



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF Michael Lindquist

CASE NO. 1120171

DESCRIPTION OF VEHICLE: Honda CRV (OR 045CRX)

DATE OF HEARING: October 2, 2012

APPEARANCES:

Mr. Michael Lindquist, Appellant

Officer Debbie Barkley, on behalf of the City

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Lindquist appeared at the hearing and testified on his own behalf. Debbie Barkley 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. Lindquist and Ms. Barkley and the documents admitted into evidence (Exhibits 1 through and including 8).

Summary of Evidence:

Mr. Lindquist submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of his vehicle on September 14, 2012. Mr. Lindquist indicates that there is a No Parking sign in the area where he parked and yellow paint on the curb. Mr. Lindquist writes that the sign and the paint are "inconsistent with each other." Mr. Lindquist writes that his car was parked past the sign, but was not parked as far as the yellow paint. Mr. Lindquist appeared at the hearing and submitted photos of the area where his vehicle was parked. Mr. Lindquist indicated that he did not measure the distance between where the sign is posted and where the yellow paint starts. Based on the photos submitted by Mr. Lindquist, the distance appears to be almost a vehicle length. Mr. Lindquist testified that he believes the tow of his vehicle is invalid because of the inconsistent and confusing nature of the sign and yellow paint.

The City submitted Exhibits 5 through, and including, 7 for the Hearings Officer's consideration. Ms. Barkley appeared and testified on behalf of the City. Ms. Barkley testified that on September 14, 2012 she cited and towed a Honda which was parked in a no parking zone on NW 21st. Ms. Barkley testified that she cited the vehicle at approximately 9:00 a.m., and ordered it towed around 10:40 a.m. Ms. Barkley testified that she took

the photos which are in the record as Exhibit 7. Ms. Barkley testified that the photos show the vehicle with its right front tire next to the sign which indicates that parking is prohibited.

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. PCC 16.20.210 provides that no vehicle may park in any no-parking zone at any time. PCC 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:

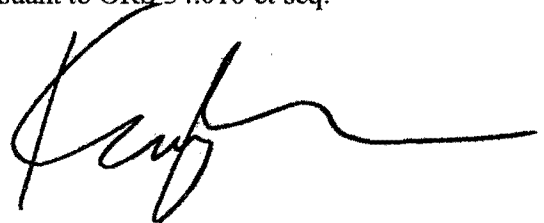
The Hearings Officer finds that on September 14, 2012 Mr. Lindquist's vehicle was parked on NW 21st Ave in an area which is subject to a permanent parking restriction. The Hearings Officer finds that Mr. Lindquist's vehicle was parked in violation of the permanent parking restriction. The Hearings Officer finds that the space where Mr. Lindquist's vehicle was parked was conspicuously posted with a No Parking sign. The Hearings Officer finds the tow of Mr. Lindquist'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: October 3, 2012
KMG:c2/m2



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 14248

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Lindquist, Michael	Received
2	Tow Desk printout	Hearings Office	Received
3	Notice of Hearing	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received
8	Photos	Lindquist, Michael	Received