



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

### APPEAL OF MICHEAL BRADFORD

CASE NO. 1110076

DESCRIPTION OF VEHICLE: Dodge Intrepid (OR 662AJ2)

DATE OF HEARING: June 9, 2011

### APPEARANCES:

Micheal Bradford, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Bradford appeared at the hearing and testified on his own behalf. Ms. La'Drina Sweeney testified at the request of and on behalf of Mr. Bradford. 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 Mr. Bradford, Ms. Sweeney and the documents admitted into evidence (Exhibits 1 through and including 9).

### Summary of Evidence:

Mr. Bradford submitted a Tow Hearing Request Form, Exhibit 1, in which he writes that on May 19, 2011, after midnight, his vehicle was towed while he was at the hospital with his father. Mr. Bradford writes that after he left the hospital, his family informed him that the police were trying to locate him because his vehicle had been broken into while parked at 77<sup>th</sup> and Harney. Mr. Bradford writes that he did not have cell service at the hospital, so the police were unable to contact him prior to towing the vehicle. Mr. Bradford writes that the vehicle should not have been towed because it was not stolen, and it was parked legally. Mr. Bradford appeared at the hearing and indicated that he did not believe that his vehicle should have been towed because it was not reported stolen and it was parked where he had parked it. Mr. Bradford testified that he had just purchased the vehicle, and that he had not had time to register the vehicle before it was towed. Mr. Bradford testified that the vehicle was registered to his sister's house at the time that it was towed. Mr. Bradford also testified that the phone bill the police located in his vehicle listed his address as being his sister's house because he had just moved approximately one week prior. Mr. Bradford brought with him his sister, La'Drina Sweeney, to testify on his behalf. Ms. Sweeney testified that she was contacted on May 19, 2011 by a police officer at her home. The police officer inquired about whether she knew Mr. Bradford and when she had last seen his vehicle. Ms. Sweeney testified that the police officer was "trying to figure out if the car should be towed." Ms. Sweeney stated that she is not familiar with the area that Mr. Bradford had recently moved to, and was unable to tell the police where the vehicle should have been located. Ms. Sweeney testified that she was unable to contact Mr. Bradford

regarding the vehicle. Ms. Sweeney testified that the officer told her that someone would return to the house if the vehicle was going to be towed, but that no officer ever came back to her house that evening.

The City submitted exhibits 5 through, and including, 9 for the Hearings Officer's consideration. Exhibit 6 is an Investigation Report completed by Officer Patrick Mawdsley regarding the tow of Mr. Bradford's vehicle. Officer Mawdsley writes that on May 20, 2011 at 12:30 a.m. he was on routine patrol in the area of SE 78<sup>th</sup> and Harney Street. Officer Mawdsley writes that he saw a subject walking southbound across Harney Street at 78<sup>th</sup>. Mr. Bradford's vehicle was parked at the intersection with the hazards flashing and an unknown male in the passenger's seat. The officer attempted to contact both the walking subject and the subject in the vehicle; however, both subjects ran off. The officer writes that he found a phone bill in the car belonging to Mr. Bradford. The officer writes that Mr. Bradford's sister was contacted at her home, but was unable to contact Mr. Bradford. The officer indicates that the vehicle was towed as "a suspected stolen."

**Applicable Law:**

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 16.30.100 A.2, PCC 16.30.210 A.5 and PCC 16.30.220 F. PCC 16.30.100 A.2 grants authority to a police officer to order a vehicle towed if the vehicle is stolen and is on either public or private property and the vehicle is towed/stored at the owner's expense. PCC 16.30.210 A.5 authorizes a police officer to order a vehicle towed and held at the expense of the owner if the vehicle is located on the public right-of-way and the vehicle has been reported stolen. PCC 16.30.220 F authorizes a police officer, without prior notice, to order a vehicle towed if the police officer reasonably believes the vehicle is stolen.

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

The Hearings Officer finds that on May 20, 2011 Mr. Bradford's vehicle was parked on the right-of-way located near SE 78<sup>th</sup> and SE Harney. The Hearings Officer finds that at approximately 12:30 a.m. Mr. Harney's vehicle had its hazard lights on and two subjects were in the area of the vehicle. The Hearings Officer finds that the subject located in the area of the vehicle fled when Officer Mawdsley attempted to contact him, giving the officer grounds to believe that the vehicle may have been stolen. The Hearings Officer finds that the paperwork located in the vehicle, and the vehicle registration both indicated that the vehicle should have been located at a different address. The Hearings Officer finds that during the officer's investigation he was not provided with any information which would alleviate his suspicions regarding the vehicle being stolen. The Hearings Officer finds that the police officer, based on the facts present at the time of the tow, had a reasonable belief that Mr. Bradford's vehicle had been stolen. The Hearings Officer finds that the tow of Mr. Bradford's vehicle 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: June 10, 2011

  
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Kimberly M. Graves, Hearings Officer

KMG:jeg  
Enclosure

Bureau: PPB  
Tow Number: 9050

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Bradford, Micheal	Received
1a	Supplemental statement	Bradford, Micheal	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Towed Vehicle Record	Police Records	Received
6	Investigation Report	Police Records	Received
7	Notice of Tow	Police Records	Received
8	Forensic Evidence Division Special Report	Police Records	Received
9	Property/Evidence Receipt	Police Records	Received
10	Address	Bradford, Micheal	Received