



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

HEARINGS OFFICER'S ORDER

APPEAL OF DALE DAHLSTROM

CASE NO. 1080282

DESCRIPTION OF VEHICLE: Buick Regale (OR CL07531)

DATE OF HEARING: September 11, 2008

APPEARANCES:

Mr. Dale Dahlstrom, 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. Dahlstrom appeared and testified at the hearing on his own behalf. Ms. Laurie Roberts appeared and testified on behalf of Mr. Dahlstrom. Mr. Dahlstrom submitted 5 letters from witnesses (Exhibits 5 through 9). At the time of the hearing, no police reports had been received in the Hearings Office (documents were received from the Police Bureau after the close of the hearing). The Hearings Officer makes this decision based on the testimony of Mr. Dahlstrom and the Exhibits 1 through and including 10, which were admitted into the evidentiary record. Exhibits 11 through and including 14, documents received after the close of the hearing, were not considered in making this decision.

Mr. Dahlstrom testified that a Ms. Gaines drove him from his place of employment, the 82nd Bar/Grill to 72nd and Pine. At 72nd and Pine, Mr. Dahlstrom stated that Ms. Gaines gave him the car keys to open the trunk. Mr. Dahlstrom testified that he did get into the driver's seat to retrieve something from the car. Mr. Dahlstrom testified that he did not drive the vehicle that was towed on September 4, 2008.

Ms. Roberts testified that she was walking and observed Mr. Dahlstrom's vehicle being driven by a "blonde woman." Ms. Roberts stated that when the vehicle stopped, the "blonde woman" got out and handed car keys to Mr. Dahlstrom. Ms. Roberts stated she did not see Mr. Dahlstrom drive. Exhibits 5, 6, 7, 8 and 9 generally confirmed the testimony of Mr. Dahlstrom and Ms. Roberts.

The Hearings Officer, at the hearing, found that the only evidence in the record was supplied by Mr. Dahlstrom, his in-person witness, and letters submitted by Mr. Dahlstrom. There was no evidence in the record (documents were received after the hearing and after the record in this case closed and not

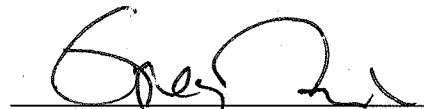
considered in making this decision) to contradict evidence supplied by Mr. Dahlstrom. The Hearings Officer finds the only reference to the reason Mr. Dahlstrom's vehicle was towed is Mr. Dahlstrom's reference to the police officer telling him that the vehicle was towed because Mr. Dahlstrom's license was suspended. The Hearings Officer finds that the evidence in the record does not support the towing of Mr. Dahlstrom's vehicle for any reason.

The owner or other persons who have an interest in the vehicle are not liable for the towing and/or storage charges. Therefore, it is ordered that the vehicle shall be immediately released, if still held, and any money heretofore paid for towing and/or storage charges shall be returned to the vehicle owner.

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

Dated: September 15, 2008

GJF:rs/cb


Gregory J. Frank, Hearings Officer

Bureau: Police
Tow Number: 24350

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Dahlstrom, Dale	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Letter from Heather Billington	Dahlstrom, Dale	Received
6	Letter from Dave Relford	Dahlstrom, Dale	Received
7	Letter from Shelley Solorio	Dahlstrom, Dale	Received
8	Letter from Theresa Douglass	Dahlstrom, Dale	Received
9	Letter from Christine Gaines	Dahlstrom, Dale	Received
10	Notification of Invalid Tow	Hearings Office	Received
11	Towed vehicle record	Police Bureau	Submitted After Record Closed
12	Traffic Violation Tow Report & Narrative on back	Police Bureau	Submitted After Record Closed
13	Notice of Impoundment & Officer's Affidavit	Police Bureau	Submitted After Record Closed
14	Citation & Complaint	Police Bureau	Submitted After Record Closed