



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

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HEARINGS OFFICER'S ORDER

APPEAL OF CAMELLAS MCNEAL

CASE NO. 1100009

DESCRIPTION OF VEHICLE: Mazda 626 (OR 664DCG)

DATE OF HEARING: January 21, 2010

APPEARANCES:

Ms. Camellas McNeal, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. McNeal appeared at the hearing and testified on her own behalf. The Hearings Officer makes this decision based upon the testimony of Ms. McNeal and the documents admitted into the evidentiary record (Exhibits 1 through and including 9).

Ms. McNeal testified that her vehicle was stolen, reported stolen to the Clackamas County Sheriff's Office, and eventually recovered by the Portland Police. A Portland Police Report is included in the admitted documents (Exhibit 8). This report was completed by the police officer who ordered Ms. McNeal's vehicle towed. The report (Exhibit 8) states, in relevant part, that the police officer observed a vehicle which was reported stolen. The police officer, in Exhibit 8, states that the driver of Ms. McNeal's vehicle was taken into custody and Ms. McNeal's vehicle was recovered and ordered towed.

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 16.30.100 A.2, PCC 16.30.210 A.5 and PCC 16.30.220 F. PCC 16.30.100 A.2 grants authority to a police officer to order a vehicle towed if the vehicle is stolen and is on either public or private property and the vehicle is towed/stored at the owner's expense. PCC 16.30.210 A.5 authorizes a police officer to order a vehicle towed and held at the expense of the owner if the vehicle is located on the public right-of-way and the vehicle has been reported stolen. PCC 16.30.220 F authorizes a police officer, without prior notice, to order a vehicle towed if the police officer reasonably believes the vehicle is stolen.

The Hearings Officer finds there is no factual dispute that Ms. McNeal's vehicle was stolen, was reported stolen and was recovered as a stolen vehicle while on City of Portland public right-of-way. The Hearings Officer finds that the police officer who ordered Ms. McNeal's vehicle towed on December

30, 2009 followed the relevant laws/rules. The Hearings Officer finds the tow of Ms. McNeal's vehicle on December 30, 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 22, 2010

GJF:cb/rs



Gregory J. Frank, Hearings Officer

Bureau: Police
Tow Number: 25758

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Letter w/partial copy of tow receipt & bank card receipt overlapping on same page	McNeal, Camellas	Received
2	Notice of Towed Vehicle	McNeal, Camellas	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow desk printout	Hearings Office	Received
6	Towed Vehicle Record	Police Records	Received
7	Investigation Report	Police Records	Received
8	Custody Report	Police Records	Received
9	Property/Evidence Receipt	Police Records	Received