received
6	Tow Hearings Process Info. sheet	Hearings Office	Received
7	Tow Hearing Report	Parking Enforcement	Received
8	Parking Violation	Parking Enforcement	Received