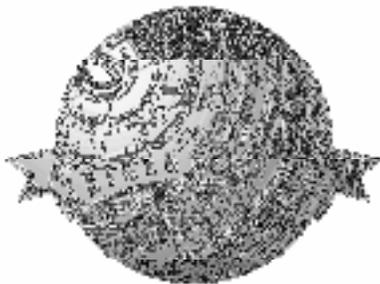


**SPECIAL AUDIT REPORT**

**OF**

**SAFE TRAFFIC OPERATIONS PROGRAM**  
**ALBUQUERQUE POLICE DEPARTMENT**

**REPORT NO. 07-112**



**City of Albuquerque**  
**Office of Internal Audit and Investigations**

Safe Traffic Operations Program – Albuquerque Police Department  
Report No. 07-112  
Executive Summary

**Background** The Office of Internal Audit and Investigations (OIAI) conducted a special audit of the Safe Traffic Operations Program (STOP) managed by the Albuquerque Police Department (APD). The City has a contract with Redflex Traffic Systems, Inc. (Redflex) to operate STOP. The audit was requested by the City Council.

In 2004, the City received a grant from the State of New Mexico, Traffic Safety Bureau to evaluate automated traffic enforcement. The program's goal is to use photo enforcement technology to enforce the law fairly and consistently. In September 2004, the City installed cameras at Montgomery and San Mateo and Eubank and Montgomery. When the City initially implemented the program, it issued warnings. The City began issuing citations on May 5, 2005.

**Objective:** How much money has been collected from the program?

We compared the general ledger to the lockbox spreadsheet maintained by APD's Fiscal Manager. During our comparison, we noticed three transactions totaling \$31,922 that posted to the general ledger but were not included on the spreadsheet. These three transactions appear to be posting errors.

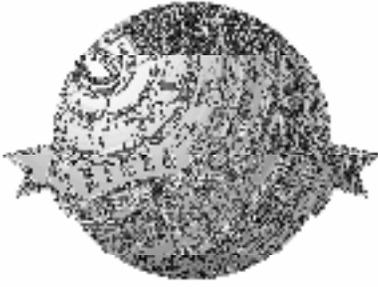
**Recommendation:**

APD should regularly compare all transactions posted to the City's general ledger against revenues posted to the lockbox website. APD should promptly investigate and resolve any discrepancies. APD should document these reviews.

In addition to the objective noted above, OIAI answered the following questions during fieldwork and no exceptions were noted:

- What is the focus and what are the goals of STOP?
- How does STOP determine where cameras are placed?
- How many red light/speeding cameras are currently in place?
- How do citizens reach STOP for information?
- How and by whom are violations reviewed to determine if a citation should be issued?
- How effective are appeals and extension processes?
- How many citations have been appealed?
- How many citations have been dismissed?
- How has the program had a direct effect on reducing accidents?
- How many citations have been issued since inception of the program?
- How are collected funds being disbursed?

**Management responses are included in the audit report.**



***City of Albuquerque***  
**Office of Internal Audit and Investigations**  
P.O. Box 1293 Albuquerque, New Mexico 87103

September 27, 2007

Accountability in Government Oversight Committee  
City of Albuquerque  
Albuquerque, New Mexico

Audit: Safe Traffic Operations Program  
Albuquerque Police Department  
07-112

**FINAL**

INTRODUCTION

The Office of Internal Audit and Investigations (OIAI) conducted a special audit of the Safe Traffic Operations Program (STOP) managed by the Albuquerque Police Department (APD). The City has a contract with Redflex Traffic Systems, Inc. (Redflex) to operate STOP. The audit was requested by the City Council.

In 2004, the City received a grant from the State of New Mexico, Traffic Safety Bureau to evaluate automated traffic enforcement. The program's goal is to use photo enforcement technology to enforce the law fairly and consistently. In September 2004, the City installed cameras at Montgomery and San Mateo and Eubank and Montgomery. When the City initially implemented the program, it issued warnings. The City began issuing citations on May 5, 2005.

As of April 5, 2007, 19 intersections have automated enforcement cameras. All automated enforcement cameras capture red light and speeding violations. As of April 5, 2007, the City also operates three mobile speed vans. In accordance with the Redflex Agreement, the mobile speed vans are used primarily in school and construction zones; however, they can be used on any City street.

