



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR
Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF LISA SPRATLEN

CASE NO. 1090267

DESCRIPTION OF VEHICLE: Ford Mustang (OR WMU468)

DATE OF HEARING: December 10, 2009

APPEARANCES:

Ms. Lisa Spratlen, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Spratlen appeared at the hearing and testified on her own behalf. The Hearings Officer makes this decision based upon the testimony of Ms. Spratlen and the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

Ms. Spratlen testified that she parked the Ford Mustang that is subject to this tow hearing (the "Vehicle") on the street. Ms. Spratlen stated that upon receipt of a "tow notice" she moved the Vehicle to another location. Ms. Spratlen stated that she believed that the Vehicle had current tags attached to the license plates. Ms. Spratlen stated that the Vehicle had not been driven for a number of days, prior to its being towed, but that the vehicle was not "abandoned."

Ms. Spratlen's vehicle was towed as "abandoned."

The Hearings Officer must find a tow is valid if the Hearings Officer finds that the person ordering the tow followed the relevant laws/rules. In this case the relevant laws/rules can be found in the Portland City Code ("PCC") Title 16. PCC 16.90.005 defines, for the purposes of towing a vehicle in Portland, the term "abandoned." A vehicle is deemed to be abandoned if the vehicle remains in violation for more than 24 hours and if the vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration." An "abandoned" vehicle may be towed and stored at the owner's expense if the vehicle is parked in the public right-of-way. (PCC 16.30.120 A.10) A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle.

The Hearings Officer finds that the Vehicle did not have affixed to the license plate a current registration. The Hearings Officer notes that Exhibit 7 contained three pictures and the picture at the lower left side shows a registration expiring in 2007. The Hearings Officer finds that Ms. Spratlen did not dispute the date of expiration ('07) after reviewing the original color photo. The Hearings Officer

finds that there is no dispute, by Ms. Spratlen, that a tow warning was placed on the Vehicle and it was placed at least 72 hours before the Vehicle was towed.

The Hearings Officer finds it more probable than not that the Vehicle meets the definition of an "abandoned vehicle" and further that the proper notice was placed more than 72 hours before the tow. The Hearings Officer finds that the Abandoned Vehicle Inspector who ordered the Vehicle towed followed the relevant laws/rules. The Hearings Officer finds the tow of the Vehicle on November 25, 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: December 11, 2009
GJF:rs



Gregory J. Frank, Hearings Officer

Bureau: Abandoned Autos
Tow Number: 23403

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Spratlen, Lisa	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	Abandoned Autos	Received
6	Tow Detail	Abandoned Autos	Received
7	Photos and Parking Violation	Abandoned Autos	Received