



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF AMY HALL

CASE NO. 1110039

DESCRIPTION OF VEHICLE: Buick Regal (OR ZBS649)

DATE OF HEARING: April 5, 2011

APPEARANCES:

Ms. Amy Hall, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Ms. Hall submitted a request, on April 1, 2011, at the offices of the Hearings Officer for a tow hearing. Ms. Hall, at the time of her tow hearing request was given a Notice of Hearing indicating the date/time/place of her hearing. The Hearing Notice indicated that the hearing would be held at 1900 SW Fourth Avenue, Portland, Oregon, Room 3000 on April 5, 2011 at 3:45 p.m. The Hearings Officer delayed the start of the hearing until 3:52 p.m. Ms. Hall was not present at the start of the hearing and did not arrive until approximately 4:02 p.m. Prior to Ms. Hall arriving, the Hearings Officer admitted documents into the evidentiary record (Exhibits 1 through and including 9). Upon Ms. Hall's arrival, the Hearings Officer permitted Ms. Hall to make her statement and her statement was also considered, along with the admitted exhibits, in making this decision.

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 16.20.120 Q, PCC 16.30.210 A.2 and PCC 16.30.220 A and D. PCC 16.20.120 Q states that it is unlawful to park or stop a vehicle in a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic. PCC 16.30.210 A.2 states that a vehicle may be towed and held at the expense of the owner or person entitled to possession thereof if the vehicle is in the public right-of-way and the vehicle is parked/stopped unlawfully in a manner that may be hazardous to traffic. PCC 16.30.220 A authorizes a police officer to order a vehicle towed, without prior notice, if the vehicle is impeding or likely to impede the normal flow of vehicular traffic. PCC 16.30.220 D permits a police officer to order a vehicle towed, without prior notice, if the vehicle poses an immediate danger to public safety.

Ms. Hall stated, at the hearing, that on the date her vehicle was towed, March 29, 2011, the vehicle was insured. Ms. Hall also stated that, on the date of the tow, she was in the process of "trying to get her license back." Ms. Hall stated she stopped her vehicle, prior to its being towed, at the request of Police Officer Close. Ms. Hall, in her written request for a tow hearing (Exhibits 1 and 2), indicated that on March 29, 2011 she made a "left hand turn in a bus only turn lane," and was told by Police Officer Close to "pull my car over & wait in the turn lane." Ms. Hall, in Exhibits 1 and 2, stated she had insurance on the vehicle.

Police Officer Close submitted written documents (Exhibits 8 and 9) into the record. Exhibit 8, a Traffic Violation Tow Report, states that Ms. Hall, on March 29, 2011, was driving her vehicle while her license was suspended and was driving uninsured. Exhibit 8 indicates that Ms. Hall's driver's license was suspended on June 11, 2007. In the narrative section of Exhibit 8, Police Officer Close states, in relevant part, the following:

"On the indicated date and time Ofc Hull and I were at the listed location taking part in a TriMet enforcement mission on the bus mall. I saw the above mentioned vehicle make a left turn from WB W Burnside onto SW 5th SB. This is a Busses only turn lane. I stopped the driver and her passenger. I discovered that the driver Amy Hall was suspended and didn't have valid proof of insurance for the car. I cited the driver and had the vehicle towed the vehicle as a hazard as it was blocking the only travel lane for non bus traffic."

Police Officer Close, in Exhibit 9, indicated that Ms. Hall's vehicle was towed as a "hazard."

The Hearings Officer finds that Officer Close' written narrative (Exhibit 8) and Ms. Hall's statements (Exhibits 1 and 2) and testimony at the hearing are in agreement that Ms. Hall illegally turned onto SW 5th Avenue. The Hearings Officer finds that Officer Close' written narrative and Ms. Hall's statement (Exhibits 1 and 2) are in agreement that Ms. Hall stopped her vehicle, on March 29, 2011, in a vehicle travel lane on SW 5th Avenue. The Hearings Officer also finds that Ms. Hall admitted, at the hearing, that on March 29, 2011 she was driving with a suspended license. The Hearings Officer finds that Ms. Hall, on March 29, 2011, did stop her vehicle in response to Police Officer Close initiating a traffic stop.

The Hearings Officer finds that Ms. Hall, on March 29, 2011, was subject to a traffic violation police stop on SW 5th Avenue. The Hearings Officer finds that Ms. Hall stopped her vehicle in the sole lane available lane for non-bus traffic. The Hearings Officer finds that Ms. Hall, at the time of the traffic violation stop, was driving with a suspended driver's license and therefore, could not legally drive her vehicle. The Hearings Officer finds that Ms. Hall's vehicle, on March 29, 2011, was stopped in a location that created a traffic hazard by impeding the safe movement of vehicular traffic on SW 5th Avenue. The Hearings Officer finds that Police Officer Close, on March 29, 2011, did follow the relevant laws/rules in ordering Ms. Hall's vehicle towed. The Hearings Officer finds the tow of Ms. Hall's vehicle (Buick Regal OR ZBS 649), on March 29, 2011, is valid.

ORDER:

1. The tow of Ms. Hall's vehicle (Buick Regal OR ZBS 649) is valid; Ms. Hall's appeal is denied.
2. All towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: April 7, 2011
GJF:rs/jeg


Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Police
Tow Number: 5769

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Hall, Amy	Received
2	2nd Tow Hearing Request Form	Hall, Amy	Received
3	Tow Desk printout	Hearings Office	Received
4	Oregon Uniform Citation and Complaint	Hall, Amy	Received
5	Notice of Tow	Hall, Amy	Received
6	Hearing Notice	Hearings Office	Received
7	Notice of Rights and Procedures	Hearings Office	Received
8	Traffic Violation Tow Report	Police Records	Received
9	Notice of Tow	Police Records	Received