



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF LESLIE ANGELA JOHNSON

CASE NO. 1080316

DESCRIPTION OF VEHICLE: Dodge Stratus (OR 452DAB)

DATE OF HEARING: October 28, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Johnson was mailed a Notice of Hearing on October 20, 2008. The Notice was not returned by the U.S. Mail Service and Ms. Johnson did not contact the Hearings Office prior to the hearing requesting that the hearing be rescheduled. Ms. Johnson 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 12).

Ms. Johnson submitted a letter, dated October 17, 2008, with her request for a hearing (Exhibit 1). Ms. Johnson stated, in her letter, that on the evening her vehicle was towed she was pulled over for a traffic stop by Police Officer Bolles for defective brake lights and no license plate light. Ms. Johnson stated that earlier the same evening, when leaving her place of work, she noticed that her brake lights were working. Ms. Johnson stated she gave Officer Bolles her license and vehicle registration information and a short time later Officer Bolles returned and informed Ms. Johnson that her driver's license was suspended. Ms. Johnson stated that she was not aware that her driver's license was suspended.

Ms. Johnson, in her letter, stated that she made a phone call to a friend to come and pick up her vehicle. Ms. Johnson stated that Officer Bolles informed her that the vehicle was being impounded. Ms. Johnson stated she informed Officer Bolles that her friend was coming to pick up her vehicle. Ms. Johnson indicated, in her letter, that she is disabled and that the vehicle was her only means to get to work and medical appointments. Ms. Johnson objected to her vehicle being searched prior to its being towed.

Exhibit 11 is a Notice of Impoundment Towing. This document indicates that Ms. Johnson's vehicle was towed because the vehicle operator was driving while suspended or revoked. Officer Bolles submitted a Traffic Violation Tow Report (Exhibit 9) which states in part that Ms. Johnson's driving license was suspended/revoked because "DWS viol F/A hearing." The Hearings Officer interprets this language to mean that Ms. Johnson's license was in suspended status because she failed to appear at a DMV hearing regarding her suspended license. Exhibit 12 includes an affidavit of Officer Bolles indicating that she had observed Ms. Johnson's vehicle driving southbound on 82<sup>nd</sup> with right brake light not functioning and also no license plate light. Exhibit 12 states that

Officer Bolles contacted Ms. Johnson and ran her license and per DMV her license was suspended for failing to appear at a hearing (effective dates of suspension from October 31, 2007 to an indefinite date).

The Hearings Officer finds no conflicts in the evidence in this case regarding the reason for Ms. Johnson's vehicle being stopped (brake light/license plate light malfunction) or that Ms. Johnson's license was suspended at the time she was contacted by Officer Bolles. Ms. Johnson only stated that she did not know her license was suspended.

The Hearings Officer shall find a tow valid if the Hearings Officer finds the officer who ordered the vehicle towed followed all of the relevant laws/rules. In this case, the relevant law can be found in Portland City Code 16.30.220 K. This section of the Portland Code states that a police officer may, without prior notice, order a vehicle towed if the officer has probable cause to believe that the vehicle's operator was driving while suspended or revoked.


The Hearings Officer finds that Officer Bolles did have probable cause to believe that Ms. Johnson was driving while her driving license was suspended. Therefore, the Hearings Officer finds that Officer Bolles did follow all of the relevant laws/rules and the tow is valid.

The Hearings Officer notes that a police officer, in Oregon, is given the right to conduct a warrantless inventory search of a vehicle prior to its being lawfully towed.

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: November 4, 2008  
GJF: rs



Gregory J. Frank, Hearings Officer

Bureau: Police  
Tow Number: 27861

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Johnson, Leslie Angela	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Towed vehicle record	Police Bureau	Received
6	LEDS data printout (2 pgs)	Police Bureau	Received
7	Oregon Driver's license for McDonald & Concealed handgun permit for Johnson	Police Bureau	Received
8	Vehicle release	Police Bureau	Received
9	Traffic Violation tow report	Police Bureau	Received
10	Narrative	Police Bureau	Received
11	Notice of Impoundment	Police Bureau	Received
12	Officer's affidavit & Violation	Police Bureau	Received