



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF DARCY RAMADGE

CASE NO. 1080320

DESCRIPTION OF VEHICLE: Volvo 850 Wagon (OR 966CTR)

DATE OF HEARING: October 27, 2008

APPEARANCES:

Mr. Darcy Ramadge, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 7 into the record without objection, finds as follows:

Mr. Ramadge appeared and testified at the hearing. The officer ordering the tow submitted a written report. The Hearings Officer makes this decision based upon the testimony of Mr. Ramadge and the exhibits admitted into the evidentiary record (exhibits 1 through and including 8).

Mr. Ramadge did not disagree with officer's report (exhibit 5) excepting that he did not believe his vehicle "appears inoperative or disabled." The Hearings Officer finds that there are not statements by the officer ordering the tow, in the written report (exhibit 5), describing why the vehicle appeared to be inoperative or disabled. Mr. Ramadge displayed photos (not admitted into the record) of his vehicle and the Hearings Officer could find no comments by the officer, in the written report, describing why the vehicle appeared disabled (i.e. flat tire, body damage, removed ignition, etc.). The Hearings Officer finds Mr. Ramadge's vehicle did not appear to be inoperative or disabled.

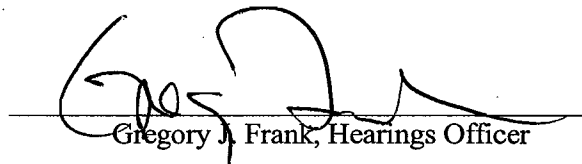
The officer ordering the tow stated that a tow warning notice was placed on Mr. Ramadge's vehicle. Mr. Ramadge did not contest the validity of the notice. The officer ordering the tow stated that Mr. Ramadge's vehicle, both at the time of issuance of the tow warning notice and at the time of the citation and ordering the vehicle towed, that the vehicle did not display current tags. Mr. Ramadge testified that on the date the vehicle was towed he obtained new/valid tags from the Oregon DMV and such tags were placed upon the vehicle prior to it being towed. Mr. Ramadge testified that he phoned the officer who ordered his vehicle towed and informed the officer that the vehicle was towed while displaying valid tags and the officer communicated to him that the tow driver should not have towed Mr. Ramadge's vehicle. Mr. Ramadge provided written documentation (not admitted into evidence) from the DEQ showing Mr. Ramadge's vehicle was approved by DEQ and new tags issued by Oregon DMV on the date of the tow. The Hearings Officer finds Mr. Ramadge's testimony to be credible that he placed the tags on the vehicle prior to its being towed.

The Hearings Officer finds that at the time Mr. Ramadge's vehicle was towed it did not appear inoperative or disabled and the vehicle displayed current registration. Therefore, the Hearings Officer finds that Mr. Ramadge's vehicle was not an abandoned vehicle at the time of the tow. The Hearings Officer finds that the tow of Mr. Ramadge's vehicle on October 22, 2008 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.

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

Dated: October 28, 2008  
GJF: cb/rs



Gregory J. Frank, Hearings Officer

Bureau: Abandoned Autos  
Tow Number: 28419

Enclosure

If a refund has been authorized, it will be sent from the City's Accounts Payable Office. Please allow at least 5 weeks.

Exhibit #	Description	Submitted by	Disposition
1	Appeal form	Ramadge, Darcy	Received
2	Tow desk report	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow hearing report	Abandoned Autos	Received
6	Case detail	Abandoned Autos	Received
7	Parking violation	Abandoned Autos	Received
8	Tow receipts	Ramadge, Darcy	Received