

From: [Kevin Greenwood](#)
To: [G. Ledingham](#)
Cc: [Karen Hewitt](#); [Aaron Ferguson](#); [Walter Chuck](#)
Subject: RE: Appeal Facilities Code Violation No 1114 (08-10-2016)
Date: Thursday, September 01, 2016 10:57:01 AM
Attachments: [160901Ledingham.pdf](#)

Mr. Ledingham,

The following letter will be delivered to your mailing address via first class mail. Please contact Karen Hewitt if you decide you want to appeal my decision to the Commission. The date for that hearing would be 9/27 at 6pm.

Respectfully,

Kevin
(541) 265-7758
(541) 961-9517 cell

From: G. Ledingham [mailto:gledingham@theriver.com]
Sent: Wednesday, August 31, 2016 11:19 AM
To: Kevin Greenwood <kgreenwood@portofnewport.com>
Subject: Re: Appeal Facilities Code Violation No 1114 (08-10-2016)

Have not received a written response in regards to this incident.

Please supply the appropriate documentation.

Thank you.

----- Original Message -----

From: [Kevin Greenwood](#)
To: [G. Ledingham](#)
Cc: [Rick Fuller](#) ; [Walter Chuck](#) ; [Steve Beck](#) ; [Ken Brown](#) ; [Karen Hewitt](#)
Sent: Monday, August 15, 2016 3:26 PM
Subject: RE: Appeal Facilities Code Violation No 1114 (08-10-2016)

Mr. Ledingham,

I received your request for an appeal and will consider this under the terms of Chapter 7 "Enforcement" in the Port of Newport's Facility Code.
<http://www.portofnewport.com/pdfs/PortFacilitiesCodeFINAL.pdf>.

I'll be in touch shortly. Thank you.

Kevin
(541) 265-7758
(541) 961-9517 cell

From: G. Ledingham [<mailto:gledingham@theriver.com>]
Sent: Monday, August 15, 2016 3:12 PM
To: Kevin Greenwood <kgreenwood@portofnewport.com>
Cc: Rick Fuller <rfuller@portofnewport.com>; Walter Chuck <wchuck@portofnewport.com>; Steve Beck <sbeck@portofnewport.com>; Ken Brown <kbrown@portofnewport.com>; Karen Hewitt <khewitt@portofnewport.com>
Subject: Appeal Facilities Code Violation No 1114 (08-10-2016)

Gerald Ledingham
4164 Camino De La Colina
Tucson, AZ 85711
(520) 269-8821

Kevin Greenwood
Port of Newport General Manager
600 S.E. Bay Boulevard
Newport Oregon 97365

RE: Appeal Facilities Code Violation No.1114 (08-10-2016)

Dear Sir:

I am writing to appeal my Facilities Code Violation in the amount of \$40 for not having a parking permit in Moorage Holder Only parking lot for a parking period of less than 15 minutes.

Purchased Dry Camping permit for period of three days from Port of Newport RV Parks and had permit posted in widow of RV at time of citation.

Drove over to the Moorage shower facility, as the dry camping facility is a good distance and parked in the lot. Went into Shower restroom facility to take a shower for second night and was timing the length of the shower, as it seemed like the shower was only about 3 minutes the night before. Started timing the 5 minute period at 6:55 pm and it was the full five minutes.

Returned to RV and drove back to dry camping area and noticed citation on passenger side wiper with a ticket time of 1900 hours and it was 7:10 PM. I drove around the area and brewery seeking the security person and he had disappeared.

Went back to the lot and asked a person that was leaving his vehicle if he had seen the ticket being issued. He said he had and stated that the security person was strict, as he had issued him a ticket in person previously for an infraction when he was using his roommate's car and did not have his permit available.

Returned to the RV park office the next day and asked about the ticket and their response was to call the dispatch office and stated, "They really like to give out tickets!"

Called the dispatch office and they had an officer meet me at Starbucks where I was using WI-FI and explained the situation to him. He was very nice and said the lot is properly

posted and I was in violation of the rules and to go to the port office for help.

