

**TOW APPEAL HEARING RULES AND REGULATIONS BEFORE THE HEARINGS OFFICER OF THE CITY OF PORTLAND (Revised)**

*Administrative Rules Adopted by the Auditor's Office Pursuant to Rule-Making Authority*

ARB-ADM-9.03

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## **Rule 1. General Information**

**A. Purpose.** These rules and regulations establish procedures to request a tow hearing, to schedule, reschedule and conduct hearings, and to prepare orders and findings. The rules set forth herein may be hereafter referred to as the “Hearings Office Tow Appeal Rules” or ARB-ADM 9.03.

**B. Authority.** Portland City Code 16.30.420-B. authorizes the Hearings Officer to establish rules and regulations to conduct tow hearings, consistent with Title 16 for tows ordered pursuant to PCC 16.30.220 and 16.30.225, or prior to towing under PCC 16.30.230. Pursuant to PCC 16.30.450.E, an Owner of a Vehicle towed or immobilized (booted) by order of the Multnomah County Circuit Court pursuant to Section 16.30.240 is not entitled to an appeal hearing before the Hearings Officer.

**C. Modification or Waiver of the Rules and Regulations.** The Hearings Officer may modify or waive any of these rules and regulations in the interest of fairness or justice for good cause shown, consistent with Portland City Code Title 16.

**D. Definitions.** The following definitions apply to the ~~se rules~~ Tow Appeal Hearing Rules and Regulations:

**Appellant.** The person or persons granted a tow hearing. Persons who may be legally eligible-entitled to ~~have request~~ a tow appeal hearing are defined below under “Demonstrated Interest” and/or “Owner.”

**Bureau.** The government agency authorized to order a tow under Title 16. These include City of Portland ~~bureau~~ bureaus and any agency with a current, approved intergovernmental agreement with the City of Portland.

**Confidential Information** means information that is made confidential or privileged by law or the disclosure of information that is protected by law and includes social security numbers, driver’s license or state identification numbers, passport numbers, financial account, credit card or debit card numbers or any required security or access code or password that allows use of the account, age, birthdate, gender, race, ethnicity, disability, criminal record, protected health information, a member of the public’s first name or first initial and last name in combination with the individual’s home address or telephone number, and any other information the disclosure of which by the Hearings Office is proscribed by HR Rule 11.04 (“Protection of Restricted and Confidential Information”).

**Continued Hearing.** A Hearings Officer has sole discretion to halt an ongoing hearing and order that a continued hearing take place at another date and time.

**Demonstrated Interest.** Written evidence of a documented financial interest in the towed ~~vehicle~~Vehicle.

**Disruptive Conduct.** Disruptive conduct in a hearing is conduct by a person that interferes with the normal hearing process, as determined by the Hearings Officer, or as otherwise provided in City Code, including PCC 3.18.020.

**e-File, e-Filing, or e-Filed.** The submission of documents through the Hearings Office e-Filing system for purposes of filing in a Hearings Office case. E-mailing or sending a document by facsimile does not constitute “e-Filing” a document. For e-Filing System rules, see Hearings Office e-Filing System Rules, ARB-ADM [REDACTED]

**e-Filing System.** The Hearings Office's system of electronic filing and electronic service of documents via the internet.

**Ex parte Communications.** Any communication between the Hearings Officer and fewer than all parties or their lawyers, concerning a pending matter. Ex parte communications do not include communications between the Hearings Officer and any person employed by the Hearings Office, or the Hearings Office’s legal counsel. The Hearings Office staff (excluding the Hearings Officer) may communicate with City staff or other participants regarding procedures and for verification of evidence in record.

**Hearings Officer.** The person authorized to hold a tow appeal hearing and render a decision, described in Portland City Code 16.30.450.E or in any intergovernmental agreement between the City of Portland and another agency/jurisdiction.

**Hearings Office Website.** The Internet location with general information regarding hearings conducted by the Hearings Officer, including general directions to the Hearing Room, relevant code and rules, ~~and~~ answers to frequently asked questions, and the e-Filing System.

