

## Politicians Seek Legal Opinion On Photo-Enforced Stop Signs

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Assemblywoman Julia Brownley and State Senator Sheila Kuehl have requested that Santa Monica Mountains Conservancy Executive Director Joe Edmiston give the State Attorney General documents from the Pacific Palisades Community Council regarding the legality of the photo-enforced stop signs placed in several parks, including Temescal Gateway Park.

Public outcry about the cameras started last July, when motorists began receiving \$100 fines for failing to come to a complete stop at signs in the park.

Some residents felt that they had been ticketed unfairly, arguing that the installation was faulty. Some objected to the photo that showed a car, but not the driver's face. Others asserted that it was illegal for Redflex, the company that installed the cameras, to receive 20 percent of the fine, and that the appeal process was unfair. In response to various complaints, the Community Council sent a letter and documents dated April 8 to Brownley and Kuehl, asking them to request that the State Attorney General's office provide a formal opinion on the legality of the installation and use of photo enforcement.

Edmiston beat the Council to the punch by asking for an informal opinion from the Attorney General's office, which he made public on April 7. In that informal opinion the AG's office agreed with the conclusion by the Mountain Recreation and Conservation Authority's (MRCA) law firm Richards/Watson/Gershon that traffic control as practiced through video cameras was legal.

The Attorney General's office wrote, 'MRCA, as a joint exercise of powers agency, could adopt a traffic control ordinance pursuant to Government Code section 53069.4. That section authorizes local agencies to adopt ordinances and to make the violation of those ordinances subject to an administrative fine or penalty.'

But, Community Council Member Jack Allen accused Edmiston of 'spoonfeeding RWG a limited and misleading set of facts. What Edmiston is attempting is an end run around the Community Council's request and preempting the Community Council's effort to get a formal opinion from the Attorney General regarding the legality,' Allen wrote in an e-mail to the Palisadian-Post.

Allen reiterated that the Community Council is requesting a formal opinion.

In an e-mail to the Post, Supervising Deputy Attorney General John Saurenman explained, 'Formal opinions and informal advice letters are very different animals. An informal advice letter is just that'an informal letter providing advice to a client.'

'A formal opinion addresses more weighty issues and is given a great deal more weight.' As an example, when an appellate court is ruling on an issue, the hierarchy of precedent it uses is basically Supreme Court decisions, followed by appellate court decisions, and then formal Attorney General opinions.' So we very carefully consider which requests for opinions to grant and then very carefully prepare these opinions,' Saurenman said.

The informal opinion given to the MRCA by the Attorney General's office was based on a seven-page document from the RWG law firm, which wrote that they received their information from documents supplied by the MRCA, and through conversations with Edmiston, MRCA Staff Counsel Laurie Collins and Chief Ranger Walt Young.

RWG wrote, 'We have performed no independent verification of the status of these roads or paths. If our understanding of the facts is inaccurate in any way, or if the facts change, please let us know immediately as that could affect our opinion.'

Both Brownley and Kuehl called for further consideration of the case.

In an April 22 letter to Edmiston, Brownley wrote, 'Accordingly, both as the Assemblymember representing Pacific Palisades and as a legislative participant on the Santa Monica Mountains Conservancy board, I am requesting that you reopen the question and instruct the attorneys to fully consider the evidence and legal briefs submitted by the Pacific Palisades Community Council.'

'MRCA is going to ask the Attorney General to look at the documents [from PPCC] and if there is new information, to consider it in their opinion,' Laurie Newman from Senator Kuehl's office told the Post on Tuesday.

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