



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF Jelani Greenidge

CASE NO. 1110048

DESCRIPTION OF VEHICLE: Pontiac Grand Prix GTP (OR 589 DQL)

DATE OF HEARING: April 19, 2011

APPEARANCES:

Jelani Greenidge, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Greenidge appeared at the hearing and testified on his own behalf. No person appeared at the hearing to testify on behalf of the City. The Hearings Officer makes this decision based upon the testimony of Mr. Greenidge and the documents admitted into the evidentiary record (Exhibits 1 through and including 15).

The Hearings Officer found Mr. Greenidge satisfied Tow Appeal Hearings Rules and Regulations 2.C. (Who May Request A Tow Hearing); the Hearings Officer found based upon Exhibit 15 that Mr. Greenidge has a demonstrated interest in the towed vehicle.

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 or the vehicle appears inoperative or disabled. 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 (PCC 16.30.225 B.).

Mr. Greenidge testified that he believed the Abandoned Auto Inspector followed the relevant laws/rules. Mr. Greenidge's testimony was primarily directed towards extenuating circumstances. Mr. Greenidge testified that for a period of time he did drive the Pontiac Grand Prix (Subject Vehicle) that was towed on or about April 11, 2011. Mr. Greenidge stated that eventually the Subject Vehicle developed transmission problems and it was no

longer driven. Mr. Greenidge stated that a citation was issued to the Subject Vehicle for being "unlicensed." Mr. Greenidge stated that he learned that he did not have a copy of the Title document. Mr. Greenidge stated he completed DMV documents required to "reconstruct" the Title to the Subject Vehicle. Mr. Greenidge stated that he received no response from DMV. Mr. Greenidge stated that he called DMV and discussed the Title issues related to the Subject Vehicle and eventually he mailed another set of documents to DMV. Mr. Greenidge stated that he attempted to donate the Subject Vehicle and also have it taken to a junkyard. Mr. Greenidge stated that having a Title document for the Subject Vehicle was a prerequisite to giving away or selling the Subject Vehicle.

Mr. Greenidge stated that he did see the Green Tow Warning sticker on the Subject Vehicle; he removed the sticker from the Subject Vehicle.

The Abandoned Auto Inspector who ordered the Subject Vehicle towed submitted various documents. (Exhibits 6, 7, 8, 9, 10, 11, 12, 13 and 14). The Inspector stated, in Exhibit 6, that:

"The vehicle was found where reported in the 6500 bl N Commercial on April 7th at 10:02 am. The tags on the vehicle expired March 2010. I warned the vehicle for failure to display current registration or current trip permit. I affixed the warning notice on the street side of the driver's window. I returned on April 11th at 10:44 am. The vehicle was still there and the violation had not been corrected. The warning notice had been taken off. At that time I cited the vehicle for tow. The vehicle was warned around the corner for the same violation."

The Hearings Officer finds no dispute regarding the lack of current registration for the Subject Vehicle; the Subject Vehicle was not currently registered as of April 7, 2011 or April 11, 2011. The Hearings Officer finds no dispute regarding the date the Notice of Tow warning was placed (April 7, 2011 at 10:02 am – Exhibits 6 and 7) or when the Subject Vehicle was ordered towed (April 11, 2011 at 10:44 am – Exhibits 6 and 11). The Hearings Officer finds that more than 72 hours passed from the time the Notice of Tow Warning was placed on the Subject Vehicle and the date/time the Subject Vehicle was ordered towed. The Hearings Officer finds that the Abandoned Auto Inspector who ordered the Subject Vehicle towed on April 11, 2011 followed all relevant laws/rules. The Hearings Officer finds the tow of the Subject Vehicle on April 11, 2011 is valid.

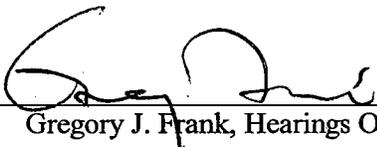
The Hearings Officer, although sympathetic to Mr. Greenidge's problems dealing with the Title to the Subject Property, must follow the law. As such, the Hearings Officer must find the tow is valid.

ORDER:

1. The tow of the Subject Vehicle (Pontiac Grand Prix – Oregon license 589 DQL) on April 11, 2011 is valid; Mr. Greenidge'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 20, 2011
GJF:jeg

Enclosure


Gregory J. Frank, Hearings Officer

Bureau: Abandoned Autos
Tow Number: 6652

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Greenidge, Jelani	Received
2	Letter dated 4/15/11	Greenidge, Jelani	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Statement of Rights and Procedures	Hearings Office	Received
6	Tow Hearing Report	Abandoned Autos	Received
7	Tow Detail	Abandoned Autos	Received
8	Tow Detail	Abandoned Autos	Received
9	Parking Violation: HA08945847	Abandoned Autos	Received
10	Photos	Abandoned Autos	Received
11	Parking Violation HA08946508	Abandoned Autos	Received
12	Photos	Abandoned Autos	Received
13	Parking Violation HA08946472	Abandoned Autos	Received
14	Photos	Abandoned Autos	Received
15	Bill of Sale	Greenidge, Jelani	Received