AUDIT OBJECTIVES

The objectives of the audit were to determine:

- What is the focus and what are the goals of STOP?
- How does STOP determine where cameras are placed?
- How many red light/speeding cameras are currently in place?

- How do citizens reach STOP for information?
- How and by whom are violations reviewed to determine if a citation should be issued?
- How effective are appeals and extension processes?
- How many citations have been appealed?
- How many citations have been dismissed?
- How has the program had a direct effect on reducing accidents?
- How many citations have been issued since inception of the program?
- How much money has been collected from the program?
- How are collected funds being disbursed?

### SCOPE

Our audit did not include an examination of all functions and activities related to STOP. Our scope included operational and financial aspects of STOP from Fiscal Year (FY) 05 to FY07.

This report and its conclusions are based on information taken from a sample of transactions and do not intend to represent an examination of all related transactions and activities. The audit report is based on our examination of activities through the completion of fieldwork, August 10, 2007, and does not reflect events or accounting entries after that date.

The audit was conducted in accordance with Government Auditing Standards.

### METHODOLOGY

During the audit, OIAI interviewed personnel in APD, the Legal Department (Legal), the Department of Municipal Development (DMD), and the Office of Management and Budget (OMB).

OIAI reviewed supporting documentation, including:

- The agreement between the City and Redflex;
- The STOP Ordinance;
- STOP information available on the City's website;
- STOP reports to the Mayor and City Council;
- FY07 Approved Budget and Performance Plan for APD, Legal, and DMD;
- Automated Enforcement Program Policies and Procedures; and
- STOP revenues/expenditures reported in the general ledger using ReportNet.

INFORMATION PROVIDED ON AUDIT OBJECTIVES:

**What is the focus and what are the goals of STOP?**

OIAI reviewed the STOP Ordinance, the City's website, and the agreement with Redflex. The focus of STOP can be summarized in the following quote from the STOP Ordinance:

City Council finds that there is a significant risk to the health and safety of the community from drivers who run red lights and exceed posted speed limits. City Council finds that the City of Albuquerque has one of the highest fatality and serious injury rates in the nation resulting from red light violations and blatant disregard by drivers for existing state red light laws. Drivers in the city must progress away from the attitude that a red light is merely a suggestion to stop.

OIAI identified the following goals of STOP:

- Decrease red light and speed violations;
- Prevent crashes;
- Avoid injuries;
- Save lives; and
- Improve traffic safety.

**How does STOP determine where cameras are placed?**

Per the City of Albuquerque Automated Enforcement Program Policies and Procedures, the following criteria shall be considered when evaluating and selecting an intersection for STOP:

- Citizen complaints of red light running.
- Proximity to school zones.
- Proximity to senior housing.
- Traffic collision statistics.
- Pedestrian and traffic flow.
- City Council recommendations.

OIAI reviewed additional documentation, including the City's website and a FY07 second quarter report provided to the Mayor and City Council. OIAI also interviewed the APD Lieutenant in charge of STOP. Traffic collision statistics are the primary criteria used to determine where cameras are placed.

APD provided two reports prepared by the Division of Government Research at the University of New Mexico:

- The Fifty Worst Intersections in New Mexico for Crashes in January 2002 through December 2004.
- Intersections in Albuquerque with Thirty or More Crashes in January 2001 through December 2003.

OIAI's review of the first report revealed that:

- 17 of 42 (40%) of the top 42 worst intersections in Albuquerque are monitored by automated enforcement cameras.
- 8 of 10 (80%) of the top 10 worst intersections in Albuquerque are monitored by automated enforcement cameras.

OIAI's review of the second report revealed that:

- 14 of 19 (74%) of the top 19 worst intersections in Albuquerque are monitored by automated enforcement cameras.
- 8 of 10 (80%) of the top 10 worst intersections in Albuquerque are monitored by automated enforcement cameras.

