



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 JENNIFER S. LAKEMAN

CASE NO. 1080324

DESCRIPTION OF VEHICLE: Toyota Corolla (OR UCA797)

DATE OF HEARING: November 4, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Lakeman was mailed a Notice of Hearing on October 29, 2008. Ms. Lakeman did contact the Hearings Office on November 4, 2008 and talked with a clerk; Ms. Lakeman indicated to the clerk that she may not attend the hearing. Ms. Lakeman did not attend the hearing. The Hearings Officer makes this decision based upon the exhibits admitted into the evidentiary record (Exhibits 1 through and including 7).

Exhibit 1, Ms. Lakeman's request for a hearing, sets forth reasons why Ms. Lakeman believes the tow to be invalid. Ms. Lakeman's letter stated that she felt "the suspension of my license was based on the erroneous fact that two driving citations were not paid by me earlier in 2008." Ms. Lakeman stated that "I feel I should not have been punished for something which the courts failed to track...and therefore the suspension was unwarranted in the first place."

The police officer ordering Ms. Lakeman's vehicle towed submitted a Traffic Violation Tow Report. (Exhibit 6). The tow report stated that when the officer contacted Ms. Lakeman he/she discovered through contact with the DMV database that Ms. Lakeman's driver's license was suspended, because she had failed to appear at a hearing. The officer, in the tow report indicated that DMV informed him/her that Ms. Lakeman's license was suspended from August 16, 2008 for an indefinite time period.

The Hearings Officer finds that the police officer did check with the DMV on the status of Ms. Lakeman's license and according to DMV, Ms. Lakeman's license was suspended on August 16, 2008. The Hearings Officer finds that Ms. Lakeman's letter does not deny that her license was suspended, but rather that the suspension was erroneous.

The Hearings Officer shall find a tow valid if the Hearings Officer finds that the police officer who ordered the tow followed all relevant laws/rules. In this case, the relevant law can be found in Portland City Code 16.30.220 K.2. This section of the Portland Code states that a police officer may order, without prior notice, a vehicle towed if the police officer has probable cause to believe the operator of the vehicle was driving with a suspended license. The Hearings Officer finds that the police officer, by checking with the Oregon DMV and learning that Ms.

Lakeman's license was reported as suspended, has a substantial objective basis for believing Ms. Lakeman's license was suspended. The Hearings Officer finds that the police officer did have probable cause to believe Ms. Lakeman's license was suspended and therefore, followed the relevant rules when order the vehicle towed.

The Hearings Officer finds the tow of Ms. Lakeman's vehicle (Toyota Corolla, license UCA 797) on October 18, 2008 is 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: November 5, 2008
GJF: rs/cb


Gregory J. Frank, Hearings Officer

Bureau: Police
Tow Number: 28143

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Lakeman, Jennifer S.	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	Traffic Violation Tow Report & Narrative	Police Bureau	Received
7	Notice of Impoundment & Officer's affidavit with Citation	Police Bureau	Received