

Date of Report:	 <div style="text-align: center;">CONFIDENTIAL INVESTIGATION REPORT</div>	Board Case #:
Investigator:	Oregon State Board of Towing DMV HQ, 1905 Lana Ave., NE Salem, OR 97314	Respondent / Tower:

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Date Complaint Received:	Date Investigation Initiated:	Allegation(s) [Cite ORS / OAR]
Complainant:	Date Investigation Closed:	ORS
Respondent / Tower:	Investigation Status: Open pending Board Review	OAR
Presented to Board Members:	Involved Person(s):	OAR

Please fill in all of the above information, if you do not have information to put into the section, then please put N/A

Signed: _____
Investigator

Date: _____

Approved By: _____
Board Administrator/Compliance Manager

Date: _____

CASE SUMMARY

Description:

- Allegations of the complaint
- General summary of findings of the investigation.

TOW COMPANY INFORMATION:

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Description:

Brief history of the tower – may include

- ☐ Secretary of State Registration
- ☐ DMV Records and Tow Plate Information
- ☐ DOJ History
- ☐ Contracts/agreements with state or local agencies (letter of appointment, city permit, etc.) if known
- ☐ Board disciplinary history

Note: until the Board may issue a tow business license to the tow company, information may not be complete due to lack of information or complexity of information.

REPORT NARRATIVE:

Complaint and investigation presented in a narrative, descriptive format:

Date	Description of event/timeline	Notes
Date	Narrative description of what happened	<i>Documents provided with investigation report.</i>

LAWS AND RULES FOR CONSIDERATION/CONCLUSION OF LAW:

This section updated to include how Respondent's actions violated Oregon Law

Statute	Description of violation	Notes
ORS 822.200	Respondent violated the referenced law <u>by doing this</u>	<i>Notes or comments.</i>

POSSIBLE MITIGATING CIRCUMSTANCES FOR BOARD TO CONSIDERATION:

Circumstances or events that the Board might consider when reviewing the investigation report.

*ORS 822.995 Civil penalties for violations related to towing(4) In imposing a penalty pursuant to the schedule adopted under subsection (2) of this section, the board shall consider the following factors:
 (a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.*

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- (b) Any prior violations by the person incurring the penalty of statutes, rules or orders pertaining to facilities.
(c) The economic and financial conditions of the person incurring the penalty.
(d) The immediacy and extent to which a violation threatens the public health or safety.

OAR 750-080-0020 - Mitigating Circumstances. The State Board of Towing may consider the following mitigating circumstances prior to issuing or imposing a non-disciplinary or disciplinary action under this section:

- (1) The person or entity's history in observing the provisions of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605 and the rules of the Board under OAR Chapter 750;
- (2) The nature of the violation;
- (3) The effect of the violation on public safety and welfare;
- (4) Whether the conduct or action(s) was inadvertent or intentional;
- (5) The person's experience and education; S
- (6) The degree to which the action subject to sanction violates professional ethics and standards of the profession;
- (7) The level of cooperation and engagement in the Board's investigation;
- (8) The economic and financial condition of the person or entity subject to sanction; and
- (9) Any mitigating or aggravating factors the Board may choose to consider.

SUPPORTING EVIDENCE:

Documents, evidence, and other information provided to the Board for review.

Examples:

- ☐ Secretary of State Business Registry documents
- ☐ DMV reports and tow business certificate information
- ☐ Original Complaint and documentation provided
- ☐ Response from the tower
 - ☐ Signed Authorization
 - ☐ Pre-tow photographs
 - ☐ Itemized Statement/Invoice
 - ☐ Tower's written statement of fees/rate sheet
 - ☐ Notice of Lien (if required)
- ☐ Documents or reports from other agencies or jurisdictions
- ☐ Other information relevant to the findings of fact and conclusion of law provided by the complainant or tower*

Most communications from the tower and the complainant are attached to the investigation report.

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Documents, photos, videos, and recordings submitted but not relevant to the statutes assigned to the Board to administer may be accessible to board members but are not attached to the investigation report.

CONFIDENTIAL COMPLAINANT / RESPONDENT / WITNESS/ OR OTHER INVOLVED PERSON(S) INFORMATION:

A list of witnesses or individuals with knowledge of the case.

INVESTIGATORS CONFIDENTIAL OPINION

Separate page.
Insights of the investigator on the case.

BEFORE THE STATE OF OREGON
BOARD OF TOWING

In the Matter of

Case No.

Respondents.

NOTICE OF PROPOSED ACTION
(Civil Penalties)
and
NOTICE OF RIGHT TO HEARING

1.

