



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

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HEARINGS OFFICER'S ORDER

APPEAL OF JERRY O. QUARING

CASE NO. 1100059

DESCRIPTION OF VEHICLE: Chevrolet Astro Van (OR 976CHV)

DATE OF HEARING: April 8, 2010

APPEARANCES:

Ms. Lucille Hoff, representing Mr. Quaring

Ms. Marian Davis, on behalf of Ms. Hoff and Mr. Quaring

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Lucille Hoff and Ms. Marian Davis appeared on behalf of Mr. Jerry O. Quaring. Mr. Quaring, the vehicle owner, is in a hospital intensive care facility and unable to attend the hearing. Ms. Hoff and Ms. Davis appeared as representatives of Mr. Quaring. The Hearings Officer makes this decision based upon the testimony of Ms. Hoff and Ms. Davis and the documents admitted into the evidentiary record (Exhibits 1 through and including 8).

Ms. Davis testified that Mr. Quaring's vehicle, the vehicle that was towed and subject to the tow appeal hearing, had been parked in front of his (Quaring's) residence. According to Ms. Davis, Mr. Quaring made arrangements with a Mr. Perry to move the vehicle into a garage on March 29, 2010. Ms. Davis stated that when Mr. Perry arrived, Mr. Quaring was not home and therefore he did not move Mr. Quaring's vehicle into the garage. Ms. Davis stated that Mr. Quaring was admitted into the hospital the morning of March 29, 2010. Ms. Davis stated that Mr. Quaring was not using the towed vehicle regularly prior to its being towed on March 29, 2010.

The Abandoned Auto Inspector who ordered Mr. Quaring's vehicle towed on March 29, 2010 submitted documents into the record (Exhibits 6, 7, and 8). The Abandoned Auto Inspector, in Exhibit 6, stated the following:

"vehicle was found where reported at the 1500bl NE 19th on Thursday March 25, 2010. The tags were expired. I affixed a 72 hour warning notice on the drivers side window for failure to display current registration plate or current temp. permit. When I returned to recheck the vehicle on March 29, 2010 the tags were still expired as of 02/10. At that time I cited the vehicle for tow."

The Hearings Officer must find a tow is valid if the Hearings Officer finds that 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 16.90.005 defines, for the purposes of towing a vehicle in Portland, the term "abandoned." A vehicle is deemed to be abandoned if the vehicle remains in violation for more than 24 hours and

if the vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration. An "abandoned" vehicle may be towed and stored at the owner's expense if the vehicle is parked in the public right-of-way. (PCC 16.30.210 A.10) A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle.

The Hearings Officer finds that there is no dispute, in the evidence in the record, that Mr. Quaring's vehicle on March 25, 2010 and March 29, 2010 did not display current tags or a current temporary permit. The Hearings Officer finds there is no dispute, in the evidence in the record, that a Notice of Tow Warning was placed on Mr. Quaring's vehicle at approximately 7:54 a.m. on March 25, 2010 and the tow of Mr. Quaring's vehicle occurred on March 29, 2010.

The Hearings Officer finds, based upon the evidence in the record, that Mr. Quaring's vehicle is an abandoned auto pursuant to PCC 16.90.005 and that the tow of Mr. Quaring's vehicle occurred more than 72 hours after the Notice of Tow Warning was placed on the vehicle. The Hearings Officer finds that the Abandoned Auto Inspector who ordered Mr. Quaring's vehicle towed on March 29, 2010 followed all relevant laws/rules. The Hearings Officer, therefore, is obligated to find the March 29, 2010 tow of Mr. Quaring's vehicle 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: April 9, 2010
GJF:cb/rs


Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Abandoned Autos
Tow Number: 5739

Exhibit #	Description	Submitted by	Disposition
1	Hearing request form	Hoff, Lucille	Received
2	4/2/10 letter from Sandy Cecil, Legacy Emanuel Medical Center	Hoff, Lucille	Received
3	Tow Desk printout	Hearings Office	Received
4	Tow hearing notice	Hearings Office	Received
5	Tow hearing info. sheet	Hearings Office	Received
6	Tow Hearing Report	Abandoned Autos	Received
7	Tow Detail	Abandoned Autos	Received
8	Parking Violation and Photos	Abandoned Autos	Received