**In Storage.** An in storage towed ~~vehicle~~Vehicle is one being held in a storage facility that is not in the custody of the Owner.

**Interpreter.** A person with sufficient fluency to communicate with a person who does not speak English and accurately translate the communication into English. Interpreter also refers to a person who assists or aides another person due to deafness or other physical impairment.

**Legal Representative.** The Appellant's attorney or another person having the Appellant's written and signed ~~written~~ consent to act on the Appellant's behalf.

**Manual Filer.** An Appellant who has limited access to a computer system, the internet, or e-mail on a regular basis and who opts-out of the e-Filing System.

**Opt Out.** The act by an Appellant choosing to file an appeal as a Manual Filer and thereby indicates an intent to (i) submit required documents to the Hearings Office in hard copy form no later than 4:30 p.m. on the date due; and (ii) receive notices, decisions, and other communications from the Hearings Office and City Bureaus via regular mail.

**Owner.** The person who is the title holder, registered owner, lien holder, or person in possession of an official bill of sale document dated not more than 30 days before the tow occurred and showing appellant as buyer.

**Received.** The date and time a document is time-stamped as received in the Hearings Office. This definition does not include the date and time a document is faxed, mailed or otherwise sent or delivered to the Hearings Office. The Hearings Office does not accept documents via email.

**Timely.** ~~A document received by the Hearings Office within the time limits established in Title 16 of the Portland City Code.~~ A document is deemed Timely when it is stamped, by the Hearings Office or the e-Filing System, with a date/time-stamp, within the time limits established by PCC 16.30.410, City Code Chapter 22.10, or Hearings Office Policy Documents. The date/time-stamp shall establish conclusively whether a document was received Timely.

**Vehicle.** Any item defined as a vehicle in Title 16 of the Portland City Code.

## **Rule 2. Requesting a Tow Hearing**

### **A. Form of Request**

~~{1.}~~ \_\_\_ Tow hearing requests must be submitted on forms prepared by the Hearings Office. ~~Forms shall be made available to the public at the Hearings Office and on the Hearings Office Website.~~

(a) Appellant must submit the Appeal Form via the e-Filing System on the Website unless the requester is a Manual Filer.

(b) When the requester is a Manual Filer, the Appeal Form shall be completed at the public terminal at the Hearings Office or other computer. In special circumstances, the Hearings Office shall mail a blank Appeal Form to the requester.

{2.} \_\_\_\_\_ If the Hearings Office receives a Tow Hearing Request Form that does not contain all the required information, the Hearings Officer may deny the appeal hearing request.

{3.} \_\_\_\_\_ The person requesting the hearing must state, on the Tow Hearing Request Form, the reason or reasons why the tow or proposed tow is believed to be invalid or otherwise unjustified. ~~The issues to be determined at hearing shall be limited to those set forth in the Tow Hearing Request Form.~~ The inability to pay is not a defense to an otherwise valid tow.

#### **B. Deadline to Request a Tow Hearing (to be Considered Timely)**

{1.} \_\_\_\_\_ A tow hearing request is considered ~~timely~~Timely if it is filed via the e-Filing System no later than 11:59 p.m., or, for Manual Filers, received at the Hearings Office not later than the close of the business day, ten (10) calendar days after the ~~vehicle~~Vehicle was towed.

{2.} \_\_\_\_\_ A tow hearing request is considered a late request if it is received at the Hearings Office later than the close of the business day (11:59 p.m. for e-Filing System), ten (10) calendar days after the ~~vehicle~~Vehicle was towed.

{3.} \_\_\_\_\_ If a tow hearing request is received at the Hearings Office or the e-Filing System on a Saturday, Sunday, or recognized City of Portland holiday, the request shall be deemed received on the next business day. If the deadline for filing an appeal is on a Saturday, Sunday, or recognized City of Portland holiday, the deadline shall be extended to the next business day.

#### **C. Who May Request a Tow Hearing**

{1.} \_\_\_\_\_ **The Owner.** A towed ~~vehicle~~Vehicle's owner (or that person's legal representative) may request a tow hearing.

