

Special license plates shield officials from traffic tickets

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Here is the list of those top 20 toll violators holding confidential license plates, based on the logs from the Orange County Transportation Authority and our analysis. Click on the name to see additional details, including their responses.

Names	Agency	Violations
<u>Michell and Dwight Storay</u>	California Department of Corrections and Rehabilitation	622
<u>Brenda Orantes</u>	San Bernardino Police Department	411
<u>Rudolph and Loretta Duplessis</u>	Los Angeles World Airport Police Organization	407
<u>Arnold and Lenai Carraway</u>	Orange County Children's Services	239
<u>Rolando Carvajal</u>	California Department of Corrections and Rehabilitation	224
<u>Fred Morris Jr.</u>	California Department of Corrections and Rehabilitation	171
<u>Edward Lutz</u>	Orange County Sheriff's Department	171
<u>Brian Wright</u>	Los Angeles County Probation Office	152
<u>Deborah Rossman</u>	Los Angeles Police Department	148
<u>Greg Nowling</u>	Fullerton Police Department	142
<u>David and Christine Sandidge</u>	California Highway Patrol	128
<u>Ramona Watkins</u>	Los Angeles County Sheriff's Department	111
<u>Rory and Sharon Helms</u>	Garden Grove Police Department	107
<u>Charles and Suzann Barton</u>	Los Angeles County Sheriff's Department	105
<u>Thomas and Melissa Purcell</u>	Long Beach Police Department	100
<u>Robert and Linda Adrian</u>	Anaheim Police Department	97
<u>Daniel Hackett</u>	Corona Police Department	90
<u>Ryan and Glenn Velasco</u>	Los Angeles Police Department	88
<u>Mina Cho</u>	Los Angeles County Sheriff's Department	87

It's 1:45 p.m. on a Wednesday in February and a Toyota Camry is driving west on the 91 Express Lanes, for free, for the 470th time.

The electronic transponder on the dashboard - used to bill tollway users - is inactive. The Camry's owners, airport traffic officer Rudolph Duplessis and his wife, Loretta, have never had a toll road account, officials say.

They've never received a violation notice in the mail, either. Their car is registered as part of a state program which hides their home address on Department of Motor Vehicles records. The agency that operates the tollway does not have legal access to their address.

Their Toyota is one of 996,716 vehicles registered to motorists who are affiliated with 1,800 state and local agencies and who are allowed to shield their addresses under the Confidential Records Program.

An Orange County Register investigation has found that the program, designed 30 years ago to protect police from criminals, has been expanded to cover hundreds of thousands of public employees - from police dispatchers to museum guards - who face little threat from the public. Their spouses and children can get the plates, too.

This has happened despite warnings from state officials that the safeguard is no longer needed because updated laws have made all DMV information confidential to the public.

The Register found that the confidential plate program shields these motorists in ways most of us can only dream about:

- Vehicles with protected license plates can run through dozens of intersections controlled by red light cameras and breeze along the 91 toll lanes with impunity.
- Parking citations issued to vehicles with protected plates are often dismissed because the process necessary to pierce the shield is too cumbersome.
- Some patrol officers let drivers with protected plates off with a warning because the plates signal that the drivers are "one of their own" or related to someone who is.

Exactly how many people are taking advantage of their protected plates is impossible to calculate. Like the Orange County Transportation Authority, which operates the tollway, many agencies have automated processes and have never focused on what happens to confidential plate holders. Sometimes police take note of the plate and don't write a ticket at all.

The Register used public records laws to obtain OCTA computer logs for the 91 Express Lanes and found 14,535 unpaid trips by motorists with confidential plates in the past five years. A Register analysis showed that was 3,722 separate vehicles, some running the toll road hundreds of times.

That's only about \$29,500 in tolls, but under the penalty schedule set by state law, fines for chronic violators can reach \$500 per toll, which would total more than \$5 million for the confidential plate holders with multiple violations if they ignored warning notices.

OCTA officials said that if they had been able to notify these people, they believe most would have paid before penalties ballooned.

Among the top violators on OCTA's list were Dwight and Michell Storay (he's a parole agent with the Department of Corrections), with 622 violations and Lenai and Arnold Carraway (she's an Orange County social worker), with 239 violations.

Speaking through a corrections spokeswoman, Storay denied driving the toll roads without paying. He showed records indicating that he has a valid toll road account and said he had contacted the OCTA to settle the matter.

Lenai Carraway showed a reporter evidence that she had a toll road account, but had no evidence that she'd paid the tolls that OCTA listed as delinquent. Carraway said she planned to contact OCTA.

Another couple listed in the top three, Chino Police Department dispatcher Susie Stephen and her husband Mike, contacted OCTA and got the agency to admit it had made a mistake. According to a letter the couple received April 7, the agency failed to update the couple's account when they purchased a new car, even though they had reported the new plate. The letter also confirms the couple has worked out a plan to repay \$891 for their unpaid tolls.

It's impossible to tell whether every motorist included on the list knowingly exploited their confidential plates—and many of those contacted by The Register insisted it was some kind of mistake.

