



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 BRADLEY THOMSON**

CASE NO. 1090281

DESCRIPTION OF VEHICLE: Toyota Tacoma (OR WZG736)

DATE OF HEARING: December 29, 2009

#### **APPEARANCES:**

Bradley Thomson, appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Bradley Thomson 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. Thomson and the documents admitted into the evidentiary record (Exhibits 1 through and including 6).

Mr. Thomson testified that he was unaware of street sweeping activities that resulted in the tow of his vehicle on December 7, 2009. Mr. Thomson stated he is a new resident in the area and his apartment manager did not tell him that the streets were to be swept and that his (Mr. Thomson's) vehicle should be moved. Mr. Thomson stated that he did notice temporary no parking signs in the area so he moved his vehicle, three days prior to his vehicle being towed, to another location where there were no signs. Mr. Thomson related numerous difficulties with City representatives when he attempted to locate his vehicle after the tow.

The Parking Enforcement Officer who ordered Mr. Thomson's vehicle towed submitted a Tow Hearing Report (Exhibit 5). The Parking Enforcement Officer noted, in Exhibit 5, that temporary no parking signs were placed along the block face where Mr. Thomson's vehicle was towed on December 4, 2009 at 11:41 a.m. The Parking Enforcement Officer, in Exhibit 5, stated that "barricades were up and valid at the time of citation."

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 16.30.210 A.1, PCC 16.30.210 D, and PCC 16.30.220 B. PCC 16.30.210 A.1 authorizes a Parking Enforcement Officer to order a vehicle towed and stored, at the owner's expense, if the vehicle is parked in any public right-of-way and the vehicle is parked in violation of any temporary or permanent parking restriction. PCC 16.30.210 D states that temporary parking restrictions may be enforced by tow 24

hours after placement in any non meter area. PCC 16.30.220 B permits a Parking Enforcement Officer to order a vehicle towed, without prior notice if the vehicle is illegally parked in a posted restricted space/zone.

The Hearings Officer finds that Mr. Thomson, through his testimony and his written statement (Exhibit 1), does not dispute that the temporary no parking signs were placed and verified on December 4, 2009 at 11:41 a.m. The Hearings Officer, therefore, finds that the temporary no parking signs were placed, on the block face where Mr. Thomson's vehicle was parked, on December 4, 2009. The Hearings Officer finds Mr. Thomson does not dispute the date/time his vehicle was towed. The Hearings Officer, therefore, finds that Mr. Thomson's vehicle was towed on December 7, 2009 at 7:44 a.m. The Hearings Officer finds that the temporary no parking signs were up and in place more than 24 hours before Mr. Thomson's vehicle was towed. The Hearings Officer finds that the Parking Enforcement Officer who ordered Mr. Thomson's vehicle towed on December 7, 2009 followed the relevant laws/rules. The Hearings Officer finds the tow of Mr. Thomson's vehicle was 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 31, 2009  
GJF:rs/cb

  
\_\_\_\_\_  
Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 24266

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow appeal form	Thomson, Bradley	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	Hearings Office	Received
6	Parking Citation w/photos	Hearings Office	Received