{2.} \_\_\_\_\_ **Person Other Than the Owner.** A person with a ~~De~~emonstrated financial ~~i~~nterest in a towed ~~vehicle~~Vehicle or that person's legal representative may request a tow hearing.

{3.} \_\_\_\_\_ **Only One Hearing per Tow.** When a tow hearing request is granted, any subsequent hearing request for the same towing event will be denied. Any dispute

between the Appellant and another person who requests a hearing concerning the same ~~vehicle~~Vehicle tow must be resolved in a forum other than the Hearings Office.

#### **D. Appellant's Authorization for Representation**

The Appellant may authorize, in writing, someone to represent them at the hearing. The *Appellant* must complete and sign Section C of the Tow Hearing Request Form as well as Section A. Failure to complete Section C of the Tow Hearing Request Form ~~may will result in a denial of the cause the Hearings Officer to deny the~~ Appellant's request for representation.

**E. Tow Hearing Request for a Vehicle in Storage.** It is the responsibility of the person requesting a tow hearing to indicate on the Tow Hearing Request Form whether the towed ~~vehicle~~Vehicle remains in storage.

#### **F. Late Tow Hearing Request**

{1.} Good Cause Required. The Hearings Officer will not consider a late hearing request unless the person filing the request submits a fully completed Tow Hearing Request Form, Sections A and B, including the reason why it is late. Except as otherwise provided, the Hearings Officer shall have discretion grant a late request.

{2.} Requests Received 30 Days After Tow. Hearing requests received by the Hearings Office 30 days or ~~later~~more after the ~~vehicle~~Vehicle was towed shall not be granted.

3. In-Storage Vehicles. Appeal hearing requests for a Vehicle that remains in storage received more than 15 days after the date of the tow will not be granted unless (i) the Appellant first confirms that the Vehicle has not been sold by the tow company pursuant to ORS 87.172(3)(sale of towed vehicles) and (ii) informs the Hearings Office at the time of the hearing request. The Hearings Officer has no authority to stop or stay a lien foreclosure sale and the grant of a hearing does not stay, or in any way affect the ORS 87.172 process.

### **Rule 3. Notice of the Hearing**

**A. General Rule.** The Hearings Office shall schedule the time and place of all hearings. ~~As a courtesy only, A~~ written notice of the tow hearing scheduled time and place will be ~~mailed sent~~ to the Appellant ~~via the e-Filing System or, for Manual Filers, at~~ the mailing address provided in the Tow Hearing Request Form. Hearings for in storage tows may be scheduled as soon as 72-hours after a request, for in-storage tows. However, it is the ~~refore~~ Appellant's responsibility (especially Manual Filers) to timely inquire-contact the Hearings Office as soon as the next business day after submitting their request about-regarding the date, time, and place of the scheduled hearing. Hearings scheduled for days on which City Offices are closed due to weather conditions or otherwise will be cancelled and rescheduled.

**B. Notices for in Storage Vehicles.** If the Request for Tow Hearing Form indicates the ~~vehicle~~Vehicle is in storage, the Hearings Office ~~must-shall~~ hold a hearing within 72 hours (not including Saturdays, Sundays, or recognized City of Portland holidays). Written notice of the hearing will likely not be received by the Appellant before the scheduled hearing date and time. It is therefore Appellant's responsibility to contact the Hearings Office as soon as the next business day after submitting their request regarding the date, time and place of the scheduled hearing. It is the Appellant's responsibility to timely inquire about the date, time and place of the scheduled hearing.

**C. Notice to the Bureau that Ordered Towing the Vehicle.** The Hearings Office will send a hearing notification and a records request to the ~~bureau~~Bureau that ordered the ~~vehicle~~Vehicle towed. If the hearing is subsequently rescheduled, ~~no additional an -updated N~~ notice of Hearing shall be provided to Appellant and the~~the~~ Bureau. It is the Bureau's responsibility to ~~timely~~Timely inquire about hearing reschedules.

