



LOS ANGELES FIRE DEPARTMENT

RALPH M. TERRAZAS
FIRE CHIEF

June 23, 2019

BOARD OF FIRE COMMISSIONERS FILE NO. 20-055
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TO: Board of Fire Commissioners

FROM:  Ralph M. Terrazas, Fire Chief

SUBJECT: 2019 BRUSH CLEARANCE APPEALS PROCESS AND APPOINTMENT
OF THE HEARING OFFICER

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 Withdrawn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 allows 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 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 the departmental 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 appeal process but instead has opted to appoint qualified individuals as their 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 appeal process in July 2020 for the Noncompliance Fee and Brush Clearance Assessment costs from the 2019 Brush Clearance Season.
2. Approve the appointment of Steven Anthony Napolitano and Detra D. Hicks 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 \$29.65-\$30.47. 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 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 for an examination consisting of submitting a resume, a cover letter, a writing sample and participating in an oral interview examination. At the conclusion of this examination process, the top two candidates were selected.

Mr. Steven Anthony Napolitano holds a Jurisprudence, Doctor of Law 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 Los Angeles Fire Department as a Hearing Officer.

Ms. Detra Dewitt Hicks holds a Jurisprudence, Doctor of Law degree and has been a Contract Attorney for the last 8 years. Ms. Hicks has extensive knowledge of the law and would be an asset to the Los Angeles Fire Department as a Hearing Officer shall Mr. Napolitano decline the offer or appointment or become unavailable during the appeals period.

CONCLUSION

The Brush Clearance Unit is prepared to handle all associated administrative responsibilities necessary to complete the 2019 Brush Clearance and Noncompliance Appeals. If the Board wishes to avail the services of Mr. Steven Anthony Napolitano and Ms. Detra Dewitt Hicks as designees, the Fire Department will proceed with the necessary arrangements to begin the process to conduct these hearings.

Board report prepared by James P. Hayden, Battalion Chief, Industrial and Commercial Section.