I spoke with Karen, she looked up the code, and the only thing was the right to appeal.

Attached pictures of the lot with my RV parked in the same spot under the same circumstances (empty) as when using the shower the night before. The sign states Long Term and assumed if parking for a long period it would be a violation. Have used lot intermittently for four years when dry camping to do laundry, shower and use bait shop as it is usually empty.

Based on circumstances maybe a warning ticket should be issued if it is a critical violation Maybe a little common sense such as checking the vehicle multiple times for long-term use (more than two hours?) before issuing citation Question how many tickets have been issued to people loading and unloading vehicles when visiting boats in moorage.

Since the RV Park is aware of numerous tickets maybe they should be reviewed and TCB given new parameters for port property and issue more warnings rather than tickets. The security person was trying to do a good job and look good for his superiors by following the rules.

It is much easier to pay the ticket than spend the time I have invested writing the letter to appeal. A \$40 parking ticket makes an unhappy customer and sure ruins fishing/ boating trip!

By copy of this letter request, the parking ticket be dismissed. I look forward to visiting again next year.

Respectfully,

Gerald Ledingham

Gerald Ledingham
4164 Camino De La Colina
Tucson, AZ 85711
(520) 269-8821

Kevin Greenwood
Port of Newport General Manager
600 S.E. Bay Boulevard
Newport Oregon 97365

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Gerald Ledingham



LONG-TERM
MOORAGE HOLDER
PARKING ONLY
Parking Permit Required
VIOLATORS ARE
SUBJECT TO FINE
Thank you for your cooperation.

NO
OVERNIGHT
CAMPING

MOORAGE
HOLDER
PARKING
ONLY
PERMIT
REQUIRED



600 S.E. Bay Blvd., Newport, OR 97365 / (541) 265-7758 / www.portofnewport.com

September 1, 2016

Mr. Gerald Ledingham
4164 Camino De La Colina
Tucson, AZ 85711

RE: APPEAL FACILITIES CODE VIOLATION NO. 1114 (08-10-2016)

Mr. Ledingham,

Pursuant to the Port of Newport Facilities Code (PNFC) Section 7.2 ("Enforcement"), I received your written notice of appeal to a \$40 Parking/Traffic violation under PNFC Section 2.42 on August 15, 2016. I am required to rule upon the appeal within 21 days of the receipt of your notice (Sec. 7.2(a)).

The citation was issued for not having a proper permit to park in the Long-Term Moorage Holder parking lot. Based upon the discussion we had on Monday, Aug. 29th and the pictures you submitted along with your appeal, I agree with Officer Ferguson that a violation occurred. The lot is clearly marked with a prominent sign and your vehicle was additionally improperly parked within the lot. I will reduce the violation from \$40 to \$30 due to our conversation.

The reason for my decision includes:

- The parking lot is clearly marked with a prominent sign indicating that the lot is for Long-Term Moorage Holder permits.
- You agreed that a violation did occur.
- Public parking is available approximately 50-ft. from the showers.
- Vehicle is improperly parked over three spaces.
- Support for the officer who accurately wrote the citation.
- Reduced amount due to the relative emptiness of the lot.

My decision may be appealed to the Board of Commissioners of the Port of Newport by providing written notice thereof to the Port within five days of service of the General Manager's decision. (Sec. 7.2(b)) The notice shall contain, at a minimum, a statement of describing the action appealed, the facts forming the basis for the appeal, and your name, mailing address and phone number.

The appeal will be heard by the Commission at its next regularly scheduled meeting (Sept. 27th, 6:00pm) or at a special session of the Commission (Sept. 27th, Noon).

Any information that you would like to provide the Commission in advance of the meeting may be submitted to the Port's Administrative Assistant, Karen Hewitt, at khewitt@portofnewport.com.

Sincerely,

A handwritten signature in black ink that reads "Kevin M. Greenwood". The signature is written in a cursive style with a large initial 'K' and 'G'.