The Bureau shall ensure that any documents submitted to the Hearings Office do not include Confidential Information. The Bureau shall redact (black out) all Confidential Information prior to submission of the document(s) to the Hearings Office.

**D. Hearings Office Calendar.** A calendar of scheduled hearings is available on the Hearings Office Website. The calendar is subject to change. A person may contact the Hearings Office by phone or in person to obtain the most up-to-date information.

### **Rule 4. Requests to Reschedule a Hearing**



**A. General Rule.** An Appellant may request to reschedule a tow hearing only by submitting, ~~in~~ writing, a signed Request to Reschedule Form. The Hearings Office must receive the Request to Reschedule Form no later than forty-eight (48) hours before the scheduled hearing (not including Saturday, Sunday, or recognized City of Portland holidays). The Hearings Officer has sole discretion to grant a request to reschedule. If the hearing is subsequently rescheduled, an updated Notice of Hearing shall be provided to Appellant and the Bureau. It is the Appellant's responsibility to ~~timely~~ Timely inquire about whether the hearing has been rescheduled.

**B. In Storage Vehicle.** If a hearing is approved and rescheduled per an Appellant's request, the ~~vehicle~~ Vehicle owner is responsible for any storage costs ~~occurring~~ accruing after the date and time of the originally scheduled hearing, regardless of whether they prevail in the appeal.

**C. Failure to Appear.** Any person who has a hearing scheduled and fails to appear without good cause shown, as determined by the Tow Hearings Officer, will not be entitled to have such hearing rescheduled.

#### **Rule 5. Hearings Procedure**

**A. General Rule.** The manner of conducting all tow hearings is subject to the Hearings Officer's sole direction, control, and discretion.

**B. Telephone Hearings.** Upon request of any party, and for good cause shown, the Hearings Officer may permit the testimony of the party or any witness for the moving party to be taken by telephone in a tow appeal hearing under PCC 16.30.420.B using procedures established by the Hearings Office. Telephone Hearings applies to audio only, and shall not include video calls such as FaceTime, Skype, or similar. Due to the time constraints involved, Telephone Hearings are not available for cases where the appellant's Vehicle remains in storage.

1. The telephone hearings procedures shall include:

- (a) The request shall be made by submitting a completed Telephone Hearing Request Form provided by the Hearings Office after a tow hearing is scheduled. The completed Telephone Hearing Request Form must be submitted no less than two days prior to the scheduled hearing. An Appellant who requests a telephone hearing waives their right to a hearing within 14 days.
- (b) All parties and phone numbers requested to testify via telephone must be provided on the Telephone Hearing Request Form. The Hearings Officer may approve or deny any requests.
- (c) The requesting party shall be responsible for notifying any witness appearing via telephone of the scheduled hearing date and time. The Hearings Office is not responsible for providing any notification to non-parties.

- (d) The call shall only be initiated by the Hearings Office at the time scheduled for the hearing to the number provided in the Telephone Hearing Request Form.
- (e) Telephone Hearings shall be given priority over in-person hearings scheduled for the same or overlapping time.
- (f) A failure to answer the phone within a reasonable time as determined by the Hearings Officer in their sole discretion shall constitute a failure to appear at the scheduled hearing.

2. The Hearings Officer shall inform the requester in writing of the potential pitfalls of testifying by telephone, including:

- (a) The potential inability of the Hearings Officer's to evaluate the credibility and demeanor of a witness or party;
- (b) The person testifying by telephone may not have exhibits submitted by the City and any exhibits submitted at the hearing by appellant the City will not have;
- (c) The challenge of using exhibits or documents the witness or party will testify about;
- (d) The potential for an inaudible connection, i.e. loud background noises or bad reception on the testifying person's phone line; and
- (e) The challenge of describing a situation on the ground that could best be shown with a drawing by the witness or party.

3. Factors that the Hearings Officer may consider that would support a finding of good cause include:

- (a) The witness or party might be unavailable because of age, infirmity, or physical illness;
- (b) The party filing the request seeks to take the telephone testimony of a witness whose physical attendance the party has been unable to secure by reasonable means;
- (c) A personal appearance by the party or witness would be an undue hardship; or
- (d) Any other circumstances that constitutes good cause as determined in the sole discretion of the Hearings Officer.