#### **How many red light/speeding cameras are currently in place?**

OIAI reviewed the City's website and a report provided by Redflex to APD. As of April 5, 2007, 19 intersections have automated enforcement cameras, including 38 operational approaches. For example, San Mateo and Montgomery has two approaches that are operational – one Northbound and one Eastbound. All automated enforcement cameras capture red light and speeding violations (also see Map of Camera Locations at Appendix A).

| <b>Intersection</b>             | <b>Number of Approaches</b> |
|---------------------------------|-----------------------------|
| Montgomery & Eubank             | 1                           |
| San Mateo & Montgomery          | 2                           |
| Lomas Blvd and Juan Tabo Blvd   | 2                           |
| Coors Blvd & Paseo Del Norte    | 2                           |
| Wyoming Blvd & Montgomery Blvd  | 2                           |
| Wyoming Blvd & Menaul Blvd      | 2                           |
| San Mateo Blvd & Menaul Blvd    | 2                           |
| Coors Blvd & Montano Rd         | 3                           |
| Montgomery Blvd & Carlisle Blvd | 2                           |
| Paseo Del Norte & Jefferson St  | 2                           |
| Coors Blvd & Quail Rd           | 2                           |
| Coors Blvd & Central Ave        | 2                           |
| Carlisle Blvd & Menaul Blvd     | 2                           |
| Wyoming Blvd & Academy Rd       | 2                           |
| Coors Blvd Bypass & Ellison Dr  | 2                           |
| Eubank Blvd & Lomas Blvd        | 2                           |
| Central Ave & Louisiana Blvd    | 2                           |
| Eubank Blvd & Central Ave       | 2                           |
| Louisiana Blvd & Menaul Blvd    | 2                           |
| <b>Total:</b>                   | <b>38</b>                   |

**How do citizens reach STOP for information?**

Information about STOP is available on the City’s website, including a feedback and contact page. Through this page, citizens can provide feedback about STOP via email.

Citizens can also link to Redflex and the online payment option through the City’s website. Each of these websites includes contact information.

OIAI reviewed a sample Notice of STOP Violation (see Appendix B). Contact phone numbers, including a toll-free phone number, are included on the instructions page of the Notice.

**How and by whom are violations reviewed to determine if a citation should be issued?**

OIAI reviewed the STOP Ordinance, the City of Albuquerque Automated Enforcement Program Policies and Procedures, and the agreement with Redflex. These documents, as well as training

provided by Redflex, guide STOP activities, including Automated Enforcement Officers' review of violations data. OIAI also interviewed the APD Lieutenant in charge of STOP and one of the sworn officers who reviews STOP violations.

Officers assigned as Automated Enforcement Officers are responsible for reviewing violations data, which includes video and still images. As of July 16, 2007, the City has nine sworn officers who review violations data, including:

- one full-time sworn officer;
- six part-time sworn officers assigned to photo enforcement;
- two full-time sworn officers assigned to APD who assist with photo enforcement.

All violations data is stored and processed by the Redflex System. Automated Enforcement Officers can access the Redflex System through a virtual private network (VPN) using any computer equipped with a high-speed internet connection and a web browser. A VPN is a private network that is configured within a public network such as the Internet.

The Automated Enforcement Officers review the violations data to determine whether a Citation Notice should be issued, and transmit such determination to Redflex in the form of an electronic signature. Redflex does not have the ability or authorization to make Citation Notice decisions.

**How effective are appeals and extension processes?**

**How many citations have been appealed?**

**How many citations have been dismissed?**

Legal's Office of Administrative Hearings (OAH) handles administrative hearings for the City, including STOP hearings. OIAI judgmentally selected July 16, 2007 and observed five successive STOP hearings which included three right turn on red violations and two speeding violations. During our observations, OIAI noted the following:

- Four City employees were present, including an Administrative Hearing Officer (AHO), the Automated Enforcement Officer who authorized the citation, and two additional Legal employees.
- The recipient of the citation was present.
- The AHO began each of the hearings, stating the date, time and citation number.
- The recipient of the citation was sworn-in by the OAH.
- The Automated Enforcement Officer presented the City's evidence, including video and still images of the violation.

- The recipient of the citation presented his/her defense.
- The AHO made his decision.
- In all five STOP hearings, the citation was upheld.

The OAH has been tracking STOP hearings data since its formation in January 2007. OIAI reviewed these tracking reports and noted that from January 2007 through June 2007:

- 8,548 STOP hearings (appeals) have been scheduled. However, for various reasons, the hearing may not take place. For example, the recipient of the citation may not show up for the hearing. Also, after taking a second look at the violation online, the recipient may decide that he/she committed the violation and go ahead and pay the citation.
- 581 continuances were granted. Continuances are granted when a hearing cannot be held within 90 days from the date the citation was mailed to the recipient. Both parties – the City and the recipient of the citation must agree to the continuance.
- 2,405 citations were dismissed, including 881 that were dismissed because a hearing was not held within 90 days from the date the citation was mailed to the recipient.

