



December 19, 2012

Final Investigative Report Concerning Ombudsman Complaint 2012-0126

COMPLAINT

An Anchorage citizen alleged that on Tuesday, January 10, 2012 he parked his vehicle in a handicap designated parking space in the Alaska Court System Boney Courthouse parking lot, with a valid handicap placard issued by the State of Alaska displayed. When he returned to his vehicle he discovered that Easy Park had issued him a \$250.00 citation (#411007560), for illegally parking in a designated handicap space. The citizen believes that Easy Park should not have issued the citation because his vehicle displayed a current State issued handicap placard.

FINDINGS

The Easy Park photographs in evidence demonstrate a handicap placard was displayed on the complainant's dashboard. This complaint against Easy Park regarding citation 411007560 is **JUSTIFIED**.

ANALYSIS AND CONCLUSIONS

The constituent wrote Easy Park on January 11, 2012, contesting the citation, and requesting copies of all relevant documents, including photographs. Easy Park responded on January 31, 2012, by reducing the citation to a warning, without providing the requested documents. The constituent, not satisfied with Easy Park's response, requested that either the citation be voided, per A.M.C. 9.30.310.A.2, "Authority to void parking violation notice," or a District Court hearing be scheduled. Easy Park failed to respond to, or acknowledge, the constituent's request, and on April 18, 2012 he filed a complaint with the Ombudsman.

The Ombudsman requested and received from Easy Park copies of all documents, including photographs, related to citation 411007560. After reviewing the documents and speaking with the constituent, the Ombudsman met with representatives of Easy Park on June 27, 2012. At that meeting the Ombudsman pointed out to the Easy Park representatives that in their photographs, a handicapped placard was visible on the left (facing the vehicle) top of the vehicle dashboard. Municipal Code does not require that handicap placards be hanging from a vehicle's rearview mirror; code only requires that placards be "displayed."

Following the meeting with the Ombudsman, on June 28, 2012, Easy Park sent the constituent notice for a July 18, 2012 District Court hearing regarding the citation. The notice, bearing a header which read "IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT ANCHORAGE," was dated June 28th and certified by "Scheduling Clerk K. Washington," an Easy Park employee, as being mailed the same day. At the hearing, the constituent moved for dismissal, and the judge granted his motion.

Even though the citation was dismissed by the court, the question remains, should the constituent have been cited in the first place? A.M.C. 9.30.235.A.3 states in relevant part: "No person shall stop, stand or

park a motor vehicle in parking reserved for a person with disabilities, whether such parking spaces is on public or private property, unless: (3) The vehicle displays a valid special plate or permit issued to a person by the state Division of Motor Vehicles for disabled parking privileges and is operated by or used for the purpose of transporting the disabled person."

Because the municipal code defines the requirements for persons to use designated handicap parking spaces, and because Easy Park's own photos show that the complainant's vehicle displayed a handicap placard, meeting the requirements of A.M.C. 9.30.235, the Municipal Ombudsman finds this complaint to be JUSTIFIED. A preliminary report regarding this matter was provided to Easy Park, and the agency response was received on December 18, 2012. Based on the investigation of this case, the Municipal Ombudsman recommends the following:

(1) that Easy Park management periodically review with their parking enforcement officers the requirements of A.M.C. 9.30.235, and reinforce that vehicles are not required to "display" their valid handicap placard only on the rearview mirror; it can "displayed" on the dashboard, or even in a vehicle window; the agency response was that "Easy Park PEO's have been trained in this manner from the inception of our program. The vehicle in this specific case did not display a permit anywhere on or in the vehicle." *It is the Ombudsman's opinion that Easy Park's own photographs show a placard displayed on the vehicle dashboard.*

(2) that when citizens appeal a parking citation, and it is reduced to a warning, they be advised in writing that they still have the right to a court hearing if they are not satisfied with the reduction to a warning; the agency response was that it agreed to this recommendation and stated that this recommendation "is our current practice."

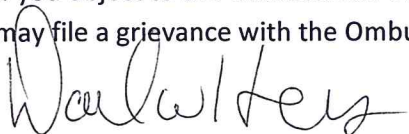
(3) that citizens who request documents, including photos, related to their citation(s) be provided with an Easy Park public information request form, be apprised of any reasonable costs for copying documents, and that the documents be provided in a timely manner; the agency response was that it agreed to this recommendation and stated that this recommendation "is our current practice."

(4) that "District Court" hearing calendar notices sent out by Easy Park add language which makes it clear that the scheduling clerk sending the notices works for Easy Park, and not the District Court; the agency response was that that it agreed to this recommendation and stated that "Language will be updated on standard Easy Park Notices no later than February 4, 2013."

(5) that when reviewing an appeal, if evidence shows that the citation was unjustified, the citation be voided, as allowed by A.M.C. 9.30.310, rather than reduced to a warning; the agency response was that it agreed to this recommendation and stated that this "is our current practice."

Based on this finding, and these recommendations, this case is closed.

If you object to the Ombudsman's decision to decline or discontinue this investigation or review, you may file a grievance with the Ombudsman as specified in A.M.C.R. 2.60.006.



Darrel W. Hess
Municipal Ombudsman