



Metropolitan
Transportation
Authority

One Gateway Plaza
Los Angeles, CA
90012-2952

**SUBJECT: APPOINTMENT OF ADMINISTRATIVE HEARING
EXAMINER FOR PARKING VIOLATION
ADMINISTRATIVE HEARINGS**

**ACTION: APPROVE QUALIFICATIONS OF KEVIN TVEDT AS
HEARING EXAMINER FOR PARKING VIOLATION
ADMINISTRATIVE HEARINGS PURSUANT TO VEHICLE
CODE SECTION 40200 ET SEQ.**

RECOMMENDATION

Approve the qualifications, as required by Vehicle Code section 40215, of Kevin Tvedt, Principal Budget Analyst, for appointment as hearing examiner to conduct administrative hearings related to parking citations issued by the Los Angeles Police Department (LAPD) and Los Angeles County Sheriff's Department (LASD). Such citations are issued to violators of parking regulations at MTA bus zones, MTA Park 'N Ride Lots and other MTA properties.

ISSUE

The purpose of the MTA's parking enforcement program is to ensure public safety in and around the Authority's facilities and to expedite safe and efficient public transit operations.

Pursuant to California Vehicle Code sections 40200 et seq., parking violations result in civil penalties and, if an appeal procedure, including an administrative hearing, is provided, the issuing agency is entitled to a major portion of any fines collected. Since 1993, the MTA has provided this appeal procedure, including administrative hearings as specified in Vehicle Code section 40215, and has received approximately \$1,179,082.91 to date. These revenues have been deposited into the general fund.

Hearing officers are required under state law to have received at least 20 hours of training. Upon the approval of the governing board of the issuing agency, up to 12 hours of relevant experience may be substituted for up to 12 hours of training. Approval by the board of Mr. Tvedt's qualifications, in addition to his completion of 8 hours of acceptable coursework, will enable him to conduct hearings as needed.

POLICY IMPLICATIONS

Although the MTA no longer has a police department, it is still considered the issuing agency for citations written by LAPD and LASD officers under the policing contracts at MTA bus zones, MTA Park 'N Ride Lots and other MTA properties.

Approval of Mr. Tvedt's qualifications for appointment as hearing examiner for parking violation administrative hearings will ensure that there is no loss of revenue to the MTA from contested parking citations and that hearings are provided in the most cost-effective manner possible. Effective administration of this program will also contribute to our public safety goals and increase efficiency of public transit operations.

ALTERNATIVE CONSIDERED

No approval of this action. MTA could lose a considerable amount of income from parking citation fines. If a hearing is not held on a contested parking citation within 90 calendar days of the request for the hearing, the fine is returned to the person contesting the citation.

BUDGET IMPACT

As indicated, appointment of Mr. Tvedt as the MTA's Hearing Officer will ensure that several thousand dollars in potential parking fines are not dismissed for lack of timely administrative hearings.

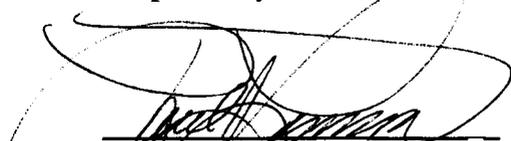
BACKGROUND

Since the MTA began the provision of an appeal procedure in 1993, County Counsel has performed parking violation administrative hearings as needed. In order to continue to receive its portion of the fines collected, and to provide these hearings in the most cost-effective manner possible, the MTA needs to appoint a new hearing examiner who is employed by the Authority. As indicated above, examiners must have a minimum of 20 hours of training which may be provided through completion of coursework offered by either of several organizations or through other board-approved program. Upon approval of the Authority's governing board, up to 12 hours of relevant experience may be substituted for up to 12 hours of training. Mr. Tvedt's qualifications consist of at least 12 hours of relevant experience and eight hours of training. With regard to the 12 hours of relevant experience, he holds a law degree and has completed courses covering due process, evaluation of evidence, hearing procedures, and effective oral and written communication. Mr. Tvedt also completed an eight-hour hearing officer training session, offered by the California Public Parking Association, in February 2000.

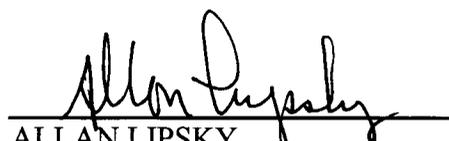
NEXT STEPS

Once approved as the administrative hearing examiner, Mr. Tvedt will conduct administrative hearings as necessary.

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PAUL J. LENNON
Managing Director,
Safety and Security



ALLAN LIPSKY
Office of the Chief Executive Officer