Kevin M. Greenwood
General Manager

cc: Port of Newport Board of Commissioners
TCB Security

From: [Kevin Greenwood](#)
To: [Karen Hewitt](#)
Subject: FW: Commission Board Appeal of Facilities Code Violation 1114
Date: Tuesday, September 27, 2016 9:51:10 AM
Attachments: [Newport Ticket.doc](#)

Can you print these items out along with my letter at the back of the board packet for handouts this evening? Apparently there was a request by Mr. Ledingham to appeal my decision to the board...

Kevin
(541) 265-7758
(541) 961-9517 cell

From: Steve Beck
Sent: Tuesday, September 27, 2016 9:34 AM
To: Kevin Greenwood <kgreenwood@portofnewport.com>
Subject: FW: Commission Board Appeal of Facilities Code Violation 1114

From: G. Ledingham [<mailto:gledingham@theriver.com>]
Sent: Wednesday, August 31, 2016 3:55 PM
To: Walter Chuck; Steve Beck; Stewart Lamerdin; Ken Brown
Subject: Commission Board Appeal of Facilities Code Violation 1114

Dear Sir:

I am writing you in regards to the outcome on an appeal for a parking ticket issued on 08/10/16 and appealed on 08/15/16 per Port Facilities Code, Chapter 7, paragraph 7.2 (a) (Copy attached)

Per Port Facilities Code Chapter 7, paragraph 7.2 (b) I am requesting an appeal by the Board of Commissioners and requesting an appeal of the General Managers decision.

Paragraph 7.2 (a) states "The General Manager's ruling shall be served upon the appealing party via first class mail to the address provided in the appeal.

The General Manager responded via e-mail on 08/15/16 and stated, "I received your request for an appeal and will consider this under the terms of Chapter 7 "Enforcement" in the Port of Newport's Facility Code. <http://www.portofnewport.com/pdfs/PortFacilitiesCodeFINAL.pdf>.

On 08/16/16 the General Manager again responded and stated "Mr. Ledingham,

Do you have a copy of the citation?

The General Managers ruling was received by telephone on Friday, August 26 at 11:12 AM, and lasted 40 minutes and was not followed with any written response.

As of 11:00 AM, this date no written response had been received. A request for a written

response was sent to the General Manager at 11:19 AM and read at 11:23 AM.

Receipt of the ruling via first class mail is not feasible as I am traveling and will arrive at my mailing address until sometime after September 30.

This whole incident is astonishing starting first with the ticket and the verbal response for 40 minutes with the General Manager especially after reviewing his background.

The General Manager said after approximately 30 minutes that he could reduce the fine from \$40 to \$30.

The short version of the verbal response received was that a rule was willfully broken and there must be punishment. Stated the issuing officer was personally interviewed and unable to waive the fine as consistency of punishment must be maintained and if it was waived it would affect the morale of the issuing officer.

Numerous questions were posed regarding reasons why not dismiss the citation and always back to rule being broken. Asked if the purpose of the ticket was not to correct behavior and stated that now, fully aware that any parking with out a permit is unacceptable and would never park there again. Why not a warning? Stated that at least 30 minutes of my time had been consumed in conversation in addition to the time to compose the original appeal, what more do you want from me?

Explained that I was in disbelief with the decision, long conversation, the poor handling of the situation and expected a more professional attitude from a manager of his position.

Due to the content of conversation, I recommended that supervision and management classes are undertaken to improve the people handling skills, customer relations, and decision-making skills as they were definitely lacking.

Recommend the commission request the general manager provide them with the reasoning and justification to support his decision. Counsel him on time management skills and find additional duties to reduce the micro management time.

At this point to much of my vacation time has been expended in an attempt to improve your customer relations. This incident has completely ruined what was a nice annual visit, and may become the last visit.

Sincerely,

Gerald Ledingham

PS: According to your documentation the fine has increased to \$85 due to lack of payment within 14 days and does not address the payment in regards to an appeal. Also the General Manager did not mention the appeal process to the board, it was discovered accidentally when checking for citation of the rules.

PSS: Received notification from General Manager during composition that ["Yes, you should be receiving a letter from me shortly."](#)

Will forward upon receipt.