

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF DEBBIE WON LEE

CASE NO. 1110052

DESCRIPTION OF VEHICLE: Mini Cooper S (OR WON23)

DATE OF HEARING: May 5, 2011

APPEARANCES:

Ms. Debbie Lee, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Lee appeared at the hearing and testified on her 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 testimony of Ms. Lee and the documents admitted into evidence (Exhibits 1 through and including 8).

Summary of Evidence:

Ms. Lee submitted a Tow Hearing Request Form, Exhibit 1, in which she writes, "I was out of town and didn't know there was going to be a street closed for the timbers game. Had prior notice been given I would have moved vehicle to street elsewhere. I pay an annual fee to park in permit A. I think advance notice of street closure (more than 2 days) should be required by letter notification." Ms. Lee appeared at the hearing and testified consistent with her written request. Ms. Lee testified that the signs were not in place when she parked her vehicle on April 11, 2011. Ms. Lee testified that she lives in the area and has received written notice in the past when the streets will be closed for street sweeping. Ms. Lee indicated that she believes notice should have been provided if the street was going to be closed.

The City submitted Exhibits 5 through, and including, 8 for the Hearings Officer's consideration. Exhibit 5 includes a narrative report which indicates that enforcement was called for a service request at SW Morrison Street between SW 18th and SW 20th on April 14, 2011 at approximately 4:30 p.m. The area was posted with temporary no parking signs restricting parking on April 14, 2011 between 4:00 p.m. and 11:00 p.m. The report indicates that the temporary No Parking signs being enforced were verified on April 13, 2011 at 8:51 a.m. Exhibit 6 includes a copy of the parking citation issued to Ms. Lee on April 14, 2011. Exhibit 7 contains four photos. The photos show Ms. Lee's vehicle parked next to a sign which indicates that parking is prohibited on April 14, 2011 between 4:00 p.m. and 11:00 p.m. Ms. Lee's vehicle was towed, according to Exhibit 5, at approximately 5:00 p.m. on April 14, 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 16.30210D provides that temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area. PCC 16.30.210A1 provides that a vehicle may be towed from any public right-of-way when the vehicle is parked in violation of a temporary or permanent parking restriction. PCC 16.30.220B allows any authorized office to tow a vehicle without notice when the vehicle is illegally parked in a conspicuously posted restricted space.

Findings of Fact and Conclusions of Law:

The Hearings Officer finds that on April 11, 2011 Ms. Lee parked her vehicle on SW Morrison, a public right-of-way. On April 13, 2011 temporary No Parking signs were posted in the area in which Ms. Lee's vehicle was parked. The Hearings Officer finds that the temporary No Parking signs were verified on April 13, 2011 at 8:51 a.m. and were therefore enforceable by tow beginning on April 14, 2011 at 8:52 a.m. The Hearings Officer finds that on April 14, 2011 at 4:27 p.m. Ms. Lee's vehicle remained parked in the area subject to temporary no parking restrictions. The Hearings Officer finds the tow of Ms. Lee's vehicle to be valid.

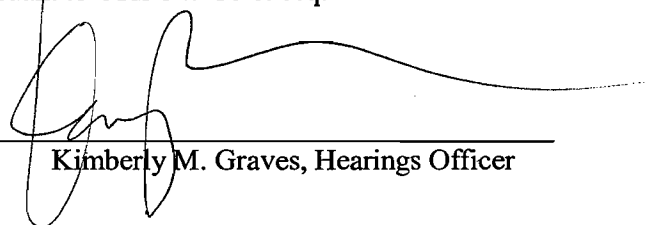
Order:

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: May 6, 2011

KMG:jeg



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 6865

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Lee, Debbie Won	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Notice of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation printout	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received
8	Parking Enforcement Service Request printout	Parking Enforcement	Received