



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

### APPEAL OF GORDON BUURMAN

CASE NO. 1110050

DESCRIPTION OF VEHICLE: Acura Legend (WA 379VJP)

DATE OF HEARING: April 28, 2011

### APPEARANCES:

None

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Buurman did not appear at the hearing or testify on his own behalf. No one 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 documents admitted into evidence (Exhibits 1 through and including 16).

### Summary of Evidence:

Mr. Buurman submitted a written request for a tow hearing (Exhibit 1). In the request, Mr. Buurman writes that "The driver was pulled over and given a ticket for no insurance. The driver, my daughter, Kelly Buurman, could show insurance slips for the past several years – but not the current slip. She stated we did indeed have insur. on the car. The officer was going to let her call me and I would have brought the current ins. slip and removed the car if necessary. I live only 10 minutes away. But because she wouldn't give consent to search vehicle – he decided to tow vehicle." Mr. Buurman did not appear at the hearing or submit any additional information regarding the tow.

The City submitted Exhibits 9 through, and including, 16 for the Hearings Officer's consideration. Exhibit 13 is a copy of a Portland Police Bureau Custody Report written by Officer Michael Currier. The report states that on April 13, 2011 a traffic stop was conducted on a gold colored Acura. The driver was identified as Kelleen Buurman. The officer writes that Ms. Buurman could not produce a valid insurance card. Later in the report, Officer Currier writes "I then moved to inventory the car for the purpose of towing it due to Buurman having no insurance."

### 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 and the Oregon Revised Statutes ("ORS"). ORS 806.011 provides that;

*"an unexpired card issued as provided in ORS 742.447, or other current proof of compliance with financial or future responsibility requirements approved by rule by the Department of Transportation, shall be carried in each motor vehicle that is operating in this state . . . Failure of the driver of a motor vehicle to show a valid card or other proof of compliance when asked to do so by a police officer is reasonable grounds for the officer to believe that the person is operating the vehicle in violation of ORS 806.010."* (Emphasis added.)

ORS 806.010 indicates that a person commits the offense of driving uninsured if the person operates a motor vehicle without being insured under a motor vehicle liability insurance policy. PCC 16.30.220K1 authorizes an officer to tow a vehicle when the officer has probable cause to believe that the vehicle's operator has committed the offense of Driving Uninsured under ORS 806.010.

**Findings of Fact and Conclusions of Law:**

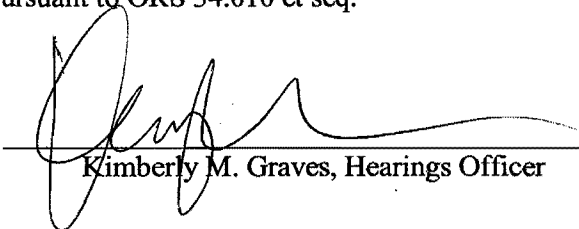
The Hearings Officer finds that on April 13, 2011 Ms. Buurman was unable to provide proof of valid insurance when requested to do so by a police officer. The Hearings Officer finds that Ms. Buurman's failure to provide proof of insurance gave the officer probable cause to believe that Ms. Buurman had committed the crime of Driving Uninsured under ORS 806.010. The Hearings Officer finds that the tow of Mr. Buurman's vehicle, being driven by Ms. Buurman, 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 29, 2011  
KMG:rs/jeg



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Police  
Tow Number: 6761

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Buurman, Gordon	Received
2	Towed Vehicle sheet	Buurman, Gordon	Received
3	Ticket	Buurman, Gordon	Received
4	Receipts	Buurman, Gordon	Received
5	Tow Invoice	Buurman, Gordon	Received
6	Tow Desk printout	Hearings Office	Received
7	Hearing Notice	Hearings Office	Received
8	Notice of Rights and Procedures	Hearings Office	Received
9	Towed Vehicle Record	Police Records	Received
10	WA State Farmers' Insurance copies	Police Records	Received
11	WA Driver's License copy for Gordon Ray Buurman	Police Records	Received
12	Vehicle Release	Police Records	Received
13	Custody Report	Police Records	Received
14	Notice of Tow	Police Records	Received
15	Oregon Uniform Citation & Complaint	Police Records	Received
16	WA Driver's License copy for Kelleen Lynn Buurman	Police Records	Received