

ITEM #12

BOARD REPORT
CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION

Date: June 13, 2024
To: Board of Transportation Commissioners
From: Laura Rubio-Cornejo, General Manager
Subject: **APPEAL OF JOSHUA ABRAHAM DURAN CONCERNING THE DEPARTMENT'S MONETARY PENALTY ASSESSMENT OF \$100 PURSUANT TO BOARD ORDER 580, § 3(a)**



RECOMMENDATIONS

That your Board:

- a. **Find** that on March 12, 2024, while conducting field enforcement, it was discovered that Joshua Abraham Duran (Duran) was working as an ambulance attendant for an unpermitted private ambulance company, Explorer-1 Ambulance, (Explorer-1), a violation of Los Angeles Municipal Code § 71.04 – unpermitted ambulance attendant. Duran was subsequently issued Hearing Notice #65794 for unpermitted ambulance attendant.
- b. **After** an Administrative Hearing was held on April 18, 2024, Duran was assessed a Monetary Penalty of \$100. Duran exercised his right and appealed the Department's decision.
- c. **Deny** Duran's appeal of the Department's April 18, 2024, Administrative Hearing findings.
- d. **Inform** Duran that the monetary penalty was appropriately assessed and payment must be submitted to the Department no later than 30 days from the Board's decision.

Initiated By

On April 18, 2024, Duran appealed the Department's Monetary Penalty assessment by filing a written "Request for Hearing Before the Board of Transportation Commissioners". (Attachment 1)

DISCUSSION

On March 12, 2024, at approximately 7:34 am, while conducting field enforcement at DaVita Los Angeles Dialysis Center, located at 3901 S. Western Ave, Los Angeles, CA 90062, the Department made contact with Explorer-1 Ambulance, a private ambulance service that is currently not authorized to operate within the City of Los Angeles. At the time the contact was made, the ambulance crew was picking up a dialysis patient, a violation of Los Angeles Municipal Code (LAMC) § 71.02(a) - unpermitted vehicle, 71.03(a) - unpermitted driver, and 71.04 - unpermitted ambulance attendant. Duran was working as the ambulance attendant at the time.

While in the process of conducting an investigation regarding Duran, it was discovered that the Department’s Taxi, Ambulance, Vehicle for Hire Information System (TAVIS) database indicated he possessed a current LADOT driver permit #628271 valid for Skori, Inc. dba West Coast Ambulance (West Coast). As a result, Duran was issued Hearing Notice #65794 with an assigned Administrative Hearing date of March 19, 2024. (See Attachment 2)

On March 19, 2024, Duran requested a 30-day extension so he could seek legal representation. This request was granted and the date for Duran’s hearing was reset to April 18, 2024 at 10:00 am.

As part of the investigation, West Coast Ambulance was notified of the violation. On March 19, 2024, West Coast submitted an electronic copy of a Two Week Notice of Resignation submitted by Duran on September 6, 2023¹, indicating that Duran was resigning from West Coast Ambulance effective two weeks from the date of the notice. (Attachment 3)

April 18, 2024 Administrative Hearing

In attendance was Investigator Ron Haywood (Haywood), Duran, and Mr. Robert Ware (Ware), legal representative for Duran.

After hearing all evidence, Haywood concluded that a violation of LAMC § 71.04 had, in fact, occurred. In accordance with Board Order 580, Section 3(a), Haywood assessed Duran a Monetary Penalty of \$100.

Ware, Duran’s legal representative, advised him to appeal the decision. (See Attachment 1).

Applicable Regulations

Los Angeles Municipal Code § 71.04 states:

“No person shall act as an ambulance attendant in a private ambulance unless such person holds an ambulance attendant permit or an ambulance driver permit issued by the Board.”

Board Order 580, § 3 states:

ATTENDANT PERMITTEES

Violation

Penalty per violation:

		<u>First</u>	<u>Second</u>	<u>Third or more</u>
a.	“Acting as an attendant without a valid permit issued by the Department”	\$100	\$100	\$100

¹ NOTE: Duran’s permit showed an “Active” status in the database at the time of this incident because West Coast never notified the Department of Duran’s resignation.

Appellant's Statement

Duran stated in his "Request for Hearing Before the Board of Transportation Commissioners" that, "I was not in violation of 71.04." (Attachment 1.)

JMM/pab

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