In January, February, and March 2007, the OAH was building its staff. As a result, more citations were dismissed due to the 90 day rule during this time frame – 659 of 881 (75%).

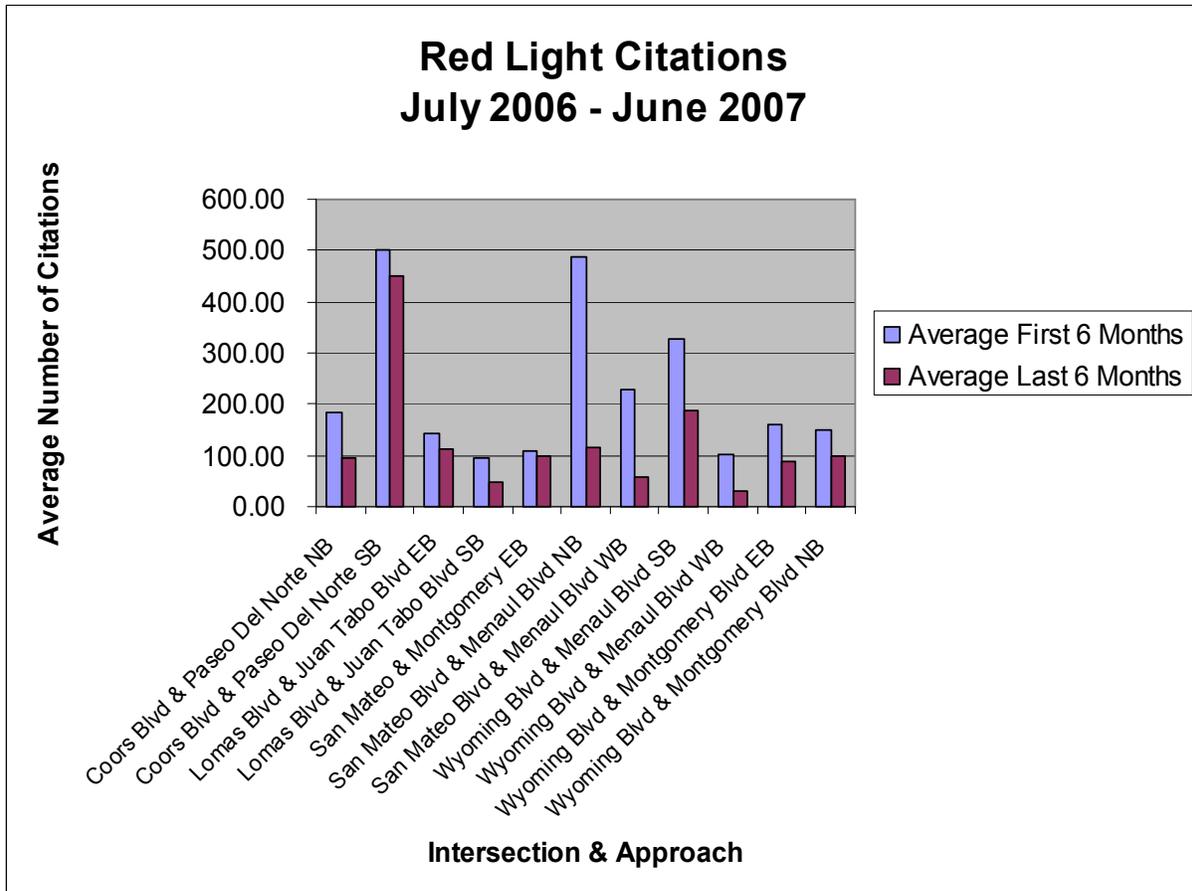
The STOP Ordinance was amended in June 2007. Now, hearings must be held within 90 days from the date of the request for hearing unless a continuance is granted pursuant to the consent of both parties – the City and the recipient of the citation.

