



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



HEARINGS OFFICER'S ORDER

APPEAL OF TELENA ROGERS

CASE NO. 1110077

DESCRIPTION OF VEHICLE: Ford Taurus (OR UWY068)

DATE OF HEARING: June 7, 2011

APPEARANCES:

Ms. Telena Rogers, Appellant

Inspector Deborah Barkley, on behalf of the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Ms. Rogers appeared at the hearing and testified on her own behalf. Ms. Deborah Barkley, City of Portland Abandoned Auto Inspector, appeared at the hearing and testified on behalf of the City. The Hearings Officer makes this decision based primarily upon the testimony of Ms. Rogers and Inspector Barkley. The Hearings Officer also considered the documents admitted into the evidentiary record (Exhibits 1 through and including 10).

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. 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.).

Ms. Rogers testified that the vehicle that is subject to this hearing and was ordered towed by the City did have "expired tags." Ms. Rogers stated that she did see a tow warning sticker, removed the sticker and

washed/cleaned the vehicle and moved it. Ms. Rogers stated that her vehicle does run and was not "abandoned." Ms. Rogers stated that her vehicle was towed two days after she observed the tow warning sticker.

Inspector Barkley testified that on May 17, 2011 a citizen complaint was received by the City regarding Ms. Rogers' vehicle. Inspector Barkley stated that on May 18, 2011 she traveled to the location where Ms. Rogers' vehicle was reported to be located and did discover a Ford with Oregon license UWY 068 parked in the vicinity of the 3500 block of SE 109th in the City of Portland. Inspector Barkley stated that Ms. Rogers' vehicle was parked on the public right-of-way and did not display a valid registration sticker/tag. Inspector Barkley stated that she placed a green Tow Warning sticker on Ms. Rogers' vehicle on May 18, 2011 at approximately 9:06 a.m. Inspector Barkley stated that she returned, on May 23, 2011, and found Ms. Rogers' vehicle still parked on the public right-of-way and still did not have a valid registration sticker/tag. Inspector Barkley stated that she ordered, on May 23, 2011, Ms. Rogers' vehicle to be towed as an abandoned auto.

The Hearings Officer finds, based upon the evidence in the record, that at all relevant times Ms. Rogers' vehicle was parked on the public right-of-way and no valid registration sticker/tag was displayed on the vehicle. The Hearings Officer finds a Tow Warning sticker was placed on Ms. Rogers' vehicle on May 18, 2011 and the vehicle was ordered towed on May 23, 2011; a period exceeding 72 hours. The Hearings Officer finds, based upon the evidence in the record, that the Inspector who ordered Ms. Rogers' vehicle towed followed all relevant laws/rules. The Hearings Officer finds the tow of Ms. Rogers' vehicle on May, 23, 2011 is valid.

ORDER AND DETERMINATION:

1. The City ordered tow of Ms. Rogers' vehicle on May 23, 2011 is valid; Ms. Rogers' 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: June 8, 2011
GJF:rs/jeg



Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Abandoned Autos
Tow Number: 9283

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Rogers, Telen	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Abandoned Autos	Received
6	Case AUT2011-005201 printout	Abandoned Autos	Received
7	Parking Violation # HA09122919	Abandoned Autos	Received
8	Photos	Abandoned Autos	Received
9	Parking Violation # HA09122941	Abandoned Autos	Received
10	Photos	Abandoned Autos	Received