



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
www.portlandonline.com/auditor/hearings

HEARINGS OFFICER'S ORDER

APPEAL OF DAN WOODRUM

CASE NO. 1080355

DESCRIPTION OF VEHICLE: Geo Metro (WA 209PNO)

DATE OF HEARING: December 11, 2008

APPEARANCES:

Mr. Dan Woodrum, 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 12 into the record without objection, finds as follows:

The towing officer's report (Exhibits 9, 10, 11 and 12) stated that he had the appellant's vehicle towed because the driver, Durae Jeanette Bianchi, appeared to be driving while under the influence of alcohol. During the traffic stop, Ms. Bianchi did not present a drivers license. The officer noticed the odor of alcohol. Ms. Bianchi's speech was slurred, and her eyes were watery and bloodshot. Ms. Bianchi told the officer that she had consumed a couple of vodka tonics. Ms. Bianchi preformed and failed all three field sobriety tests.

The appellant stated that the vehicle could have been left with him or in the parking lot it was located in during the traffic stop. The City Code authorizes an officer to tow a vehicle when the officer has probable cause to believe the driver is driving while under the influence of intoxicants. The Hearings Officer finds that the officer had such probable cause. Under these circumstances, the Code does not require the officer to turn the vehicle over to another person.

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:

K. A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses:

4. Driving while under the influence of intoxicants (ORS 813.010);

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 12, 2008
IS: cb


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 32084

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Woodrum, Dan	Received
2	Copy of driver's license (photo blackened out; illegible)	Woodrum, Dan	Received
3	Refaxed copy of Exh. 1 w/corrected tow date handwritten	Woodrum, Dan	Received
4	Letter w/msg. phone # for appellant	Alice Morrill	Received
5	Tow desk report	Hearings Office	Received
6	Hearing notice	Hearings Office	Received
7	Tow hearing info. sheet	Hearings Office	Received
8	Towed Vehicle Record	Police Records	Received
9	Custody Report	Police Records	Received
10	DMV Implied Consent	Police Records	Received
11	Notice of Impoundment Towing	Police Records	Received
12	Citations	Police Records	Received