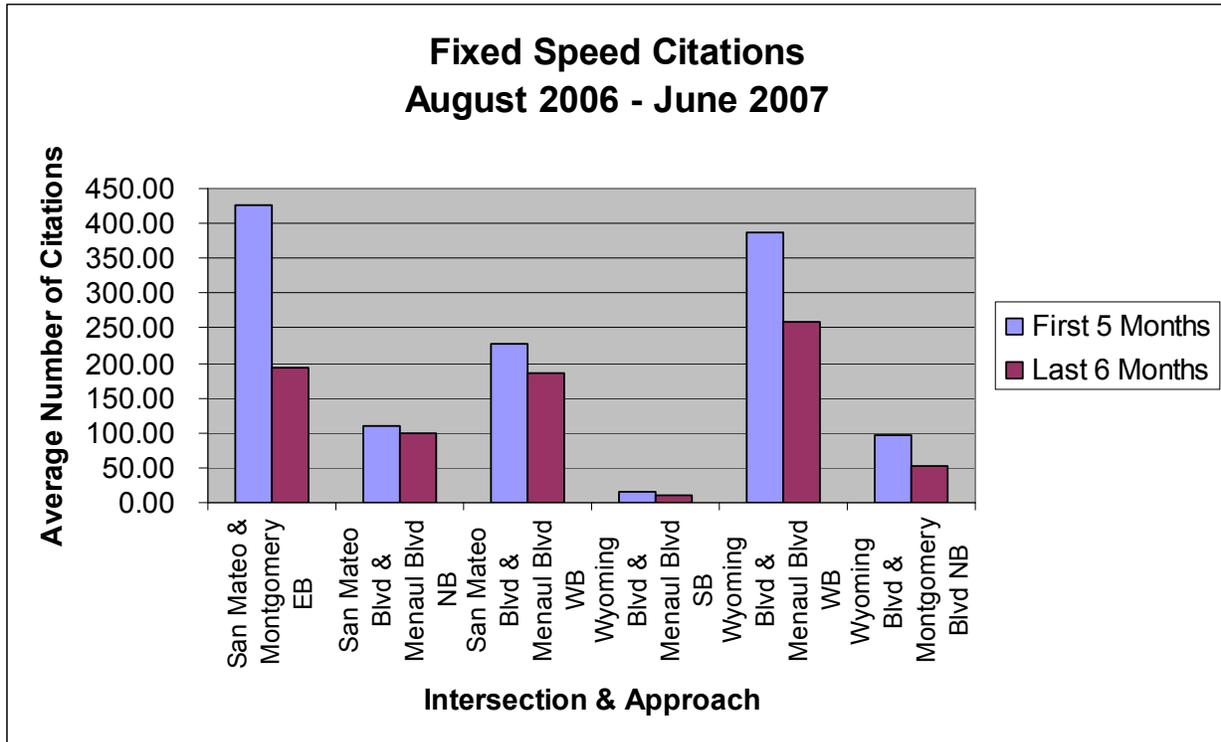
### **How has the program had a direct effect on reducing accidents?**

OIAI interviewed APD and OMB staff and determined that it might prove difficult to quantify the direct effect of STOP on reducing accidents. For example, the term intersection is open for interpretation. Does the term include the intersection and anything within one hundred yards, 200 yards, etc? Does the term include businesses adjacent to the intersection? Also, the level of information included within the accident reports varies from officer to officer.

Acknowledging that STOP is relatively new and the limitations of the accident data noted above, OIAI reviewed a report provided by APD – Red Light Camera Intersection Crash Count. At the two intersections where cameras have been in place the longest, the average number of crashes has decreased by 2.1 crashes per month at San Mateo and Montgomery and by .88 crashes per month at Eubank and Montgomery.

OIAI analyzed a report provided by Redflex that summarizes red light/speeding citations issued at those intersections where cameras have been in place at least one year and prepared the following charts:





The two charts presented above indicate that the number of red light/speeding citations issued has declined over time.

**How many citations have been issued since inception of the program?**

**How much money has been collected from the program?**

**How are collected funds being disbursed?**

OIAI interviewed Redflex personnel and between October 1, 2004 and August 10, 2007, Redflex issued:

- 62,476 fixed speed citations;
- 62,049 red light citations;
- 18,120 speed van citations; and
- 7,637 red light warning citations.

The red light numbers above include warning citations issued from October 2004 through April 2005, the pilot phase of the program. In May 2005, Redflex stopped issuing warning citations and began issuing Notices of Violation.

