



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

1900 SW 4<sup>th</sup> Avenue, Room 3100

Portland, OR 97201

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

web: [www.portlandoregon.gov/auditor/hearings](http://www.portlandoregon.gov/auditor/hearings)



## HEARINGS OFFICER'S ORDER

APPEAL OF JOHN L. MECHAM

CASE NO. 1110079

DESCRIPTION OF VEHICLE: Mazda MZ6 (UT LUVUMST)

DATE OF HEARING: June 14, 2011

### APPEARANCES:

Mr. Matthew Mecham, for the Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

### FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Matthew Mecham appeared at the hearing and acted as the authorized representative for the appellant (vehicle owner) John L. Mecham. No person appeared at the hearing on behalf of the City. The Hearings Officer makes this decision based upon the testimony of Mr. Matthew Mecham and the documents (Exhibits 1 through and including 7) that were admitted into the evidentiary record.

The Hearings Officer must find a tow is valid if the Hearings Officer finds that 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 16.90.005 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.).

Mr. Matthew Mecham testified that on or about May 17<sup>th</sup> or 18<sup>th</sup>, he received a "ticket" and a "tow warning" on the vehicle owned by his father and is the subject of this tow appeal (the "Vehicle"). Mr. Matthew Mecham stated that on May 17<sup>th</sup>/18<sup>th</sup>, no valid registration stickers were affixed to the Vehicle. Mr. Matthew Mecham stated that on May 19, 2011, the Vehicle was registered but the "stickers" were mailed to the wrong address. Mr. Matthew Mecham stated that the Vehicle was towed (and received another "ticket") about six days after receipt of the "tow warning."

Mr. Matthew Mecham testified that following receipt of the "tow warning," he called the City Abandoned Auto section and was told that until the "stickers" were affixed to the Vehicle, that the Vehicle remained subject to being towed. Mr. Matthew Mecham stated that, in his conversation with the Abandoned Auto section, he was told that he should move the Vehicle onto private property until the "stickers" were affixed. Mr. Matthew Mecham stated that at the location where he lives there is no private parking; he has no practical alternative to parking on the public right-of-way.

The Abandoned Auto Inspector who ordered the Vehicle towed submitted three documents (Exhibits 5, 6 and 7) into the record. Exhibit 6 contains a narrative prepared by the Abandoned Auto Inspector related to the warning and towing of the Vehicle.

The Hearings Officer finds that during all times relevant in this case, the Vehicle did not have valid registration displayed. The Hearings Officer makes this finding based upon Mr. Matthew Mecham's testimony and the Abandoned Auto Inspector narrative (Exhibit 6). The Hearings Officer finds, based upon Mr. Matthew Mecham's testimony, that a tow warning sticker was placed on the vehicle on or about May 17<sup>th</sup> or 18<sup>th</sup>. The Hearings Officer finds that the Vehicle was not towed for approximately 6 days (more than 72 hours) after the tow warning sticker was placed on the Vehicle. The Hearings Officer makes this finding based upon the testimony of Mr. Matthew Mecham.

The Hearings Officer finds that the Abandoned Auto Inspector who ordered the Vehicle towed, on or about May 25, 2011, followed the relevant laws/rules. The Hearings Officer finds that the tow of the Vehicle is valid.

**ORDER AND DETERMINATION:**

1. The tow of the Vehicle, on or about May 25, 2011, is valid; appellant's 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 15, 2011  
GJF:rs



Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Abandoned Autos  
Tow Number: 9396

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Mecham, John L.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Parking Violation #HA08767631	Abandoned Autos	Received
6	Photos	Abandoned Autos	Received
7	Tow Hearing Report	Abandoned Autos	Received