

June 6, 2017



RALPH M. TERRAZAS  
FIRE CHIEF

May 22, 2017

TO: Board of Fire Commissioners

BOARD OF FIRE COMMISSIONERS  
FILE NO. 17-070

FROM:  Ralph M. Terrazas, Fire Chief

SUBJECT: 2017 BRUSH CLEARANCE APPEALS PROCESS AND APPOINTMENT  
OF 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 Withdrawn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 re-inspection, 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 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.

## **RECOMMENDATION**

That the Board:

1. Approve starting the appeals process in June 2017 regarding the Noncompliance Fee and Brush Clearance Assessment costs from the 2016 Brush Clearance Season.
2. Approve the appointment of Kristen J. Mason 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 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.

Ms. Kristen J. Mason excelled in all rating categories. She has extensive Hearing Officer experience with the City of Los Angeles Department of Transportation.

Ms. Kelly O'Brien has served as an Administrative Law Judge for California Department of Social Services and is a member of the California Bar, practicing for over 30 years.

## **CONCLUSION**

The Brush Clearance Unit is prepared to handle all associated administrative responsibilities to complete the 2016 Brush Clearance and Noncompliance Appeals. If the Board wishes to avail the services of Kristen J. Mason 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.

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