The Oregon State Board of Towing (*Board*) is the agency responsible for administering and implementing laws regulating the towing industry under ORS Chapter 822.

2.

_____ is the registered owner of _____ tow vehicles, hereinafter individually and collectively referred to as "Respondent." Respondent is subject to the jurisdiction of the Board. Respondent's last known addresses per DMV records is _____,

FINDINGS OF FACTS

3.

Information from the Investigation Report: Case Summary

4.

Information from the Investigation Report: Tow Company Records

4.1 Oregon Secretary of State, Business Registry ("Business Registry") records

4.2 DMV records

4.3 Tow business certificates are applied for annually. As part of the tow business certificate application, the vehicle owner attests that they are the owner of the tow vehicle, use the tow vehicle for their own business, and that the information contained in the application, including the business address, is accurate. False certification on the Tow Business Certificate Application is a Class C felony under ORS 822.605, and is punishable by 5 years in jail, a fine of up to \$125,000, or both, and subject to civil penalties and disciplinary action by the Oregon State Board of Towing.

Dependent on the case: relevant statutes related to the towing event

1 4.4 Towers are required to comply with a number of Oregon's laws when towing vehicles
2 including, but not limited to:

3 4.4.1 *ORS 98.853 Prior to towing a motor vehicle ... a tower shall take at least one photograph of*
4 *the motor vehicle and record the time and date of the photograph. The photograph must show the motor*
5 *vehicle as it was left or parked at the time the tower arrived to conduct the tow.*

6 4.4.2 *ORS 98.854 Prohibitions placed on tower. A tower may not: (1) ... tow a motor vehicle from*
7 *a parking facility without ... receiving signed authorization from the owner of the parking facility or the*
8 *owner's agent that the tower should tow the motor vehicle. (5) Charge more than a price disclosed under*
9 *ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) when towing a motor*
10 *vehicle without the prior consent or authorization of the owner or operator of the motor vehicle. (11) Hold a*
11 *towed motor vehicle for more than 24 hours without: (a) Taking an inventory of all personal property in the*
12 *motor vehicle that is visible from the exterior of the motor vehicle; and (b) Holding the personal property in*
13 *the motor vehicle in a secure manner.*

14 4.4.3 *ORS 98.856 Tower responsibility of disclosure to owner or operator of vehicle (1) A tower*
15 *shall disclose to the owner or operator of a motor vehicle in a conspicuous written statement of at least 10-*
16 *point boldfaced type: (a) The prices the tower charges for all the goods and services that the tower offers...*
17 *(3) If the owner or operator of the motor vehicle is not present at the time of the tow, the tower shall provide*
18 *the information required under this section to the owner or person in lawful possession of the motor vehicle*
19 *prior to the time the owner or person in lawful possession of the motor vehicle redeems the motor vehicle.*

20 4.4.4 *ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect*
21 *vehicle. (1) A tower in physical possession of a motor vehicle shall permit the owner or person in lawful*
22 *possession of a motor vehicle the tower has towed to: (a) Redeem or inspect the motor vehicle: (A)*
23 *Between 8 a.m. and 6 p.m. on business days ...*

24 4.4.5 *ORS 98.812 ... lien for towage ... (2) A tower is entitled to a lien on a towed vehicle and its*
25 *contents for the tower's just and reasonable charges and may retain possession of the towed vehicle and*
26 *its contents until the just and reasonable charges for the towage, care and storage ... if the tower notifies*
the local law enforcement agency of the location of the towed vehicle within one hour after the towed vehicle

1 is placed in storage. (3) A tower may not assess any storage charge against the towed vehicle ... that is
2 incurred after: (a) If the towed vehicle is registered in Oregon, three business days after the vehicle is
3 placed in storage unless, within that time, the tower delivers notice by mail or gives actual notice to the
4 owner of the towed vehicle and to each person with an interest in the vehicle as indicated by the certificate
5 of title.

6 **From the Investigation Report: Report Narrative, Supporting Evidence**

7 4.5 – 4.xx

8
9 **Board review of the case**

10 4.## The Board met and reviewed this case on DATE, at the Board's regularly scheduled board
11 meeting. The Board reviewed the case materials, considered the circumstances and mitigating factors, and
12 voted to issue a Notice of Proposed Action assessing Respondent civil penalties based on the Findings of
13 Fact and Conclusions of Law as listed in this Notice and incorporated as though fully set forth herein.

14 **CONCLUSIONS OF LAW**

15 5.

16 Based on the acts and conduct described above, the Board finds the following grounds to assess
17 civil penalties against Respondent pursuant to ORS 822.995.