OIAI also reviewed a report provided by Redflex and noted that between June 2005 and June 2007 there were:

- 42,933 fully or partially-paid red light citations;
- 32,747 fully or partially-paid fixed speed citations;
- 10,544 fully or partially-paid speed van citations.

Redflex does not have a payment plan, but some citizens do make partial payments. In these cases, Redflex sends a letter to the citizen acknowledging the partial payment and requesting payment of the outstanding balance.

To determine how much money has been collected and how it is being spent, OIAI reviewed the City's general ledger and interviewed the following:

- APD, who reviews the violations data;
- Legal, who conducts STOP administrative hearings;
- DMD, who installed certain cameras; and
- OMB, who conducted a prior analysis of STOP revenues/expenditures.

OIAI identified the following Net Revenues from FY05 through FY07, the majority of which is general fund activity:

|                                                           |               |   |
|-----------------------------------------------------------|---------------|---|
| Citation Revenue                                          | \$10,611,397  |   |
| Expenditures paid to Redflex                              | (\$2,844,920) |   |
| APD Personnel Expenditures                                | (\$465,888)   |   |
| APD Direct Expenditures,<br>excluding Personnel & Redflex | (\$761,350)   | ① |
| <b>Subtotal APD:</b>                                      | \$6,539,239   |   |
| OAH Expenditures                                          | (\$731,958)   | ② |
| <b>Net (Revenues - Expenditures):</b>                     | \$5,807,281   |   |

① - Includes Payment in Process of \$307,963.

② - OAH conducts various administrative hearings, including red light/speeding citation appeals, wastewater appeals, and animal control appeals. The operating expenditures reported here include all of OAH, not just expenditures for red light/speeding citation appeals.

DMD's STOP expenditures are not listed separately in the table above because they charged their STOP expenditures, excluding personnel costs, to an activity number provided by APD.

Both APD and Legal have established separate activity numbers for FY08 to track revenues and expenditures.

### FINDINGS

The following findings concern areas that we believe could be improved by the implementation of the related recommendations.

1. APD SHOULD REGULARLY COMPARE ALL TRANSACTIONS POSTED TO THE GENERAL LEDGER AGAINST THE LOCKBOX WEBSITE.

STOP payments can be made online or mailed to a lockbox. APD's Fiscal Manager has read-only access to the lockbox website and can view account activity, including STOP receipts and transfers to the City. Since this information is only available online for approximately 30 days, APD's Fiscal Manager also maintains a spreadsheet that mirrors the lockbox website. During our comparison, we noticed three transactions that posted to the general ledger but were not included on the spreadsheet.

APD's Fiscal Manager stated that these transactions (all debit entries), totaling \$31,922, are posting errors. APD's Fiscal Manager periodically reconciles the credit entries (STOP revenues) in the general ledger to the lockbox spreadsheet, but does not reconcile the debit entries. As a result, total revenues generated by STOP are incorrectly reported in the general ledger.

The Government Finance Officers Association (GFOA) recommends that organizations implement adequate internal control procedures to protect public funds and perform reconciliations to the general ledger and other supporting accounting ledgers in a timely manner.

### RECOMMENDATION

APD should regularly compare all transactions posted to the City's general ledger against revenues posted to the lockbox website. APD should promptly investigate and resolve any discrepancies. APD should document these reviews.

RESPONSE FROM APD

***“APD agrees with this recommendation and will implement the necessary procedures to ensure that all transactions posted to the City’s general ledger are compared to the STOP revenues posted to the lockbox website, and that discrepancies are promptly investigated and resolved.”***

CONCLUSION

As most of the objectives were informational in nature, many of these questions were addressed in the introduction section of the report. However, during our review of Redflex revenues, we noted three transactions that posted to the general ledger, but were not included on the lockbox spreadsheet prepared by APD.

We appreciate the assistance and cooperation of APD, Legal, and DMD personnel during the audit.