4. The Hearings Officer may deny a request to have a witness appear by telephone if the witness' testimony is likely to be irrelevant, immaterial, redundant, or unduly repetitious.

5. If a hearing is to be held by telephone, each party shall have provide (in advance) to all other parties and to the Hearings Office copies of the exhibits it intends to offer into evidence at the hearing. If a witness is to testify by telephone, the party that intends to call the witness shall provide (in advance) to the witness, the other parties, and the Hearing Office a copy of each document about which the witness will be questioned.

Hearings by telephone are not available.

C. **When Hearings are Held.** All hearings are scheduled within the hours of 8:30 a.m. to 4:30 p.m. on Monday through Friday (not including recognized City of Portland holidays). Tow hearings generally occur on Tuesday afternoon.

D. **Hearings Start Promptly at the Scheduled Time.** Tow hearings begin promptly at the scheduled date, time and place. Persons arriving late may lose the opportunity to present their case or to hear other parties' testimony. The Appellant, or the Appellant's legal representative, must be prepared to present ~~his or her~~their case to the Hearings Officer, including witnesses and documentary evidence. Hearings will not be rescheduled for late arrivals.

E. **Standard of Proof.** A tow will be found valid if the Hearings Officer finds that, based on a preponderance of the evidence, all procedural and notice requirements were met, and that the person ordering the ~~vehicle~~Vehicle towed followed all relevant laws and regulations. The burden of presenting evidence to support a fact or proposition rests on the proponent of that fact or proposition. Unless otherwise provided in City Code, the burden of proof shall be upon the City to establish the violation that was the reason for the tow. No tow shall be sustained except upon consideration of the whole record or such portions thereof as may be cited by any Party, and as supported by and in accordance with reliable, probative, and substantial evidence. An Appellant who believes a tow is otherwise unjustified under PCC 16.30.420.A, has the burden to allege and produce evidence on that point.

F. **Oral Testimony.** An Appellant may testify at the hearing and have one or more witnesses testify on ~~his or her~~Appellant's behalf. The ~~bureau~~Bureau ordering the tow may be represented, and may provide witnesses, at the hearing.

G. **Testimony under Oath or Affirmation.** Parties or witnesses making an oral statement will be requested to do so under oath or affirmation to state the truth.

#### H. Written Evidence.

~~(1.)~~ Written or printed evidence (including photographs) may be submitted before the hearing via the e-Filing System, or, at the Hearings Officer's discretion, during the hearing. Appellants will ~~be provided one copy, at no charge, have access to of~~ any documents submitted by the ~~bureau~~Bureau that ordered the ~~vehicle~~Vehicle towed through the e-Filing System unless Appellant is a Manual Filer.

~~(2.)~~ All evidence submitted into the evidentiary record becomes Hearings Office property and will not be returned.

{3.} Other than as provided in Rule 5.H(1) above, requested copies of evidence in the record will be provided as staff time permits, and charged to the requester per the City of Portland Fee Schedule.

4. The parties shall ensure that any documents submitted to the Hearings Office do not include Confidential Information. Documents submitted to the Hearings Office become public records subject to disclosure pursuant to ORS 192.420. The parties shall redact (black out) all Confidential Information prior to submission of the document(s) to the Hearings Office.

**I. Rules of Evidence.** Evidence of a type commonly relied upon by reasonable, prudent persons in conducting their important affairs shall be admissible. Irrelevant, immaterial, redundant, or unduly repetitious evidence shall be excluded.

**J. Evidence submitted other than by oral testimony or written form.** Evidence other than oral testimony or in writing may be offered, and will be admitted in any format, subject to the following limitations:

{1.} If equipment, technology, or computer programs are required to access or present evidence, the person offering such evidence is responsible for providing and setting up the equipment or programs. Set up must be done before the scheduled start of the hearing, and must not disrupt the hearing process. Such equipment, technology or programs shall be removed immediately after the hearing concludes. The Hearings Office does not supply equipment, technology or programs (including, but not limited to projectors and computers).

