



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF MICHAEL WALTY

CASE NO. 1080313

DESCRIPTION OF VEHICLE: Jeep Cherokee (OR VLN387)

DATE OF HEARING: October 28, 2008

APPEARANCES:

Ms. Deborah Barkley, for the City

Appellant did not appear

HEARINGS OFFICER: Mr. Gregory J. Frank

Parking Patrol Officer Barkley appeared and testified on behalf of the City. Mr. Walty was sent a Notice of Hearing on October 16, 2008 and the Notice was not returned by the U.S. Postal Service. Mr. Walty did not contact the Hearings Office to request the hearing be rescheduled. Mr. Walty did not appear at the hearing. The Hearings Officer makes this decision based upon the testimony of Officer Barkley and the exhibits admitted into the evidentiary record (exhibits 1 through and including 7).

Officer Barkley stated that she cited a Mr. Walty's Jeep at 7:30 AM on October 7, 2008. Officer Barkley testified that Mr. Walty's vehicle was parked in a truck loading zone on SW Main between SW St. Clair and SW Vista. Officer Barkley stated that Mr. Walty's Jeep is a SUV with no signs on it indicating it to be a delivery truck. Officer Barkley testified that Mr. Walty's Jeep did not have a truck parking permit. Officer Barkley stated she returned to the location of Mr. Walty's Jeep at 9:03 AM on October 7, 2008 and it was still parked in the same location. Officer Barkley submitted pictures of the location where Mr. Walty's vehicle was parked (Exhibits 6 and 7).

Mr. Walty submitted a letter (Exhibit 1). Mr. Walty stated, in his letter, that on the date his vehicle was towed he parked in an area which he believed was "for those loading into an apartment."

The Hearings Officer finds that the testimony of Officer Barkley and the written statements of Mr. Walty are credible. The Hearings Officer finds most persuasive the testimony of Officer Barkley and the pictures submitted into the record. The Hearings Officer finds the location where Mr. Walty parked is clearly marked, with signs, indicating the area as a Truck Loading Zone. The Hearings Officer also finds that Mr. Walty's parking his vehicle for the purpose of unloading to move into an apartment is not permitted at this location.

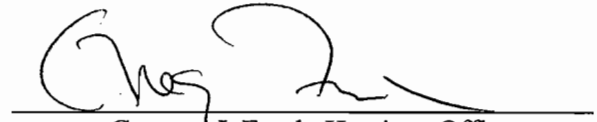
A parking patrol officer is entitled to tow a vehicle, without prior notice, if the vehicle is parked in a location that is restricted. The Hearings Officer finds the location where Mr. Walty parked was restricted and clearly posted

with signage. The Hearings Officer finds that Officer Barkley followed the relevant laws/rules when ordering Mr. Walty's vehicle towed on October 7, 2008. Therefore, the Hearings Officer finds the tow valid.

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: October 30, 2008
GJF:cb/rs



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 27068

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Letter	Walty, Michael	Received
2	Tow desk report printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow hearing report	Parking Enforcement	Received
6	Parking Violation w/photos	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received