



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

**LaVonne Griffin-Valade, City Auditor**  
1900 SW 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 DOUGLAS KLUDT**

**CASE NO. 1090268**

**DESCRIPTION OF VEHICLE: Honda Accord (OR KLUDT)**

**DATE OF HEARING: December 17, 2009**

**APPEARANCES:**

**Douglas Kludt, appellant**

**HEARINGS OFFICER: Mr. Gregory J. Frank**

Mr. Douglas Kludt appeared at the hearing and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Kludt and the documents admitted into the evidentiary record (Exhibits 1 through and including 6).

Mr. Kludt testified that his vehicle (OR KLUDT, hereafter referred to as the "Vehicle") was towed on or about December 2, 2009. Mr. Kludt testified that he was not disagreeing that the temporary no parking barricades were there when his vehicle was towed. Mr. Kludt testified that he is currently unemployed as on occasion does not leave his apartment for days. Mr. Kludt stated that if he had checked his vehicle he would have seen the barricades and the Vehicle would not have been towed. Mr. Kludt stated that he has lived at the current location for almost nine years and is aware of "sweep tows." Mr. Kludt stated that typically the City sends a "sweep" schedule and he marks the dates on his calendar to avoid being towed. Mr. Kludt stated that no advance warning was given to him at his residence prior to the "sweep" that resulted in the Vehicle being towed.

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person who ordered a vehicle towed followed all relevant laws/rules. In this case, the relevant laws/rules can be found in the Portland City Code ("PCC") Title 16. PCC 16.30.210 D. permits a vehicle to be towed from the public right-of-way when the vehicle is parked in violation of a temporary parking restriction if the temporary no parking signs are placed more than 24 hours before the tow.

The Hearings Officer finds that Mr. Kludt does not dispute the barricades (temporary no parking signs) were present when the Vehicle was ordered towed. Mr. Kludt was not aware when the barricades were placed.

The person ordering the Vehicle towed submitted a written report (Exhibit 5). In the narrative section of Exhibit 5 the Parking Enforcement Officer stated that the "barricades were still up at the time of the

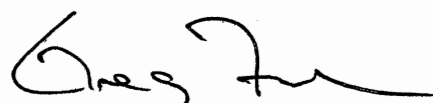
citation.” The Parking Enforcement Officer, in Exhibit 5, also states that “signs verified 11.30.09 @ 12:16 pm” and that the Vehicle was towed at approximately 7:30 am on December 2, 2009.

The Hearings Officer finds, based upon the testimony of Mr. Kludt and the statement made by the Parking Enforcement Officer (Exhibit 5) that the temporary no parking signs were up at the time that the Vehicle was ordered towed. The Hearings Officer finds, based upon the written statement of the Parking Patrol Officer (Exhibit 5), that the temporary no parking signs were put into place in the location where the Vehicle was parked on November 30, 2009 at 12:16 p.m. The Hearings Officer finds that the temporary no parking signs were placed at the location of the Vehicle more than 24 hours before the Vehicle was towed and that the signs were present when the Vehicle was ordered towed. The Hearings Officer finds that the Parking Patrol Officer who ordered the Vehicle towed on December 2, 2009 followed all relevant laws/rules. The Hearings Officer finds the tow of the Vehicle on December 2, 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 18, 2009  
GJF:rs/cb



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 23787

Enclosure

| Exhibit # | Description                      | Submitted by        | Disposition |
|-----------|----------------------------------|---------------------|-------------|
| 1         | Hearing request letter           | Kludt, Douglas      | 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    |