

LOS ANGELES FIRE DEPARTMENT



KRISTIN M. CROWLEY
FIRE CHIEF

March 1, 2023

BOARD OF FIRE COMMISSIONERS
FILE NO. 23-023

TO: Board of Fire Commissioners

FROM:  Kristin M. Crowley, Fire Chief

SUBJECT: 2022 BRUSH CLEARANCE APPEALS PROCESS AND HIRING OF THE HEARING OFFICERS

FINAL ACTION: Approved Approved w/Corrections Withdrawn
 Denied Received & Filed Other

SUMMARY

The Los Angeles Fire Department, in accordance with Los Angeles Municipal Codes 57.104.21.1 and 57.322.1, is responsible for enforcing municipal fire codes. If a property owner fails to comply with the order to abate a fire nuisance, the municipal codes permit the Fire Department to assess a penalty against the owner of record for the cost of re-inspection, the cost of removal of a public nuisance, and the administrative cost of processing the contract. An invoice is mailed with an appeal request form, providing the property owner their due process to challenge all charges and penalties levied against them during the brush clearance process. If the appeal is processed, the owner may appear before a Hearing Officer at the time, date, and location specified in the notice, or may request to appear at an alternate later time and/or date.

The Board of Fire Commissioners, or its designee, acts as the City's Hearing Officer and conducts a hearing. The Hearing Officer considers the report setting forth the cost of abatement, receives testimony from the departmental personnel, and considers the testimony and other evidence of property owners who appear at the hearing. Traditionally, the Board of Fire Commissioners does not preside over the appeal process, but appoints qualified individuals as its representative for these proceedings. The Board of Fire Commissioners has two or three Hearing Officers presiding over the appeals process. The Hearing Officer as the designated representative for the Board of Fire Commissioners is responsible for determining whether the Fire Department has met its obligation to provide the property owner with due process in disputing the brush clearance or fire prevention process and any assessed charges.

RECOMMENDATIONS

That the Board:

1. Approve starting the appeal process in April 2023 for the Non-Compliance Fee and Brush Clearance Assessment costs from the 2022 Brush Clearance Season.
2. Approve the appointment of Steven Anthony Napolitano, Martha Romero and Marvetta Evans as the designated Hearing Officers.

FISCAL IMPACT

The Hearing Officer Bulletin advertised the position under the title of "Hearing Officer (1328)" and is paid at an hourly rate of \$30.26-\$44.22. Each Hearing Officer would be hired "As Needed", and will be paid under the Salaries as Needed Account 1070. This allows the Department more flexibility in scheduling hearings throughout various times of the year based on the number of appeals requests received. The Department typically receives approximately 900 to 1100 requests for appeals each year and utilizes Hearing Officers for a period of 8 to 12 weeks. Revenue generated annually is between \$1,500,000 to \$2,000,000 which includes the abatement costs, non-compliance and administrative fees. This amount is directly linked to the number of assessed properties.

DISCUSSION

The Fire Department met with Fire Personnel Service Section to discuss the various aspects of the appeals process, ethics, conflict, and legal requirements regarding the selection of Hearing Officers. Based on this discussion, the Fire Department conducted an extensive outreach plan to search for the most qualified individuals.

A job announcement bulletin was released inviting candidates to apply by submitting a resume, cover letter, and writing sample followed by oral interview. At the conclusion of this examination process, the top three candidates were selected.

Mr. Steven Anthony Napolitano holds a Juris Doctor degree and has served the County of Los Angeles as a Mayor and a Hearing Officer. Mr. Napolitano will be a great asset to the Department as a Hearing Officer.

Ms. Martha Romero holds a Juris Doctor degree and has served as a Hearing Officer for personal property tax and business license appeals. Ms. Romero has extensive knowledge of the law and would be an asset to the Department as a Hearing Officer.

Ms. Marvetta Evan holds a Juris Doctor degree and is a Contract Paralegal who has served the City of Los Angeles as a Panelist with the Neighborhood Justice Program (NJP) at the City Attorney's Office. Ms. Evans will be a great asset to the Los Angeles Fire Department as a Hearing Officer.

CONCLUSION

The Brush Clearance Unit is prepared to handle all administrative responsibilities necessary to complete the 2022 Brush Clearance and Non-Compliance Appeals. If the Board wishes to avail the services of Mr. Steven Anthony Napolitano, Ms. Martha Romero and Ms. Marveta Evans as designees, the Fire Department will proceed with the necessary arrangements to begin the process to conduct these hearings.

Board report prepared by Bryan R. Nassour, Captain I, Brush Clearance Unit.