



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF ALBERT KARTA

CASE NO. 1120140

DESCRIPTION OF VEHICLE: Volkswagen Passat (OR 999EUD)

DATE OF HEARING: August 7, 2012

APPEARANCES:

None

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Albert Karta did not appear at the hearing on his own behalf. A Notice of Hearing was mailed to Mr. Karta on August 1, 2012 to the address he provided when he requested his tow appeal hearing. The Notice was not returned to the Hearings Office via the U.S. Mail Service, and Mr. Karta did not contact the Hearings Office prior to the hearing. 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 documents admitted into evidence (Exhibits 1 through and including 6).

Summary of Evidence:

Mr. Karta submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of his vehicle on July 27, 2012, from NW 3rd and Couch. Mr. Karta writes, "There was a large parking space behind the 'sign' that says 'police parking reserved'. And I thought that the space right before the police parking sign was the only parking space left for one police car, and the space behind the reserved spot was free for any regular car to park." Mr. Karta did not submit any additional documents or photos regarding the tow of his vehicle.

The City submitted Exhibits 6 and 7 regarding the tow of Mr. Karta's vehicle. Exhibit 6 is an Investigation Report written by Officer Newby which indicates that the officer observed Mr. Karta's vehicle parked in a police parking only zone. The report indicates that the area is marked by two signs and a white outlined box "which the vehicle was parked within." Exhibit 5 is a Towed Vehicle Record which indicates that the vehicle was towed for being in a no parking area.

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. 16.30.210a1 provides that a vehicle may be towed and held at the expense of the owner from any public right-of-way when the vehicle is parked in violation of a permanent parking restriction. PCC 16.30.220B permits any authorized officer to tow a vehicle without prior notice when the vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane.

Findings of Fact and Conclusions of Law:

The Hearings Officer finds that on July 27, 2012, Mr. Karta parked his vehicle in a zone which was reserved for police vehicles only. The Hearings Officer finds that the zone was conspicuously posted with two no parking signs for three parking spaces, and a white box painted on the street. The Hearings Officer finds the tow of Mr. Karta's vehicle to be valid.

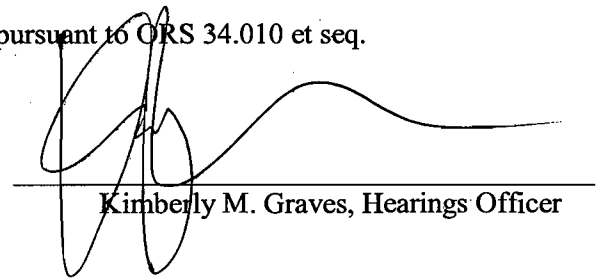
Order:

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: August 14, 2012
KMG:c1

Enclosure



Kimberly M. Graves, Hearings Officer

Bureau: Police
Tow Number: 11731

<u>Exhibit #</u>	<u>Description</u>	<u>Submitted by</u>	<u>Disposition</u>
1	Tow Hearing Request Form	Karta, Albert	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Notice of Rights and Procedures	Hearings Office	Received
5	Towed Vehicle Record	Police Records	Received
6	Investigation Report	Police Records	Received