

IN THE MUNICIPAL COURT OF LITTLE ROCK, ARKANSAS
SECOND DIVISIONFILED
97 JUL 30 AM 2:36LITTLE ROCK MUNICIPAL COURT
SECOND DIVISION*In re:* "Administrative Voiding" of Parking Tickets

LRMC2nd SO 97-8

ORDER

Pursuant to various Arkansas Statutes, including but not limited to 16-10-131 & 16-31-105, which collectively exempt judges, court reporters and jurors from penalties arising from any overtime parking incurred while on duty or in service, this court has consistently deemed parking tickets given to such persons "administratively voided," a procedure by which, via data input, such tickets are negated as to monies that would otherwise be shown as due and owing by the persons to whom the tickets were issued.

Pursuant to fundamental principles of justice and equity, the court has likewise administratively voided parking tickets allegedly issued in error to city vehicles and private vehicles for reasons that have been examined and attested by the Chief of Police or his designee and various other government-related vehicles for reasons that have been examined and attested to by law enforcement counterparts of the Chief of Police.

The Little Rock Finance Department, Violations Bureau, is and has been the entity charged with data input functions as to all other traffic and parking tickets other than parking tickets as to which either an "administrative void" or a fine suspension is requested by the various government officials who examine and attest to the validity of the claimed exemption from fines.

Instances in which suspensions of fines are requested involve a judicial function requiring a case-by-case examination of facts and circumstances. However, the court finds

that virtually all "administrative void" requests from the branches of government listed below can and should be approved *en masse* conditioned upon the tickets' being properly marked by the appropriate officials as being within one of the exemptions herein noted and subject to the administrative avoidance being vacated and revoked by the court upon a showing of clear error or good cause. That is, it has been the experience of this court that hundreds of parking tickets are received by the court with "administrative void" being requested (1,074 in May 1997 and 1,524 in April 1997) -- so many that cost effectiveness is defeated by the procedure currently employed, which involves redundant functions and applications by court personnel.

The court further finds that apart from the data input activity necessitated by the administrative voiding of parking tickets, the data input functions of court personnel are minimal.


For the reasons stated above, it is hereby ordered as follows:

1. Any and all parking tickets transmitted to the court or to the Violations Bureau, properly marked with a request for administrative voiding for reasons stated herein and attested by Arkansas State Police, Pulaski County Sheriff's Office, Little Rock Police Department, U.S. Department of Treasury, U.S. Department of Justice, or U.S. Secret Service; municipal, circuit, chancery, juvenile or federal court clerks and bailiffs; and/or the director City of Little Rock Parking Enforcement are hereby deemed administratively voided contemporaneously with their presentation to the Violations Bureau, which shall then enter the data to negate the charges as aforesaid.

2. All fine suspension determinations shall be made by the court and marked on the tickets accordingly, which tickets shall then be transmitted to the Violations Bureau for data entry to negate such charges as stated herein.

3. With regard to any and all administratively voided tickets that may for any reason be challenged by any interested party as being ineligible for avoidance, the avoidance shall be immediately vacated and the matter set for hearing by the court. On final determination, the Violations bureau shall enter the data or amend its prior entries accordingly.

IT IS SO ORDERED.



VIC FLEMING, JUDGE
DATE: 6-30-97