



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

1900 S.W. 4<sup>th</sup> Avenue, Room 3100

Portland, Oregon 97201

Telephone: (503) 823-7307

FAX: (503) 823-4347

TDD (503) 823-6868

[www.portlandonline.com/auditor/hearings](http://www.portlandonline.com/auditor/hearings)

**HEARINGS OFFICER'S ORDER**

APPEAL OF MICHAEL CIRIOLI

CASE NO. 1080341

DESCRIPTION OF VEHICLE: Ford Ranger (OR QEZ866)

DATE OF HEARING: December 2, 2008

APPEARANCES:

Mr. Michael Cirioli, Appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 10 into the record without objection, finds as follows:

The towing officer's information (Exhibit 7) indicates that the appellant's vehicle was towed as prisoner's property for a narcotics offense.

The appellant stated that when his vehicle was towed, he was not cited with any crime. The officer told the appellant that he was not being cited and he had done nothing wrong and was not in possession of any illegal substances. The appellant's passenger was cited for possession of marijuana. The appellant provided a copy of a Notice of Impoundment Towing form (Exhibit 2) given him by the officer. The form indicated that his vehicle was being towed because it was used for the purpose of possessing, delivering, manufacturing a controlled substance.

The Hearings Officer finds that the City Code authorizes an officer to tow a vehicle if it has been used to transport illegal drugs. The Code does not make an exception for when the driver and owner does not know that a passenger possesses illegal drugs.

Given these circumstances, this was a valid tow. Please note the relevant City Code sections below concerning this matter.

**16.30.220 Towing Without Prior Notice.**

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

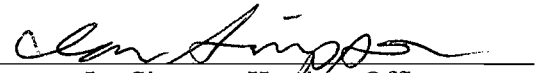
L. A police officer has probable cause to believe that the vehicle has been used or is possessed for the purpose of being used to commit or conceal the commission of one or more of these offenses:

2. Unlawful delivery of imitation controlled substance (ORS 475.991), Unlawful possession, delivery, or manufacture of controlled substance (OR 472.992), Unlawful distribution of controlled substance to minors (ORS 475.995), Unlawful manufacture or delivery of controlled substance within 1,000 feet of school (ORS 475.999), or any attempt, solicitation, or conspiracy of one of these offenses.

Therefore, 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: December 8, 2008  
IS: rs/cb

  
Ian Simpson, Hearings Officer

Bureau: Police  
Tow Number: 30876

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Cirioli, Michael	Received
2	Notice of Impoundment Towing	Cirioli, Michael	Received
3	Release Agreement	Cirioli, Michael	Received
4	Tow Desk printout	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received
6	Tow Hearings Process Info. sheet	Hearings Office	Received
7	Towed vehicle record	Police Bureau	Received
8	Formal Hold	Police Bureau	Received
9	Copy of driver's license for Cirioli (picture illegible)	Police Bureau	Received
10	Vehicle Release form	Police Bureau	Received