



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

LaVonne Griffin-Valade, City Auditor
1900 SW 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
Fax: (503) 823-4347
TDD: (503) 823-6868
www.portlandonline.com/auditor/hearings

HEARINGS OFFICER'S ORDER

APPEAL OF LEONID ZUBRITSKIY

CASE NO. 1090293

DESCRIPTION OF VEHICLE: Ford Escort (OR 922ACR)

DATE OF HEARING: December 29, 2009

APPEARANCES:

Leonid Zubritskiy, appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Leonid Zubritskiy appeared at the hearing and testified on his own behalf. No person appeared at the hearing on behalf of the City. The Hearings Officer makes this decision based upon the testimony of Mr. Zubritskiy and the documents admitted into the evidentiary record (Exhibits 1 through and including 11).

Prior to the hearing Mr. Zubritskiy supplied, for the Hearings Officer's review, documents related to the ownership of the vehicle that is subject of this hearing (the "Vehicle"). The Hearings Officer finds that Mr. Zubritskiy provided adequate information that he is the owner or has an interest in the Vehicle. The Hearings Officer granted Mr. Zubritskiy an appeal hearing to consider the validity of the tow of the Vehicle.

Mr. Zubritskiy testified that on December 23, 2009 he was driving the Vehicle when he was pulled over by a police officer. Mr. Zubritskiy described the Vehicle as having been involved in a "rollover" accident and as a result of the accident he had removed the insurance card from the Vehicle. Mr. Zubritskiy stated that when the police officer asked him for the insurance card he could not comply, at that specific time, because the card was at his residence or some other location.

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person ordering the tow followed the relevant laws/rules. In this case, the relevant laws/rules are found in the Portland City Code ("PCC") Title 16. The specific sections of PCC Title 16 that are relevant to this case are found in PCC 16.30.220 K.1. PCC 16.30.K.1 permits a police officer to order a vehicle towed, without prior notice, if the police officer has probable cause to believe that the vehicle's operator was driving uninsured.

In this case, Mr. Zubritskiy stated that he did not present to the police officer, when he was pulled over on December 23, 2009, a copy of a valid insurance card. The Hearings Officer takes note of Oregon

Revised Statute ("ORS") 806.011. ORS 806.011 states, in part, that "failure of the driver of a motor vehicle to show a valid card or other proof of compliance when asked to do so by a police officer is reasonable grounds for the officer to believe that the person is operating the vehicle in violation of ORS 806.010." (ORS 806.010 makes driving a vehicle uninsured unlawful) The Hearings Officer finds, therefore, that the police officer who ordered the Vehicle towed on December 23, 2009 did have probable cause to believe that Mr. Zubritskiy was driving the Vehicle uninsured. The Hearings Officer finds that the police officer who ordered the Vehicle towed on December 23, 2009 followed the relevant laws/rules. The Hearings Officer finds the tow of the Vehicle 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 30, 2009

GJF: cb



Gregory J. Frank, Hearings Officer

Bureau: Police
Tow Number: 1090293

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow hearing request form	Zubritskiy, Leonid	Received
2	Tow desk printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Proof of ownership letter	Hearings Office	Received
6	Towed vehicle record	Police Bureau	Received
7	Traffic Violation Tow Report	Police Bureau	Received
8	Narrative	Police Bureau	Received
9	Notice of Impoundment	Police Bureau	Received
10	Signed note from seller of vehicle/bill of sale	Zubritskiy, Leonid	Received
11	Copy of Title	Zubritskiy, Leonid	Received