



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF RADIO CAB COMPANY

CASE NO. 1080343

DESCRIPTION OF VEHICLE: Ford Crown Victoria (OR 979CSF)

DATE OF HEARING: December 2, 2008

APPEARANCES:

Mr. Stephen Entler, representing 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 15 into the record without objection, finds as follows:

The Hearings Officer finds that Mr. Entler provided (Exhibits 13-15) adequate evidence to show that he is the general manager of Radio Cab Company, which owns the subject vehicle.

The towing officer's reports (Exhibits 7-12) stated that the appellant's vehicle was towed as evidence in a knife attack. The vehicle had blood on it from the victim of the attack.

Mr. Entler stated in the request for a hearing (Exhibit 1) that the tow was invalid. The City Code authorizes an officer to tow a vehicle if the officer reasonably believes the vehicle or its contents constitute evidence of a crime, if towing is needed to preserve the evidence. The Hearings Officer finds that it was reasonable for the officer to believe the vehicle was evidence in a crime.

During the December 2, 2008 hearing in this case, Mr. Entler argued that the tow fees were unreasonable. The Hearings Officer finds that there was no evidence that the tow fees violated the City Code.

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:

G. A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;

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

  
Ian Simpson, Hearings Officer

Bureau: Police  
Tow Number: 31124

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Entler, Stephen P.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Ownership letter	Hearings Office	Received
6	Towed vehicle record	Police Bureau	Received
7	Investigation report	Police Bureau	Received
8	Continuation report #1	Police Bureau	Received
9	Special report	Police Bureau	Received
10	Continuation report #2	Police Bureau	Received
11	Copy of appellant's driver's license & business card	Police Bureau	Received
12	Vehicle release form	Police Bureau	Received
13	Copy of vehicle registration showing Radio Cab as owner	Entler, Stephen P.	Received
14	Copy of receipt	Entler, Stephen P.	Received
15	Copy of Exh. 1	Entler, Stephen P.	Received