

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF RONALD L. BLOOM

CASE NO. 1110042

DESCRIPTION OF VEHICLE: Volkswagen Jetta (VIN WVVRA21G4LW636689)

DATE OF HEARING: April 14, 2011

APPEARANCES:

Ronald Bloom, Appellant

Deborah Barkley, on behalf of the Abandoned Autos Section

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Bloom appeared at the hearing and testified on his own behalf. Ms. Deborah Barkley appeared on behalf of the City. The Hearings Officer makes this decision based on substantial evidence upon the record as a whole, which includes the testimony of Mr. Bloom and Ms. Barkley and the documents admitted into evidence (Exhibits 1 through and including 10).

Summary of Evidence:

Mr. Ronald Bloom submitted a written request for a hearing, Exhibit #1, in which he writes, "The car was not abandoned so it should not of [sic] been towed." Mr. Bloom appeared at the hearing and testified that he is the owner of the vehicle, but that his brother uses the car. Mr. Bloom indicated that the vehicle was not "abandoned." Mr. Bloom testified that the car was parked near his brother's home when it was towed. Mr. Bloom testified that neither he nor his brother had the money to purchase new registration for the vehicle. Mr. Bloom testified that the vehicle was moved after the notice of intent to tow was placed on it, and therefore, he believes, a new notice needed to be placed on the vehicle prior to towing.

The City submitted Exhibits 7 through, and including, 10 for the Hearings Officer's consideration. Ms. Deborah Barkley also appeared and testified on behalf of the City. Ms. Barkley testified that the Bureau of Transportation Abandoned Autos Section received a call on March 9, 2011 regarding Mr. Bloom's vehicle. Ms. Barkley testified that she located Mr. Bloom's vehicle on a public right-of-way on March 16, 2011 and placed a green intent to tow sticker on the vehicle indicating that the vehicle was subject to tow for failing to display current registration. Ms. Barkley indicated that she returned to the area on March 23, 2011 and found that the vehicle had been moved. On March 24, 2011, a second call was received by the Abandoned Autos Section regarding Mr. Bloom's vehicle. Ms. Barkley indicated that she did not know that the second call related to Mr. Bloom's vehicle until she located

the subject vehicle on a public right-of-way on March 25, 2011 and recognized it as the same vehicle she had warned on March 16, 2011. Ms. Barkley observed that the registration was still not current. Ms. Barkley testified that on March 25, 2011 at 8:40 a.m. she noted where the vehicle was parked and where the valve stems were. Ms. Barkley returned on March 28, 2011 to find that the vehicle had not moved. Ms. Barkley testified that she ordered the vehicle towed at 9:51 a.m. on March 28, 2011.

Applicable Law:

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 16.90.005 defines an abandoned vehicle as "a vehicle that remains in violation for more than 24 hours . . . and does not have a lawfully affixed, unexpired registration plate, or fails to display current registration. . ." PCC 16.30.210A10 provides that a vehicle may be towed from a public right-of-way when the vehicle is an abandoned vehicle, as defined in 16.90.005. PCC 16.30.225 provides that a vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle.

Findings of Fact and Conclusions of Law:

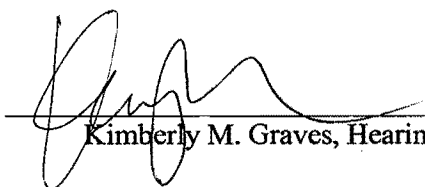
The Hearings Officer finds that on March 16, 2011 Mr. Bloom's vehicle was parked on a public right-of-way without having current registration properly affixed to the vehicle. The Hearings Officer finds that on March 16, 2011 proper notice of intent to tow was affixed to Mr. Bloom's vehicle indicating the reason the vehicle was subject to tow. The Hearings Officer finds that between March 16, 2011 and March 28, 2011 Mr. Bloom's vehicle continued to be without proper registration while parked on a public right-of-way. The Hearings Officer finds that the tow of Mr. Bloom's vehicle occurred greater than 72 hours after notice of intent to tow was affixed to the vehicle. The Hearings Officer finds that the tow of Mr. Bloom's vehicle is valid.

Order:

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: April 15, 2011
KMG:jeg


Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Abandoned Autos
Tow Number: 5738

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Bloom, Ronald L.	Received
2	Certificate of Possessory Lien Foreclosure	Bloom, Ronald L.	Received
3	Vehicle Bill of Sale	Bloom, Ronald L.	Received
4	Tow Desk printout	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received

6	Notice of Rights and Procedures	Hearings Office	Received
7	Tow Hearing Report	Abandoned Autos	Received
8	Tow Detail	Abandoned Autos	Received
9	Parking Violation	Abandoned Autos	Received
10	Photos	Abandoned Autos	Received