



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF JAMILA FLOWERS

CASE NO. 1110058

DESCRIPTION OF VEHICLE: Mercedes-Benz 300 (OR UZK110)

DATE OF HEARING: May 10, 2011

APPEARANCES:

Ms. Jamila Flowers

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Ms. Flowers appeared at the hearing and testified on her own behalf. The Hearings Officer makes this decision based upon the testimony of Ms. Flowers and the documents admitted into the evidentiary record (Exhibits 1 through and including 12).

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 16.20.260, PCC 16.30.220 and PCC 16.20.860. PCC 16.20.860 states that "An area parking permit does not allow parking in restricted parking zones." PCC 16.20.260 states that "a vehicle may park in a time zone only for a period not to exceed the posted time limit." PCC 16.30.220 allows a Portland Parking Patrol Officer to order a vehicle towed, without prior notice to the owner, if the vehicle is illegally parked in a conspicuously posted restricted space."

Ms. Flowers submitted photos of a post containing two signs (Exhibit 12). Upon inquiry by the Hearings Officer, Ms. Flowers stated that she parked her vehicle to the right of the post and in the area where an arrow points that parking is restricted to 30 minutes. Ms. Flowers stated, at the time she parked her vehicle (Mercedes - OR UZK 110), that she believed that she was parked legally under the terms of her Zone L permit.

The Hearings Officer takes note of the Zone L parking permit that is admitted into the evidentiary record (Exhibit 5). On the reverse side of Exhibit 5 it states, in relevant part, that "this decal does not allow parking in non-APPP zones such as time zones (1-hour etc.), truck loading zones, crosswalks or No Parking zones." The Hearings Officer also takes note of Exhibit 10 photographs of Ms. Flowers' vehicle in relation to the 30 minute parking sign. The Hearings Officer notes that Ms. Flowers' vehicle was observed, within the 30 minute parking zone at approximately 10:54 a.m., cited at the same location at 1:29 p.m. and again at 3:24 p.m.

The Hearings Officer finds that on May 5, 2011 Ms. Flowers' vehicle was parked in a 30 minute time limit zone. The Hearings Officer finds that the Zone L permit, possessed by Ms. Flowers, does not allow her to park her vehicle in the 30 minute zone for more than 30 minutes. The Hearings Officer finds that on May 5, 2011 Ms. Flowers' vehicle was parked in a 30 minute time limit zone for more than 30 minutes. The Hearings Officer finds Ms. Flowers' vehicle was parked, on May 5, 2011, illegally. The Hearings Officer finds that the Parking Patrol Officer who ordered Ms. Flowers' vehicle towed on May 5, 2011 followed the relevant laws/rules (violation of PCC 16.20.860 and PCC 16.20.260). The Hearings Officer finds the tow of Ms. Flowers' vehicle on May 5, 2011 is valid.

ORDER:

1. The tow of Ms. Flowers' vehicle (Mercedes - OR UZK 110) is valid; Ms. Flowers' 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: May 12, 2011

GJF:rs/jeg


 Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Parking Enforcement
 Tow Number: 8166

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Flowers, Jamila	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Notice of Rights and Procedures	Hearings Office	Received
5	Zone L Permit	Parking Enforcement	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Violation: HA08118508	Parking Enforcement	Received
8	Photos	Parking Enforcement	Received
9	Parking Violation: HA08118516	Parking Enforcement	Received
10	Photos	Parking Enforcement	Received
11	Address	Flowers, Jamila	Received
12	Photos	Flowers, Jamila	Received