{2.} The Hearings Officer will consider evidence presented before or during the hearing, but will not attempt to open any computer DVD/CD/phone/thumb-drive and/or computer program unless the format is compatible with current Hearings Office technology and does not require installing or downloading an operational program. Hard copies of presentations (including, but not limited to photos and PowerPoint presentations) are recommended as a supplement to presentations made via computer/DVD/CD/phone/thumb-drive files and programs.

~~The Hearings Officer will consider evidence presented before or during the hearing, but will not attempt to open any computer DVD/CD file and/or program unless the format is compatible with current Hearings Office technology, and does not require installing or downloading an operational program. Hard copies of presentations (including, but not limited to photos and PowerPoint presentations) are recommended as a supplement to presentations made via computer/DVD/CD files and programs.~~

**K. Legal Representation (Attorney).** An Appellant has the right to be represented by an attorney.

**L. Hearings are Recorded.** All hearings are recorded. A copy of the audio recording is posted on the Hearings Office Website within three business days following the hearing date unless a request has been made on the record to opt-out. If ~~preferred~~requested, the Hearings Office can make a copy of a hearing recording for a fee per the City of Portland Fee Schedule. Requests must include the case number, Appellant's name, and the fee. Requested copies will be provided as staff time permits, subject to meeting the above requirements.

**M. Hearings Officer's Right to Exclude Persons from a Tow Hearing.** The Hearings Officer may expel/exclude any person from the Hearing Room if that person engages in Disruptive Conduct. An expelled person may not re-enter the Hearing Room. If an Appellant is expelled, that person, by his/her/their behavior, is deemed to have waived his/her/their right to offer in person any additional testimony or argument related to the tow. The expelled person may only submit additional written evidence, before the hearing closes, through an agent or representative.

#### **Rule 6. EX PARTE COMMUNICATIONS**

The Hearings Officer shall place on the record a statement of the substance of any written or oral ex parte communications on a fact at issue made to the Hearings Officer while the proceeding is pending. All Parties appearing at a hearing shall be given notice of such ex parte communications and of their right to rebut the substance of the ex parte communication on the record.

**A. Service.** If a Party communicates in writing with the Hearings Office about the proceeding, the Party must immediately send a copy of the written communication to all parties or their representatives.

**B. Rebuttal Opportunity.** A Party must give prior written notice to all Parties or their representatives, and the Bureau, of any oral communications with the Hearings Officer regarding a pending matter. The other Parties or their Legal Representatives must be given the opportunity to participate in the communication. The Hearings Office will generally have no oral communication with a party outside of a scheduled hearing.

#### **Rule 76. Interpreters**

**A. General Request.** The City of Portland's Limited English Proficiency ("LEP") policy (BCPI-ADM 18.01) is intended to ensure that all people, regardless of their proficiency in English, have meaningful access to the benefits of municipal programs and services. ~~Appellants are encouraged to provide their own interpreter for the hearing.~~

**B. City Assistance.** The Hearings Office will make reasonable accommodations for individuals with limited English proficiency. The ~~City~~ Hearings Office will ~~endeavor to~~ provide, at the ~~City's Hearings Office's~~ expense, a qualified language interpreter for those needing such assistance. The Hearings Office must receive a written request meeting the following requirements:

~~{1.}~~ The Hearings Office must receive the request not less than forty-eight (48) hours before the scheduled hearing (not including Saturdays, Sundays, or recognized City of Portland holidays). If the request is late, ~~the~~ scheduled hearing may still take place, ~~at the Hearings Officer's sole discretion.~~

~~{2.}~~ Contents of the written request:

- Name of the person with limited English proficiency~~person~~ needing a qualified interpreter;~~;~~
- ~~If a translator is needed, t~~he language (including any regional dialect) of the ~~non-English~~person with limited English -speaking person- proficiency; and
- ~~A Statement~~statement that the person will not be able to effectively understand and/or communicate at the hearing without the requested assistance.