But by the time a California Highway Patrol officer recognized Loretta Duplessis' Camry from a "heavy hitter" list of toll evaders and pulled her over Feb. 27, the couple had racked up \$34,805.95 in penalties from OCTA, according to a note the officer wrote on her citation. The couple did not respond to repeated requests for comment, including a note left on their front door in Riverside County.

An activist who lobbies for fair traffic laws said the entire program is out of control.

"They've exempted themselves from the rules they're enforcing," said Chad Dornsife, director of the Best Highway Safety Practices Institute. "They know it, is what's really sick about this. This isn't some surprise that when the camera comes out they don't have to worry about it."

Proponents of the program argue that confidential plates offer a necessary protection.

"I would highly doubt that anybody is registering their vehicles on a confidential basis to do anything but protect themselves," Garden Grove Police Capt. Mike Handfield said. "I just don't think people are thinking they're getting away with anything. Is the value of having a confidential plate and protecting the law enforcement community from people who might hurt them, is that worth that risk? I believe it is."

The Register asked the DMV for a list of the number of motorists participating in the program and the agencies they claim as an employer. But the DMV refused to provide those records unless The Register paid \$8,442, which officials said was the cost of extracting the list from its database.

The Register felt that was an excessive cost to obtain public records; the DMV has refused to waive the fee.

CONFIDENTIAL HISTORY

The DMV first started withholding police officers' addresses from the public in 1978, back when anyone could walk into a DMV office with a license plate number and walk out with the car owner's home address. The purpose was to block criminals from finding out where police live, then using the information to harm the officers or their families.

Under the Confidential Records Program the name of the police agency appears in lieu of the officer's address.

In the first seven years of the program, lawmakers added judges, district attorneys - and themselves.

Since then, the list of people afforded confidentiality has swelled to include jail guards, district attorney investigators and National Park Service rangers, as well as city council members and city attorneys, among others.

Officials can keep the secret plates when they retire. If they change to a civilian job, they can stay shielded for another three years.

In some cases the secret plates have been negotiated as part of a labor contract. For example, museum security officers were added as part of an employment agreement with the state's public safety union in 2001.

Meanwhile, public access to DMV information was nearly eliminated in 1989 after the death of actress Rebecca Schaeffer. A private investigator found Schaeffer's home address through the DMV on behalf of an obsessed fan, who gunned down the 21-year-old at her Los Angeles apartment. Lawmakers responded by making every motorist's information confidential.

Today, addresses for every driver in the state are off limits to the public. Some businesses, such as insurance companies, financial institutions and businesses that contract with police to process citations, still maintain limited access through strict agreements with the DMV.

The level of protection granted to all motorists makes "it all but impossible for unauthorized individuals to receive residence address data from the DMV," officials told the Legislature in 2004.

The DMV said private data now available on the Internet makes it easy to find home addresses. "Such ready access makes it unnecessary to use DMV as an access point."

None of the lawmakers or agencies interviewed by The Register was able to point to a case where a person was harmed by information obtained through the DMV in the nearly 20 years since the Schaeffer case changed the law.

Still, police and lawmakers say that increasing access to information on the Internet makes it even more imperative that records are protected.

"The street has become a technological freeway that is being used by everybody, so the more layers of confidentiality you can add to those who need it the better," said Steve Whitmore, spokesman for the Los Angeles County Sheriff's Department.

Since 1980, lawmakers have passed 19 pieces of legislation adding more groups, revising the language or increasing the punishment against people who use the DMV to harm people with confidential plates.

In 2001 Assemblywoman Jenny Oropeza, who is now a state senator, sponsored legislation that allowed police chiefs to give the plates to non-sworn employees in "sensitive" positions, such as those testifying against other law enforcement officers, records show.

"Law enforcement came to me and asked me to sponsor it," said Oropeza, D-Carson.

This year, Assemblyman Sandra Swanson, D-Alameda, is sponsoring a bill that would add some zoo veterinarians, animal control agency workers and humane society shelter workers to the program. After introducing the bill, he added firefighters and code enforcement officers, as well. He said the union that represents those workers - the American Federation of County Municipal Employees - asked for the protection to stave off retribution from criminals, such as people who run criminal dog fighting rings.

DMV employees must process requests for confidential records manually at a cost of \$220,000 a year. The workload expands every time lawmakers allow a new group to participate in the program.

'COURTESY TO LAW ENFORCEMENT'

As the program has grown, so have the benefits.

Some police officers confess that when they pull over someone with a confidential license plate they're more likely to let them off with a warning. In most cases, one said, if an officer realizes a motorist has a confidential plate, the car won't be pulled over at all.

"It's an unwritten rule that we would extend professional courtesy," said Ron Smith, a retired Los Angeles Police Department officer who worked patrol for 23 years. "Nine out of 10 times I would."

California Highway Patrol officer Jennifer Hink put it a little differently. "It's officer discretion. ... (But) just because you have confidential plates doesn't mean you're going to get out of a citation."

Many police departments that run red light camera programs systematically dismiss citations issued to confidential plates.

