

May 3, 2016



RALPH M. TERRAZAS
FIRE CHIEF

April 21, 2016

BOARD OF FIRE COMMISSIONERS
FILE NO. 16-046

TO: Board of Fire Commissioners
FROM: *RMT* Ralph M. Terrazas, Interim Fire Chief

SUBJECT: 2016 BRUSH CLEARANCE APPEALS PROCESS AND APPOINTMENT
OF THE HEARING OFFICERS

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

The 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 the property owner fails to comply with the order to abate a fire nuisance, the municipal codes allow the Fire Department to assess a penalty against the owner of record for the reinspection, the cost of removal of a public nuisance and the administrative cost of processing the contract.

An invoice is sent to the property owner by way of the United States Postal Service. Included with the invoice, is an appeals request form, which gives the property owner their due process to challenge all charges and penalties levied against them during the brush clearance process.

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, considers the report setting forth the cost of abatement, receives testimony from department personnel and considers the testimony and other evidence of property owners who appear at the hearing.

The Board of Fire Commissioners has traditionally not presided over the appeals process, but instead has opted to appoint qualified individuals as its representative for these proceedings. Generally, the Board of Fire Commissioners uses two to three Hearing Officers to preside 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 appeals process in May 2016 regarding the Noncompliance Fee and Brush Clearance Assessment costs from the 2015 Brush Clearance Season.
2. Approve the appointment of Allan Kretzmar and Kelly O'Brien 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 \$33.94. 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 275 to 350 requests for appeals each year and utilizes Hearing Officers for a period of three to four weeks. Revenue generated annually is between \$850,000 to over one million dollars, 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 Services 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 for an examination consisting of submitting a resume, a writing sample, and participating in an oral interview examination. At the conclusion of this examination process, the top candidates were selected.

Mr. Allan Kretzmar holds a law degree and possesses an extensive background in presiding over administrative hearings for the Los Angeles Fire Department and the City of Bellflower.

Ms. Kelly O'Brien has served as an Administrative Law Judge for California Department of Social Services in Los Angeles, San Diego, and San Bernardino. She is also a member of the California Bar, practicing in California for over 30 years.

CONCLUSION

The Brush Clearance Unit is prepared to handle all associated administrative responsibilities necessary to complete the 2015 Brush Clearance and Noncompliance Appeals. If the Board wishes to avail the services of Allan Kretzmar and Kelly O'Brien as designees, the Fire Department will proceed with the necessary arrangements to begin the process to conduct these hearings.

Board report prepared by Robert Knight, Captain II, Brush Clearance Unit.