



CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR  
Hearings Office

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## HEARINGS OFFICER'S ORDER

APPEAL OF FLOYD HELMS

CASE NO. 1090283

DESCRIPTION OF VEHICLE: Volkswagen Beetle (OR 452EDT)

DECISION WITHOUT PERSONAL APPEARANCE

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Helms requested that the Hearings Officer make a decision without his personal appearance at a hearing (Exhibit 7). The Hearings Officer, pursuant to the Tow Hearings Officer Rules and Regulations (ADM-9.03, section 2-6), is authorized to make tow appeal decisions based upon the documents admitted into the evidentiary record. In this case the documents admitted into the evidentiary record are Exhibits 1 through and including 10.

Exhibit 1 (copy is also attached to Exhibit 7) is a letter, submitted by Mr. Helms, requesting a hearing and setting forth Mr. Helm's reasons for believing that the tow of his vehicle was not valid. In summary, Mr. Helms stated that he was out of town for a two-week period and was not present if and when any temporary no parking signs were placed at the location where his vehicle was parked/towed. Mr. Helms stated, in Exhibit 1, that he annually purchases a "K" zone parking permit and that such permit allows him to park on the public right-of-way in the "K" zone for extended periods. The Hearings Officer infers from Mr. Helms' letter (Exhibit 7) that Mr. Helms believes that the "K" zone permit allows him to park his vehicle, in the "K" zone, in violation of temporary no parking restrictions.

The Parking Enforcement Officer who ordered Mr. Helm's vehicle towed on December 11, 2009 submitted two documents (Exhibits 8, 9 and 10). Exhibit 8 is a Tow Hearing Report. The Tow Hearing Report, in the "Officer Comments" section states "sweep barricades were verified 12/9/2009 @ 3:21 p.m." Exhibit 9 contains a copy of a Parking Violation related to the parking/tow of Mr. Helm's vehicle. Exhibit 10 is a copy of a color photo of the back end of a VW with Oregon license number 452 EDT.

The Hearings Officer finds, based upon Exhibit 1, that Mr. Helm's parked his vehicle and left it at the location from which it was towed for a number of days; days when he was out of town and did not check the status of his vehicle or for the existence of temporary no parking signs. The Hearings Officer finds, based upon Exhibits 8 and 9, that temporary no parking signs were placed at the location where Mr. Helm's vehicle was parked/towed on December 9, 2009 at 3:21 p.m. The Hearings Officer finds, based upon Exhibit 9, that Mr. Helm's vehicle was towed on December 11, 2009 at approximately 7:38 a.m.

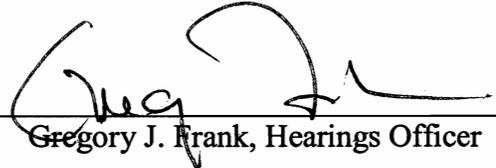
Mr. Helms asserts that his "K" zone parking permit allows him to park on the City of Portland public right-of-way irrespective of temporary no parking restrictions. The Hearings Officer finds this assertion to be incorrect. The Hearings Officer finds that a temporary parking permit, such as for zone "K", permits a person with an area permit (i.e. zone "K") to park longer than the posted visitor time limit if a valid permit for that district is properly displayed (see Portland City Code 16.20.860 B). The Hearings Officer finds that an area permit (i.e. zone "K") does not permit a person to park his/her vehicle in excess of 24 hours (Portland City Code 16.20.860 B and 16.20.170) or park in any restricted zone (Portland City Code 16.20.860 B)

The Hearings Officer finds that the temporary no parking signs were placed more than 24 hours before Mr. Helms' vehicle was towed (Portland City Code 16.30.220 D). The Hearings Officer finds that the Parking Patrol Officer who ordered Mr. Helms' vehicle towed on December 11, 2009 followed all relevant City laws/rules. (See Portland City Code 16.30.210 A.1, 16.30.210 D, and 16.30.220B) The Hearings Officer finds that the tow of Mr. Helms' vehicle on December 11, 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: January 6, 2010  
GJF:rs

  
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Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 24576

Enclosure

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Hearing request letter	Helms, Floyd	Received
2	Tow Invoice (partially cut off)	Helms, Floyd	Received
3	Parking Violation	Helms, Floyd	Received
4	Tow Desk printout	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received
6	Tow Hearings Process Info. sheet	Hearings Office	Received
7	Request for decision without appearance	Helms, Floyd	Received
8	Tow Hearing Report	Parking Enforcement	Received
9	Parking Violation	Parking Enforcement	Received
10	Photo	Parking Enforcement	Received