



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF RANDI L. HONRUD

CASE NO. 1080261

DESCRIPTION OF VEHICLE: Mazda 3 (No plates, VIN #JM1BK12FX81157874)

DATE OF HEARING: August 29, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

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

Randi Honrud was mailed a Notice of Hearing on August 25, 2008. The Notice was not returned by the U.S. Mail Service and Mr./Ms. Randi Honrud did not contact the Hearings Office prior to the hearing requesting that the hearing be rescheduled. Randi Honrud did not appear at the hearing. The Hearings Officer makes this decision based upon the exhibits admitted into the evidentiary record (Exhibits 1 through and including 8).

Randi Honrud submitted a written request for a hearing, which outlined reasons for believing that the tow of his/her vehicle on August 8, 2008 was not valid. (Exhibit 1). The Hearings Officer summarizes Mr./Ms. Honrud's discussion points as follows. The tow was not valid because:

- "* Temporary no parking signs were not visible from the apartment building located at 1133 NW 19th Avenue, which is the address of my residence;
- * The previous night, August 7, I walked out of the apartments at 1133 NW 19th Avenue and down 19th Avenue. I observed no signs regarding the temporary no parking that was to be enforced the next morning;
- * Upon leaving my apartment at 7:30 am on August 8, I noticed several cars still parked on the street in front of my residence, not just my own vehicle, and still no temporary parking signs near my building."

The parking Deputy ordering the tow stated in his/her written Tow Hearing Report (Exhibit 7), that temporary No Parking restrictions were placed and verified on August 6, 2008 at 4:56 p.m. The Deputy, in the Tow Hearing Report, also stated that "all barricades were verified on 8.6.08 @ 4:56 pm and again

at the time of the citation...I always check before each citation for barricades." (Exhibit 7). Finally, the Deputy stated that the wording on the temporary No Parking sign said, "No Parking Friday 7:30 a – 10:00 A."

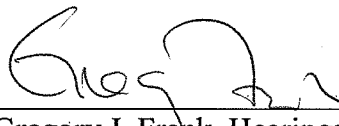
The Hearings Officer finds that the Deputy statements are more credible than the statements by Mr./Ms. Honrud. The Hearings Officer finds that the temporary No Parking signs were placed at the location where Mr./Ms. Honrud's vehicle was towed more than 24 hours prior to the tow. The Hearings Officer finds that the Deputy followed the relevant laws/rules in ordering Mr./Ms. Honrud's vehicle towed. The Hearings Officer finds the tow of Randi Honrud'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: September 5, 2008

GJF: rs/cb



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 22055

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Honrud, Randi L.	Received
2	Tow receipt (illegible)	Honrud, Randi L.	Received
3	Parking violation	Honrud, Randi L.	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