

**CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION
PARKING ADJUDICATION DIVISION
HEARING EXAMINER REPORT/NOTICE OF DECISION**

[REDACTED]
[REDACTED]
[REDACTED]

Hearing Location: West Los Angeles

Witnesses:
N/A

Exhibits:
Statement Of Rights
Administrative Review
Photographs
Citation
Written Statement

Hearing Examiner Decision:

Citation-No	Violation-Date	Decision	Fine-Amt	Paid-Amt	Refund-Amt	AmtNow-Due
[REDACTED]	06/22/2011	LIABLE	88.00	88.00	0.00	0.00

Total Fine Amount:	\$88.00
Total Refund Amount Authorized:	\$0.00
Total Amount Reduced:	\$0.00
Total Amount Now Due:	\$0.00

Los Angeles Municipal Code Section 80.69(a), "Stopping or Standing Prohibited", states, "Whenever authorized signs are in place giving notice that stopping or standing is prohibited during such hours or on such days as are indicated on such signs, it shall be unlawful for any person to stop or stand or park any vehicle at any time during such hours or such days."

In determining the outcome of a disputed citation, Hearing Examiners must follow the applicable law, most of which is contained in the California Vehicle Code and the Los Angeles Municipal Code. Section 40202(a) of the California Vehicle Code sets forth that the information required on a Notice of Parking Violation shall be considered a "record kept in the ordinary course of business" and "shall be prima facie evidence of the facts contained therein." Essentially, a complete citation establishes the facts listed upon it, without requiring the testimony of a Traffic Officer to verify it. A Respondent may introduce evidence rebutting certain facts on the citation, or establishing a defense or the presence of extenuating circumstances; these need not necessarily contradict facts recited on the citation. Hearing Examiners will assess all evidence and make a decision based on a "preponderance of evidence."

Examination of this citation indicates that the Department has established its *prima facie* case; all the required information is present. According to the citation, on 06/22/2011, at 6:50PM, at approximately 11533 West Exposition Blvd, Respondent's vehicle was cited for a no stopping standing violation. Respondent elected to contest this citation by Written Declaration.

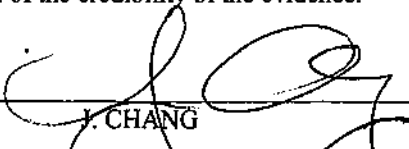
Witness Testimony: Respondent states that the sign was obstructed from view. Respondent's vehicle was towed. The sign was 10-15 feet behind a street stop sign.

Officer Comments: The Officer states that a sign was posted no stopping anytime.

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Finding of Facts: Los Angeles Municipal Code Section 80.10 provides that posted or marked parking restrictions are not enforceable if "at the time and place of the alleged violation, an official sign or marking is not in place and sufficiently legible and visible to be seen by an ordinary observant person." In addition the California Vehicle Code (CVC) has no general signage requirement, but CVC Section 22507.6 only requires a sign at the entrance to a block for street cleaning signs to be enforceable. In this case, it is unfortunate that Respondent did not notice the sign posting. One sign is sufficient to be enforceable for the entire block. It is impossible for a street sign to be in view of every possible parking space a motorist may park. It is the responsibility of the Respondent to walk the street and look for street signs on the block. In addition to the citation information, an Administrative Review conducted by the Department confirmed that signage sufficient to meet the standard of the code sections quoted above was present at the cited location. Respondent failed to provide convincing evidence to rebut the citation or the results of the Administrative Review. Respondent therefore is Liable for the citation.

The Hearing Examiner's decision for this case is not intended to establish a legal precedent for any other parking citation case. Each case is decided based upon its own unique set of facts, upon the evidence presented, and upon the Hearing Examiner's determination of the credibility of the evidence.

Hearing Examiner's Signature: _____  _____ Date: 08/18/2011

In accordance with CVC 40230 you have the right to appeal a final decision of the Hearing Examiner within thirty (30) calendar days from the mail date of the Hearing Examiner's decision. You must file the appeal In Person at one of the following Los Angeles Superior Court locations: Downtown Civil Division: 110 N. Grand Ave., L.A., 90012; Valley Division-Civil: 6230 Sylmar Avenue, Van Nuys, 91401; Beverly Hills Courthouse: 9355 Burton Way, Room 300, Beverly Hills 90210; San Pedro Branch: 505 S. Centre St., San Pedro, 90731.