



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF MONIQUE SOISETH

CASE NO. 1080377

DESCRIPTION OF VEHICLE: Pontiac Transport (OR 237DCW)

DATE OF HEARING: December 23, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

A Notice of Hearing was sent to Ms. Soiseth, at the address she 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. Ms. Soiseth did not contact the Hearings Office following the sending of the Notice of Hearing. Ms. Soiseth did not request a postponement. Ms. Soiseth 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).

Ms. Soiseth stated, in her request for a hearing, the reason for her believing that the tow of her vehicle was not valid was "no signage when car was parked." (Exhibit 1) Ms. Soiseth did not provide any additional evidence/information why she believed her vehicle was improperly towed.

The parking patrol officer who ordered Ms. Soiseth's vehicle towed submitted a written report (Exhibit 5) and a copy of a parking citation (Exhibit 6). The written report stated, in relevant part, that "barricades were up & verified 12/3/08 @ 2:17 pm. Car needs to move every 24 hours according to City Ordinance. I saw a barricade near the car at the time it was cited & towed. The area that was swept was from 21st to 26th & Marshall to Burnside. Sweeps are done 3 times a year."

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 that the temporary no parking signs were posted/verified on December 3, 2008 at 2:17 p.m. The Hearings Officer finds Ms. Soiseth's vehicle was towed at 7:40 a.m. on December 5, 2008; a period of more than 24 hours. The Hearings Officer finds signage was present at the location of the tow of Ms. Soiseth's vehicle for the requisite time period prior to the tow. The Hearings Officer finds that the parking patrol officer who ordered Ms. Soiseth's vehicle towed on December 5, 2008 followed the relevant laws/rules. The Hearings Officer finds this tow 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: 32421

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request form	Soiseth, Monique	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