



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

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HEARINGS OFFICER'S ORDER

APPEAL OF INDIRA HUSIC

CASE NO. 1100007

DESCRIPTION OF VEHICLE: Kia Rio (OR 726EEA)

DATE OF HEARING: January 19, 2010

APPEARANCES:

Indira Husic, appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Husic appeared at the hearing and testified on her own behalf. The Hearings Officer makes this decision based upon the testimony of Ms. Husic and the documents admitted into the evidentiary record (Exhibits 1 through and including 12).

Ms. Husic stated that on December 29, 2009, as she was driving to the Portland Airport her vehicle broke down. Ms. Husic stated that the location the vehicle stopped was between the end of the I-205 ramp and the entrance to the long-term parking on NE Airport Way. Ms. Husic identified with an "x" mark the location of her vehicle (Exhibit 12). Ms. Husic stated that she came back to her vehicle on December 30, 2009 with a mechanic and it was determined that the vehicle could not be repaired at the location where it was parked on Airport Way. Ms. Husic stated she fully intended to have the vehicle towed to a repair shop using a AAA tower.

The Port of Portland Police Officer who ordered Ms. Husic's vehicle towed submitted a written report (Exhibits 9 and 10). The officer stated the following:

"During briefing, I was informed of an illegally parked vehicle in a 'No Parking' zone at NE Airport Way westbound near I205. The vehicle had reportedly been parked at least throughout swing shift (1500-2300 hrs.). At 2340 hrs. I responded and located the vehicle, now identified as Oregon License 726EEA. The station wagon was parked facing west within the bicycle lane almost midway between I205 and NE Mr. Hood Avenue. Looking west, I noted a 'No Parking Anytime' sign approximately 300' in front of my location. The vehicle was locked."

The Hearings Officer finds that Ms. Husic's vehicle was ordered towed on December 31, 2009. (Exhibits 9 and 10).

A vehicle may be lawfully ordered towed by the Port of Portland Police if the vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic or the vehicle is illegally parked or kept in a conspicuously noted or posted space, zone, traffic lane or taxiway where parking is limited to designated classes of vehicles...or the vehicle interferes or is reasonably likely to interfere with the intended use of such a space or lane. (Port of Portland Ordinance 360: Towing and Storage of Vehicles on Port Property, Section 1.C.)

The Hearings Officer finds that Ms. Husic's vehicle was parked on Port of Portland property, per her mark on Exhibit 12, and that her vehicle was parked in a bicycle lane and a posted no parking zone. The Hearings Officer finds that Ms. Husic's vehicle was lawfully ordered towed, without prior notice, under Port of Portland Ordinance 360 Section 1.C. The Hearings Officer finds that the tow of Ms. Husic's vehicle on December 31, 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 subject to an appeal to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: January 21, 2010

GJF: cb


Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Port of Portland
Tow Number: 9451819

Exhibit #	Description	Submitted by	Disposition
1	Copy of appellant's envelope	Port of Portland	Received
2	Copy of letter from appellant provided to Port of Portland	Port of Portland	Received
3	Copy of parking violation provided by appellant to Port of Portland	Port of Portland	Received
4	Copy of tow receipt provided by appellant to Port of Portland	Port of Portland	Received
5	Copy of bank card receipt provided by appellant to Port of Portland	Port of Portland	Received
6	Call Detail Report	Port of Portland	Received
7	Tow desk printout	Hearings Office	Received
8	Hearing notice	Hearings Office	Received
9	Incident report	Port of Portland Police	Received
10	Incident/Custody report	Port of Portland Police	Received
11	Parking Violation	Port of Portland Police	Received
12	Google map of location where appellant parked with hand-marking of where she parked	Hearings Officer	Received