



CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR
Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF KAMI GRAY

CASE NO. 1090244

DESCRIPTION OF VEHICLE: BMW 325Xi (OR CU09140)

DATE OF HEARING: November 23, 2009

APPEARANCES:

None

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Gray contacted the Hearings Office on the date of the scheduled hearing (November 23, 2009) and left a fax message that she had become ill and would be unable to "make it" to the hearing. The Hearings Officer denied the request for postponement because of it being late (7:26 a.m. on November 23, 2009). The Hearings Officer makes this decision based upon the documents admitted into the evidentiary record (Exhibits 1 through and including 10).

Exhibit 1, Ms. Gray's request for a hearing, states (paragraph 6) that she believes the tow of her vehicle on October 30, 2009 was not valid because:

"Tow order says I was in a loading zone. I wasn't and have a witness (restaurant owner). I was in a 1 hour parking. The tow company agreed and said there was not ticket on my car. Just a tow order."

Exhibit 5 is a Tow Hearing Report prepared by the Parking Enforcement Officer who ordered Ms. Gray's vehicle towed on October 30, 2009. Exhibit 5 contains an extensive narrative describing the location where Ms. Gray's vehicle was towed on October 30, 2009. Exhibit 5 contains an extensive discussion of signs in the vicinity of Ms. Gray's vehicle. Exhibit 6 contains a copy of the Parking violation and three large photos. The top right photo (Exhibit 6) shows a close view of the rear end of a BMW vehicle with license plate CU 09140. The Hearings Officer notes that this is the same make of vehicle and license number identified as the vehicle owned by Ms. Gray in her request for hearing (Exhibit 1). The top left photo (Exhibit 6) shows the rear end of the vehicle taken from SE 37th and also shows a pole with signs approximately 5 to 10 feet behind Ms. Gray's vehicle. The sign, behind Ms. Gray's vehicle, clearly shows a 1 hour parking sign and above that sign a truck loading zone sign. The truck loading zone sign, behind Ms. Gray's vehicle, includes an arrow pointing towards Ms. Gray's vehicle. The bottom photo (Exhibit 6) shows the front of Ms. Gray's vehicle. The bottom photo includes, in close proximity in front of Ms. Gray's vehicle, another pole with signs. The bottom sign (on

the pole in front of Ms. Gray's vehicle) is a 1 hour parking sign with an arrow pointing back at Ms. Gray's vehicle. The next sign up is a truck loading zone sign with the hours marked (7am-2pm M-F) and an arrow pointing back to Ms. Gray's vehicle.

The Hearings Officer must find a tow valid if the Hearings Officer finds that the Parking Enforcement Officer followed the relevant rules/laws. In this case the relevant rules/laws are found in Portland City Code ("PCC") Title 16. PCC 16.30.210 A. states that a vehicle may be towed and held at the owner's expense if the vehicle is parked in the public right-of-way in violation of a permanent parking restriction. PCC 16.30.220 B states that a vehicle may be towed, without prior notice to the vehicle owner, if the vehicle is illegally parked in a conspicuously posted restricted space.

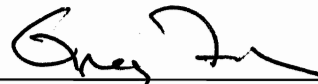
The Hearings Officer finds that the photos submitted by the Parking Enforcement Officer (Exhibit 6) clearly identify Ms. Gray's vehicle and that the vehicle was parked between two signs indicating a truck loading zone. The Hearings Officer finds Ms. Gray's denial of parking in a truck loading zone to be not credible. The Hearings Officer finds that the Parking Enforcement Officer, on October 30, 2009, followed the relevant rules/laws in ordering Ms. Gray's vehicle towed. The Hearings Officer finds the tow of Ms. Gray's vehicle on October 30, 2009 is valid.

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: November 24, 2009

GJF:cb/rs



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 21529

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request form	Gray, Kami	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 w/photos	Parking Enforcement	Received
7	Parking Citation w/photos	Parking Enforcement	Received
8	Fax requesting postponement	Gray, Kami	Received
9	Rescheduled hearing notice	Hearings Office	Received
10	Request to reschedule	Gray, Kami	Received