

ITEM NO. 10 – Proposed Overnight Parking Restrictions for Parking Lot Nos. 622, 640, and 665

Sontue Beacham, Sr. Management Analyst, presented the report.

Questions and answers were provided.

- Commissioner Davidian raised a question regarding current plans for the homeless housing in Lot 665.
- Ms. Beacham clarified where the development for the homeless housing will be built (across Lot 665); Lot 665 is where the developer is staging their materials and equipment; and the lot is closed through a revocable permit they have with the Permits Division.
- Commissioner Liban asked to reconfirm that there is no impact to the residents as mentioned by Ms. Beacham.
- Ms. Beacham confirmed that there is no impact to the residents.
- Commissioner Liban asked Ms. Beacham to clarify her statement about CD 8 also requesting for Lot 665 to be closed but in the attachment, it is only for CD 3.
- Ms. Beacham explained how they did not receive any type of letter from CD 8 similar to the one from Councilmember Blumenfield but that CD 8 has been in communication with Division Manager Ken Husting.
- Commissioner Tohom asked to explain what it meant by closing the lots – have gates or just open.
- Ms. Beacham discussed the two lots in Reseda that would be open/accessible with signage “No Trespassing” so LAPD can enforce, and that Lot 665 currently have a perimeter gate around it, but has been broken into.
- Commissioner Tohom agreed with the placement of restrictions but he also expressed his concerns about the individuals and RVs returning.
- Ms. Beacham explained the coordinated effort between Council districts and LAPD to clean up and clear out and how the Council district will notify staff for additional hours if there is a problem.
- Commissioner Tohom asked if the problem is just moving from the lot to the streets.
- Ms. Beachman stated why she could not answer the question and shared the improvements seen at the lots in Venice and with similar overnight restrictions in San Pedro for noise abatement. She added that they work with the Council districts to find other solutions.
- Commissioner Tohom expressed his hope for continued effort to get these individuals the needed help and how it would also improve the rest of the community once this action is approved.
- Ms. Beachman discussed how they conduct a general clean up, work with the Council district, and the different entities and services available to assist individuals.

Commissioner Pak moved, seconded by Commissioner Talbott to approve Item No. 10. Unanimously APPROVED.

Commissioner Tohom moved, seconded by Commissioner Liban to enter into Closed Session. Unanimously APPROVED.

ITEM NO. 11 – Appeal of Richard Christopher Fuentes Concerning the Department’s September 26, 2023 Denial of His Motor Bus Driver Permit, Pursuant to Board Order 600, Rule D1

Patricia Barker, Sr. Transportation Investigator, provided the report.

Appellant Fuentes was present and addressed the Board.

Questions, answers, and comments were provided.

- Commissioner Liban commented that he has never heard of the document being passed around by the appellant. He asked DCAs Nagle or Dufner what is meant by discharge of a violent felony.
- DCA Dufner stated that he would have to look at the document.
- Commissioner Davidian asked who the issuing agency of the document was.
- Appellant Fuentes confirmed that the CDC State of California issued the document.
- Commissioner Liban commented on the appellant’s last criminal offense of 14 years ago and asked the appellant to provide specifics that could convince the Board on how he has rehabilitated.
- Appellant Fuentes shared how he has rehabilitated since he got out of prison; assaulted 2 years ago and as a result, messed up his arm; and then applied as a bus driver and felt he was doing well.
- Commissioner Liban commented on the appellant’s disclosed disability and asked AGM Kim if that is not a restriction.
- AGM Kim asked the appellant to clarify the type of disability he had.
- Appellant Fuentes stated that it was an assault with a knife and had a radial nerve repair but no restrictions.
- AGM Kim stated that it sounded like a temporary injury, which does not prohibit the appellant to be a driver.
- Commissioner Liban asked the appellant if he is currently employed.
- Appellant Fuentes confirmed he is currently employed as a bus driver with Foothill Transit.
- Commissioner Liban asked Ms. Barker about the attestations of character for appellants that the Commission usually get.
- Ms. Barker explained how she received a lot of appeals from DOT Transit and most of them are hand written on a piece of lined paper and do not get anything from the company whether or not they support. She added that she informs the appellants of their right to bring witnesses and support and it is up to them to do so.
- Commissioner Talbott asked the appellant if he had a family.
- Appellant Fuentes confirmed he has a family.

- Commissioner Pak asked the appellant to talk about his experience in Foothill Transit, how many years worked and his role.
- Appellant Fuentes shared that he was laid off by LA DASH and has been employed and in training with Foothill Transit for a month and 2 weeks since November 10.