**C. If Anan Interpreter Cannot be Arranged before the Originally Scheduled Hearing Date.** If interpreter assistance cannot be arranged in time for a scheduled hearing, the Hearings Officer may reschedule or continue the hearing to a date when the requested assistance can be provided. ~~If the hearing involves a vehicle in storage, the City will not reimburse any storage charges accruing against the vehicle after the date and time of the originally scheduled hearing.~~

**D. Oath/Affirmation.** The person providing assistance shall be required to state his/her/their name ~~and mailing address~~ for the record and assent to the following:

"I swear or affirm that I am qualified to provide [describe assistance to be provided] assistance and will make a true and ~~impartial translation~~impartial translation/interpretation of the proceedings in an understandable manner using my best skills and judgment."

### **Rule 87. Hearings Officer's Findings and Orders**

**A. Content.** Written findings shall explain the facts and rules related to the ~~vehicle~~Vehicle being towed and the reasons why the Hearings Officer determines the tow to be valid or invalid.

**B. If the Tow is Found Invalid or Unjustified.**

{1.} \_\_\_\_\_ If a tow is found to be invalid or otherwise unjustified for a ~~vehicle~~Vehicle that is not in storage, the refund process shall begin after the Hearings Office receives a legible copy of the tow ~~receipt~~company invoice. The refund will be issued and mailed to the Appellant.

{2.} \_\_\_\_\_ If a tow is found to be invalid or otherwise unjustified for a ~~vehicle~~Vehicle that is still in storage, a Notification of Invalid Tow Form with the Appellant's name and ~~vehicle~~Vehicle information will be given to the Appellant at the conclusion of the hearing. If the Appellant fails to appear at the hearing, it is the Appellant's responsibility to promptly pick-up the Notification of Invalid Tow Form from the Hearings Office during normal business hours.

**Rule 98. Requests to Reopen the Record After the Hearing is Closed**

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The Hearings Officer may reopen a tow hearing case for good cause shown upon receiving a written request submitted by the Appellant. Cases will not be reopened after 30 days of the date of the Hearings Officer's Order.

### Highlights of Significant Revisions to Tow Hearing Rules:

1. **Applicability.** Clarifies source of authority for rules. *See* Rule 1.B.
2. **E-Filing System.** Provides for processing of appeals and code enforcement cases via new electronic case management system. *See* Rule 1 and 2. Also addresses the ability of an appellant to opt out of the e-Filing System.
3. **Definitions.** Enhanced definitions section (Rule 2). Provides new definitions for:
  - a. Confidential information
  - b. Ex parte
  - c. Manual Filer
  - d. Timely
4. **Requesting Hearing.** Explains that e-Filing is preferred, but that manual filing remains available. Also explains that inability to pay in and of itself is not a defense to an otherwise valid tow. *See* Rule 2.A.
5. **Limit on late request.** Requires confirmation by appellant that Vehicle has not sold for in- storage tow hearings after 15 days in order to get approval of late filing of hearing request. *See* Rule 2.F.3.
6. **Telephone Testimony.** Allows for witness to testify by telephone in limited situations with the prior approval of the Hearings Officer. *See* Rule 5
7. **Notice of Hearings.** Clarifies that hearings schedule for days that City Offices close due to inclement weather will be cancelled and rescheduled. *See* Rule 3.A.
8. **Burdens of Proof/“Otherwise unjustified”.** Clarifies the burden of proof. *See* Rule 5.E. Incorporates language from PCC 16.30.420.A, which allows hearings officer to determine whether other facts weigh in favor of finding appellant not being responsible for tow storage fees.
9. **Failure to appear.** Added language from code. *See* Rule 4.C.
10. **Ex Parte.** Clarifies that after filing parties must copy each other on communications with the hearings office to avoid ex parte communications. Rule 6.



11. **Limited English Proficiency.** Our Rule 7 has been updated to reflect that addressing LEP is our obligation so we will not require people to bring their own interpreter. Rule 7.C previously made an appellant responsible for fees incurred if they asked for reschedule because an interpreter could not be found.