



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 SETH GLOVER**

CASE NO. 1080309

DESCRIPTION OF VEHICLE: Cadillac Catera (OR 157CAV)

DATE OF HEARING: October 21, 2008

**APPEARANCES:**

Seth Glover, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Glover appeared and testified on his own behalf. Ms. Keri Snodgrass appeared as a witness on behalf of Mr. Glover. The Hearings Officer makes this decision based upon the testimony of Mr. Glover and Ms. Snodgrass and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 9).

Mr. Glover testified that at approximately 2:30 a.m. he picked up Ms. Snodgrass from her place of work and parked in the vicinity of NW 20<sup>th</sup>/NW Johnson to permit Ms. Snodgrass to retrieve a key to her apartment. Mr. Glover testified that he did not park in front of a fire hydrant. Ms. Snodgrass testified that when she got out of Mr. Glover's vehicle she did notice a yellow line demarking the No Parking area in front of a fire hydrant, and that Mr. Glover's vehicle was not parked in the yellow line area. Ms. Snodgrass stated that Mr. Glover's vehicle was not parked within 10 feet of a fire hydrant.

The police officer who ordered the vehicle towed stated, in his/her report;

Received call "to vehicle parked for 20 minutes blaring music. Upon arrival, I found the vehicle parked in the NE corner, next to a fire hydrant." Mr. Glover "was slumped behind the wheel."

The Hearings Officer finds that Mr. Glover and Ms. Snodgrass were credible witnesses. The Hearings Officer finds that the testimony of Mr. Glover and Ms. Snodgrass was specific where the vehicle was parked. The Hearings Officer finds that the police officer's statement is broad and lacks specifics (ie. the proximity of the hydrant to the vehicle). The Hearings Officer finds that the City has the burden of proof in this case and that considering the testimony of Mr. Glover and Ms. Snodgrass is credible, the Hearings Officer finds the City did not carry its burden. Therefore, the Hearings Officer finds the tow is not valid.

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: October 23, 2008  
GJF: rs/cb

  
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Gregory J. Frank, Hearings Officer

Bureau: Police  
Tow Number: 26895

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	Glover, Seth	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Ownership Letter	Hearings Office	Received
6	Towed vehicle record	Police Bureau	Received
7	Investigation report	Police Bureau	Received
8	Parking violation	Police Bureau	Received
9	Receipt	Glover, Seth	Received