18 **From the Investigation Report: Laws and Rules for Consideration**

19 5.1 Description of the statute violated and how the Respondent violated the law.

20 EXAMPLE:

21 5.1 Respondent violated ORS 98.854 (2) by towing the vehicle without a signed authorization.

22 5.2 Respondent violated ORS 98.854 and 98.856 by charging the vehicle operator a gate fee
23 during normal business hours.

24 **PROPOSED ORDER**

25 6.

26 Based on the acts and conduct of Respondent described above, the Board proposes to take the
following actions:

6.1 Assess a civil penalty in the amount of \$_____ for CONDUCT AND VIOLATION:

6.1 Assess a civil penalty in the amount of \$500 for violation of ORS 98.854 (2) for towing the vehicle without a signed authorization.

6.2 Assess a civil penalty in the amount of \$200 for violation of ORS 98.856 for charging an after-hours gate fee not itemized on the tower's statement of fees/rate sheet.

6.3 *Issue a Letter of Education reminding tower of the requirement to release the photographs and signed authorization at the time of request, but no later than the next business day.*

6.4 For total civil penalties in the amount of \$_____.

6.7 Respondent may be assessed reasonable costs incurred by the Board to resolve, defend, or enforce this disciplinary action, including attorney fees, in the current amount of \$0, but in an amount not to exceed \$50,000.

7.

Respondent has the right, if so requested, to have a formal hearing to contest the matter set out above, as provided by the Administrative Procedures Act (Chapter 183). Respondent may be represented by an attorney at the hearing. The request for hearing **must be made in writing** to the Board and **received by the Board** within 20 days from the date of mailing of this notice (or if not mailed, the date of personal service). The written request is to be mailed to: Oregon State Board of Towing, ICO DMV Program Services, 1905 Lana Ave., NE, Salem, OR 97314. The Board does not have a fax number to conduct official state business.

8.

If Respondent is an agency, corporation, partnership, limited liability company, trust, government body, or an unincorporated association, Respondent must be represented by an attorney licensed in Oregon.

9.

1 If a contested case hearing is requested, before commencement of that hearing, Respondent will be
2 notified of the date, time, and location of the hearing, and given information on the procedures, rights of
3 representation, and other rights of the parties relating to the conduct of the hearing.

4 10.

5 If Respondent fails to timely request a hearing, withdraws a hearing request, or fails to appear at a
6 scheduled hearing, Respondent shall have waived Respondent's right to a hearing and the Board may
7 issue a Final Order by Default and impose against Respondent the above sanctions. If the Board issues
8 a Final Order by Default, it designates its file on this matter as the record for the purposes of proving a
9 *prima facie* case.

10 11.

11 A settlement conference is available as a collaborative dispute resolution process as an alternative
12 to a contested case hearing, if requested, within the time period stated in the notice. The request for a
13 settlement conference will not affect the right to a contested case hearing if a hearing request is received
14 by the agency within the time period in the notice and the matter is not resolved through the collaborative
15 process.

16 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

17 12.

18 Active duty servicemembers have a right to stay these proceedings under the federal
19 Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the
20 Oregon Military Department at (503) 584-3571, or the nearest United States Armed Forces Legal
21 Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have
22 a toll-free number.

23 **COLLECTION NOTICE**

24 13.

25 13.1 Civil penalties, costs, and fees assessed against a Respondent by the Oregon State Board
26 of Towing in a Final Order are due and payable on the 10th day following the date of the Final Order.

13.2 Pursuant to ORS 293.231, the Board will forward any unpaid balance on the account to the

1 Oregon Dept. of Revenue or a private collection agency for collection 60 days after the date of the Final
2 Order.

3 13.3 Pursuant to ORS 293.231, Respondent shall be responsible for the payment of the unpaid
4 balance due to the Oregon State Board of Towing and shall be responsible for any additional percentages
5 or any increase in the amount owed due to the accrual interest at the current interest rate assessed by the
6 Dept. of Revenue and/or any other collection fees and costs assessed by Dept. of Revenue or the agency's
7 assigned collection agent on the unpaid principal amount.

8 13.4 Collection fees, costs, and accrued interest may not be waived once an account, or the
9 unpaid balance due on an account, has been assigned to the Oregon Dept. of Revenue or a private
10 collection agency for collection.

11 DATED AND SERVED upon the above-named Respondent by regular and certified mail, addressed
12 to Respondent at Respondent's last known address, this _____ day of _____, 2026.

13 **OREGON STATE BOARD OF TOWING**
14 State of Oregon

15
16
17 By: _____
18 Torey McCullough, Board Administrator
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20
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