



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 DANIEL L. BROWN

CASE NO. 1080373

DESCRIPTION OF VEHICLE: GMC Envoy (ID V26462)

DATE OF HEARING: December 23, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

A Notice of Hearing was sent to Mr. Brown, at the address he provided, on December 17, 2008. The Notice of Hearing indicated the date/time/place of the hearing and also gave instructions for requesting a postponement. Mr. Brown did not contact the Hearings Office following the sending of the Notice of Hearing. Mr. Brown did not request a postponement. Mr. Brown did not appear at the hearing. The Hearings Officer makes this decision based upon the exhibits in the evidentiary record (exhibits 1 through and including 6).

Mr. Brown submitted a summary of the reasons he believed his tow was not valid (Exhibit 1). In summary, Mr. Brown stated that the "street side signs were not visible for the area where my vehicle was parked (Columbia & 17<sup>th</sup> – 1600 block) These signs were apparently verified at 2:30 on 12/01/08 per the received parking citation. However, if this is true, then the signs were not set up properly in a fashion that could be seen or not set up at all. I had ridden my bike past the location for the days preceding the street sweep and 'no parking' signs were not visible." Mr. Brown stated, as a second reason why the tow of his vehicle was not valid, was because "flyers that were distributed via mail did not reflect a proper date for the street cleaning. The year displayed was for 2007."

The parking patrol officer who ordered Mr. Brown's vehicle towed on December 3, 2008 at approximately 7:35 a.m. submitted a written report (Exhibit 5) and a copy of the citation (Exhibit 6). The patrol officer's report states, in part, that "barricades were visible and in place and the vehicle was towed per policy. However, according to point #2 in Mr. Brown's letter, this may be the legal loophole that he needs to avoid the fines/payment." The patrol officer noted that the barricades in the location from which Mr. Brown's vehicle was towed were verified to be in place on December 1, 2008 at 2:30 p.m.

The Hearings Officer finds the statement made by the parking patrol officer to be credible. The Hearings Officer finds that the parking patrol officer, while acting in his/her normal duty, made note of the signage at the specific location/block where Mr. Brown's vehicle was towed. The Hearings Officer finds Mr. Brown's statement that he did not see signs as he rode by on his bicycle to be less credible and reliable.

A vehicle may be towed for violation of a temporary no parking sign if the sign was placed/verified at least 24 hours prior to the tow (Portland City Code 16.30.210 D.). A vehicle may be towed without prior notice if the vehicle is parked in a conspicuously posted restricted space (Portland City Code 16.30.220 B.) The Hearings Officer finds there is no Portland City Code requirement that a mailed notice be sent to vehicle owners. The Hearings Officer finds that generally notice of "Sweep Tows" is sent to area residents; but that notice is not required.

The Hearings Officer finds that the barricade temporary no parking signs were placed at the location where Mr. Brown's vehicle was towed at 2:30 p.m. on December 1, 2008, and that Mr. Brown's vehicle was towed at approximately 7:35 a.m. on December 3, 2008. The Hearings Officer finds that the signs were in place for more than 24 hours prior to Mr. Brown's vehicle being towed.

The Hearings Officer finds that the patrol officer who ordered Mr. Brown's vehicle towed on December 3, 2008 followed the relevant laws/rules. The Hearings Officer finds that the tow of Mr. Brown's vehicle on December 3, 2008 is valid.

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 30, 2008

GJF: rs

Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 32185

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Brown, Daniel L.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received