



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 AUSTIN DRURY

CASE NO. 1100032

DESCRIPTION OF VEHICLE: Subaru Legacy (NV 446PVB)

DECISION WITHOUT APPEARANCE

HEARINGS OFFICER: Ms. Christina A. Austin-Smith

Mr. Drury did not appear at a hearing, but instead requested via a faxed letter on February 16, 2010, that a decision on his appeal be made without appearance. The Hearings Officer makes this decision based on substantial evidence upon the record as a whole, which includes Exhibits 1 through and including 7, that the Hearings Officer finds relevant to this case.

Mr. Drury faxed a request for hearing form to the City of Portland Hearings Office on February 12, 2010 (Exhibit 1). On this form he indicates the vehicle was towed from Port St. Johns, 9249 N. Fortune Avenue, Portland, Oregon. He does not list any reasons why he believes the tow was invalid or unjustified. On February 16, 2010, Mr. Drury faxed his request for decision without an appearance. In this letter he indicates his vehicle had been stolen, recovered, and then towed. He requests reimbursement for the tow, but does not provide any reasons why he believes the tow was invalid and he should be reimbursed.

Exhibits 6 and 7 were submitted by the Portland Police Bureau. Exhibit 6 indicates Mr. Drury's stolen vehicle was located and recovered by the Police Bureau on February 5, 2010, at 9249 N. Fortune Avenue in Portland. There is a handwritten note indicating the vehicle was verified as stolen with the "MCSO," presumably the Multnomah County Sheriff Office. Exhibit 7 is a record of the vehicle having been towed as a recovered stolen vehicle.

The Hearings Officer must find a tow is valid if the person ordering the tow followed the relevant laws/rules. In this case the relevant laws/rules can be found in the Portland City Code ("PCC") Title 16. PCC 16.30.210B permits a vehicle to be towed and held at the expense of the owner if the vehicle is on private property without the permission of the person in control of such property. PCC 16.30.210A5 authorizes the city to tow a vehicle that has been reported as stolen. PCC 16.30.220F authorizes the officer to have the vehicle towed without prior notice if the officer "reasonably believes that the vehicle is stolen."

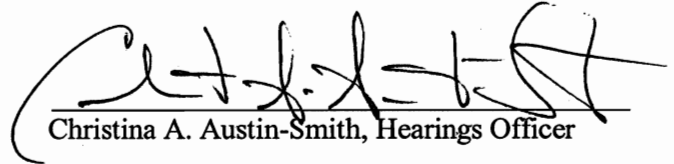
The Hearings Officer finds that Mr. Drury's vehicle had been reported as stolen and was recovered at the address listed above. PCC 16.30.210B clearly allows a vehicle to be towed at the owner's expense if it's on private property without the permission of the person in control of such property. Even though Mr. Drury's vehicle was apparently located on this private property only because it had been stolen and abandoned there, PCC 16.30.210A

also clearly authorizes vehicles that have been reported as stolen to be towed at owner's expense. Accordingly, the Hearings Officer finds that the vehicle was properly towed.

Therefore, 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: February 19, 2010
CAS:cb/rs


Christina A. Austin-Smith, Hearings Officer

Bureau: Police
Tow Number: 2305

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow hearing request form	Drury, Austin	Received
2	Tow desk printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Letter requesting decision without appearance	Drury, Austin	Received
6	Control Copy report	Police Bureau	Received
7	Towed vehicle record	Police Bureau	Received