- Commissioner Tohom asked if the appellant would like to come back at LADOT if a decision was made or would he work both lines and how would that be possible.
- Appellant Fuentes stated that LADOT would be closer if he could get his permit.
- Commissioner Tohom asked the appellant what the reason was for the felony in 2009.
- Appellant Fuentes described the incident and his sentence, and added that he has not committed any crimes since then.
- Commissioner Pak summarized her understanding of the appellant's testimony and asked if the appellant had a job offer from DASH.
- Appellant Fuentes clarified that he is still with the company technically but could not work without a permit.
- Commissioner Davidian reiterated that the appellant could work in other locations but not in the City of LA and employed by MV but cannot operate LA City DASH without a permit.
- Ms. Barker informed the Board that to her knowledge in the history of all the years this type of appeal was brought to the Commission, D1 is a permanent disqualification and has not been granted and has to be brought into consideration.
- DCA Nagle stated that under Board Rule 600, no Board has granted an appeal previously in the City of Los Angeles that he was aware of.
- Commissioner Liban asked DCA Nagle that if this appeal was granted, it would be precedence setting.
- DCA Nagle stated that he believed it would be precedence setting and that in the past, we had them for misdemeanors but not for felonies.
- DCA Dufner shared that he was present at one occasion when the Board granted an appeal for a misdemeanor offense and that the language indicated the Board in that situation may grant the appeal.
- Commissioner Talbott asked if it is a "shall" or a "may".
- DCA Nagle stated that it is "shall".
- Commissioner Talbott stated that "shall" means that the Commission's hands are tied.
- Commissioner Liban commented that the Commission could not act on this appeal.
- Commissioner Talbott expressed her thoughts on how people rehabilitate themselves to turn their lives around and raised the issue that when the law states "shall", the Commission's hand is tied and has no choice.
- Commissioner Liban raised a two-part question: 1) based on Commissioner Talbott's comments, the Board can't act on this on the affirmative; and 2) at some point in the future there could be consideration for granting an appeal like this, there has to be some structural changes in the rules and that the process has to go on the life of its own.
- DCA Nagle agreed with Commissioner Liban's statement.
- Commissioner Pak shared her thoughts on the uniqueness of the City of Los Angeles compared to other cities; commented on recognizing the value of rehab and giving people chances to correct their path and redeem themselves; and mentioned an opportunity for the Board, under the new leadership of Commissioners Liban and Talbott, to start a discussion.

- Commissioner Davidian asked DCA Nagle why this item was brought to the Board if the Commission has no decision in this matter by law.
- Commissioner Liban asked what the Commission's action was on the appeal.
- Commissioner Talbott stated that if the Commission does not have the authority to make a decision on this matter, it should be tabled or stricken from the agenda.
- Ms. Barker asked the Board if they would like a copy of all the Board Orders as a reference.
- Commissioner Liban responded that it could be provided during AGM Kim's training.
- DCA Nagle suggested that the appellant might want to expunge to reduce the charge to misdemeanor.
- Given the appellant's length of time, his age, and evident rehabilitation, Commissioner Talbott agreed to DCA Nagle's suggestion about expungement, and added that the appellant could come back to the Board but would rather not take a position on the appeal at the current time.
- Commissioner Pak restated that the Commission would like to take the opportunity to take other type of action so that the Commission could welcome the appellant back in the near future to approve his permit but at the current time, the Commission does not have the authority to say "yes" or "no".
- DCA Nagle suggested that given the rule, the Commission could reject the appeal but there is nothing that could prevent the appellant from coming back after he gets his expungement and the appellant appeals again.
- Commissioner Liban suggested for consideration of the Commissioners as an alternative, to have no action on this matter and to put it on the record that the Commissioners did not take action, and that Mr. Fuentes could come back sometime in the future after he completes whatever he needs to do to make his case with the Board again.
- As a cleaner alternative, Commissioner Talbott suggested that Mr. Fuentes withdraw his appeal, and if he withdrew his appeal, he could come back.
- Commissioner Liban asked Mr. Fuentes if he would like to withdraw his appeal.
- Mr. Fuentes stated that he would like to withdraw his appeal.

Commissioner Talbott moved, seconded by Commissioner Pak to accept Appellant Fuentes' petition to withdraw his appeal. Unanimously APPROVED.

Commissioner Talbott moved, seconded by Commissioner Tohom to return to Open Session. Unanimously APPROVED.

DCA Nagle reported that Appellant Richard Christopher Fuentes withdrew his request for an appeal.

ADJOURNMENT – PURSUANT TO GOVERNMENT CODE SECTION 54956.7

With no further business to come before the Board, Commissioner Davidian moved, seconded by Commissioner Pak to adjourn the meeting. Unanimously APPROVED.

The meeting adjourned at 11:17 AM.