



LOS ANGELES FIRE DEPARTMENT

RALPH M. TERRAZAS
FIRE CHIEF

June 24, 2021

BOARD OF FIRE COMMISSIONERS
FILE NO. 21-065

TO: Board of Fire Commissioners

FROM:  Ralph M. Terrazas, Fire Chief

SUBJECT: 2021 BRUSH CLEARANCE APPEALS PROCESS AND HIRING 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 Withdrawn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 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, including those pertaining to brush clearance requirements. If a property owner fails to comply with the order to abate a fire nuisance, the Municipal Code 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 any necessary contract. An invoice is sent to the property owner by way of the United States Postal Service. Included with the invoice is an appeal request form, which provides the property owner with 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 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 brush clearance or fire prevention processes, as well as any assessed charges.

RECOMMENDATIONS

That the Board:

1. Approve starting the appeal process in July 2021 for the Noncompliance Fee and Brush Clearance Assessment costs from the 2020 Brush Clearance Season.
2. Approve the appointment of Steven Anthony Napolitano, Martha Romero and Paul Garcia 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 flexibility in scheduling hearings throughout the year based on the number of appeals requests received. The Department typically receives from 275 to 600 requests for appeals each year and utilizes Hearing Officers for a period of three to four weeks. Revenue generated annually through abatement costs, non-compliance and administrative fees range from \$850,000 to over one million dollars. This amount is directly linked to the number of properties assessed in a given year.

DISCUSSION

The Fire Department and Fire Personnel Services Section have discussed the appeals process, ethics, conflict, and legal requirements regarding the selection of Hearing Officers. Based on this discussion, the Fire Department conducted extensive outreach to identify 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 three 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 would be an asset to the Los Angeles Fire Department as a Hearing Officer.

Ms. Martha Romero holds a Law 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 Los Angeles Fire Department as a Hearing Officer.

Mr. Paul Garcia holds a Jurisprudence, Doctor of Law degree and has served as a Deputy Public Defender for the Los Angeles County and a Deputy District Attorney for Riverside County. Mr. Garcia would be an asset to the Los Angeles Fire Department as a Hearing Officer.

CONCLUSION

The Brush Clearance Unit is prepared to handle all associated administrative responsibilities necessary to complete all 2020 Brush Clearance and Noncompliance Appeals. If the Board wishes to avail the services of Mr. Steven Anthony Napolitano, Ms. Martha Romero and Mr. Paul Garcia 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.