"It's a courtesy, law enforcement to law enforcement," San Francisco Police Sgt. Tom Lee said. "We let it go."

Four Orange County cities with red light cameras told the Register earlier this year that they don't have time to track down the addresses. The private companies that process the citations don't have access to the shielded information. Police officers do have access, but not the time.

State law requires police to mail out red light camera citations within 15 days; Orange County allows only 11. "It takes eight to 13 business days to receive that information back from the DMV," said Santa Ana Police officer Gary Fratus. "There are far too few to do it. ... The time frame is not conducive for us."

Some departments, for example, the cities of Los Alamitos and Los Angeles, send the citations to the agency listed in place of the home address. But they have no way of knowing whether the person ticketed ever received the citation. In Orange County, inactive red light camera citations are dismissed after a year.

San Diego is the only department interviewed by the Register that does the necessary work to track down protected plate holders. Laguna Woods and Santa Ana began doing the same this year after the Register began asking questions.

The shielded plates can also be a free pass to park illegally.

"Many agencies, especially parking citation processing agencies, report that the process is so cumbersome and costly that they simply dismiss the parking citation as it is not worth the time and effort necessary to identify the vehicle owner," the DMV told the legislature in 2004.

Sen. Oropeza said the problem isn't the confidential records program, it's that police are enforcing the law unevenly.

"Professional courtesy, that's a total inappropriate response," Oropeza said. "And to say they don't have time is totally inappropriate. ... The law should be applied equally to everybody."

DMV spokesman Mike Marando said the agency may be able to come up with a more streamlined method of accessing the shielded addresses.

"We'll be happy to work with them," Marando said.

TROUBLE WITH TOLLS

Toll road operators face an added barrier in collecting payment because they don't have legal access to confidential addresses. The two agencies in Orange County handle the problem differently.

The Transportation Corridor Agencies, which operates the Foothill, San Joaquin Hills and Eastern toll roads, said it mails delinquent toll notices to the agency listed in lieu of the home address, and believes such tickets are getting paid.

"There is the potential that the violation may not be forwarded by the agency to the individual, but we have yet to experience that condition," Frank Barbagallo, deputy director of toll operations wrote in an e-mail.

The OCTA, the agency that runs the 91 Express Lanes, sends the violations to a collections agency in New York, which attempts to find home addresses through its own means.

It's an automated process OCTA inherited when it purchased the toll road in 2003. OCTA spokesman Joel Zlotnik said that is why the agency was unaware of the thousands of confidential plate violations that had gone unpaid. The violations make up a fraction of the 14.5 million trips on the toll road each year.

After obtaining the OCTA logs, the Register used media access rights at the DMV to attach names to the license plates, then attempted to contact the top violators through the agency that employed them. The Register also tried to find personal telephones and attempted to contact the violators that way. Most motorists did not respond to the calls.

"With so many violations I'm stunned that the toll road wouldn't have at least reached out," said Orange County Sheriff Capt. Dave Nighswonger, who was contacted by The Register about a jail guard, Edward Lutz, who had 171 toll violations over a two-year period. "We can encourage our employees to reach out to them and reconcile that."

News of the violations caused officials in many of the agencies to launch internal investigations. The Los Angeles World Airport Police Organization, which employs Duplessis, said it was initiating a complete review of its confidentiality records.

Several agencies said their employees had toll accounts in good standing but had failed to add new vehicles to their accounts or had problems with their transponders. Some violators contacted OCTA after hearing from a reporter and paid the past-due tolls.

Unlike most motorists with toll account problems, many of these violators won't have to pay delinquent fees. Because of the protected plates, OCTA did not find them within the 66 days required by law and can't assess fines.

So Lutz, for example, the Orange County jail guard, simply paid the outstanding tolls, about \$300, Nighswonger said.

Regular toll road customers caught in a similar situation are typically found through their DMV records, sent violation notices, and charged tens of thousands of dollars in fines if they ignore the bills.

As an example, the penalties on the account of an Orange County couple who accrued some 80 toll violations in 2003 because of an expired credit card ballooned from \$580 in tolls to \$53,550 in civil penalties, court records show.

After The Register found the toll road scofflaws, OCTA's Zlotnik acknowledged that the agency may not have been doing all it could to track them down. "Since this issue has arisen, we're looking at ways to address the situation to help prevent this from happening in the future," he said.

The Register found few checks on the confidential plates program.

The DMV does not independently audit the system, relying on the responsible agencies to monitor their own participants. But that doesn't always happen.

The San Bernardino Police Department could not identify a woman named Brenda Orantes, who ran up 411 violations on the 91 tollway under a confidential plate obtained through that department, the records show. Lt. Scott Paterson said Orantes is not an employee and is not listed as a relative.

A few agencies audit their program and were able to give a count of their participants. Fullerton Police, for example, said that 273 vehicles and 338 drivers have confidentiality through the department.

But most of those contacted, including the California Highway Patrol, the LAPD and the California Department of Corrections, were not able to tell a reporter how many people have obtained DMV confidentiality through their departments.

"We don't have a system to go through," LAPD Sgt. Leland Sands says. "That's not something that we would check."

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