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Principal Auditor

REVIEWED:

---

Audit Manager

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Internal Auditor

APPROVED:

APPROVED FOR PUBLICATION:

---

Carmen Kavelman, CPA, CISA, CGAP  
Director  
Office of Internal Audit & Investigations

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Chairperson, Accountability in Government  
Oversight Committee

Appendix A – Map of Camera Locations  
(Map does not include Eubank/Central or Louisiana/Menaul)  
Source: City of Albuquerque Website



## Appendix B – Sample Notice of STOP Violation

Albuquerque Police Department  
Photo STOP  
400 Roma Avenue NW  
Albuquerque, NM 87102

CITY OF ALBUQUERQUE  
PO BOX 1280  
ALBUQUERQUE NM 87103

IF YOU ARE NOT THE DRIVER  
Mentioned on this address, please return the copy of  
the enclosed envelope

Albuquerque Police Department  
Photo STOP  
5405 2nd Street NW  
Albuquerque, NM 87107

### Notice of STOP Violation

Albuquerque Police Department Photo STOP 400 Roma Avenue NW Albuquerque, NM 87102

IF YOU WISH TO CONTEST THE STOP, OR WANT TO FILE A COMPLAINT,  
make sure this address appears in the window of the enclosed envelope

The Office of Bureau & Commissions  
Attn: City Administrative Hearing Officer  
P.O. Box 1280  
Albuquerque, NM 87103

Albuquerque Police Department Photo STOP 400 Roma Avenue NW Albuquerque, NM 87102

IF YOU WANT TO PAY THE STOP FINE  
Call 505 This address appears in the window of the  
enclosed envelope

Photo STOP  
Albuquerque  
P.O. Box 7842  
Cleveland, OH 44101-8500

Appendix B – Sample Notice of STOP Violation

OPTIONS PAGE - For Instructions see Page 4

OPTION A: IDENTIFY NEW DRIVER - IF YOU WERE NOT THE DRIVER Violator Name: CITY OF ALBUQUERQUE Citation #: AV07009815

**CHECK ONE:**

I took the vehicle prior to the date of violation to the person named below

The vehicle was driven prior to the violation date

The person named below was the driver of the vehicle

Print Actual Owner/Now Owner's Name \_\_\_\_\_ Driver's License ID No \_\_\_\_\_  
 Address \_\_\_\_\_ Issued in the State of \_\_\_\_\_  
 City/State/Zip Code \_\_\_\_\_ Date of Birth \_\_\_\_\_

**DECLARATION**  
 I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

Signature \_\_\_\_\_ Print Name \_\_\_\_\_  
 Your Phone Number (\_\_\_\_\_) \_\_\_\_\_ Date \_\_\_\_\_ 339

Text Box (1)

---

OPTION B: CONTEST THE STOP FINE & REQUEST A HEARING Violator Name: CITY OF ALBUQUERQUE  
 Citation #: AV07009815 Date of Violation: 2/6/2007  
 Issue Date: 2/12/2007

I wish to contest the STOP fine and request a hearing

**It is your burden to prove any of the following available defenses:**

- The vehicle was stolen or otherwise being driven without your knowledge or permission at the time of the violation. You must have a police report or other reliable evidence to assert yourself of this defense.
- The ownership of the vehicle had lawfully been transferred and conveyed from you to another person before the time of the violation. To assert this defense, you must identify the transferee and provide proof of conveyance.
- The evidence does not show that a violation was committed involving the subject vehicle.

Signature \_\_\_\_\_ Print Name \_\_\_\_\_  
 Your Phone Number (\_\_\_\_\_) \_\_\_\_\_ Date \_\_\_\_\_

PO BOX 1293 339  
 ALBUQUERQUE NM 87103

Text Box (2)

---

OPTION C: PAY THE STOP FINE BY MAIL

IF YOU WERE NOT THE DRIVER, DO NOT SELECT THIS OPTION: **DO NOT SEND CASH.**

Check  Cashier's Check / Money Order (Make Checks Payable to "Police STOP")  
 Credit Card (Card Owner: VISA or MASTERCARD)

You may also pay online by credit card at: [www.photonotus.com](http://www.photonotus.com) Enter City Code: **ABQ**

Name (as it appears on Card): \_\_\_\_\_ Card Number \_\_\_\_\_  
 Expiration Date: Month \_\_\_\_\_ Year \_\_\_\_\_ Security Code (from back of card): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

Citation #: AV07009815 Date of Violation: 2/6/2007 Fine Amount: 150 Amount Paid: 153.95  
 CITY OF ALBUQUERQUE  
 PO BOX 1293  
 ALBUQUERQUE NM 87103

Page 2



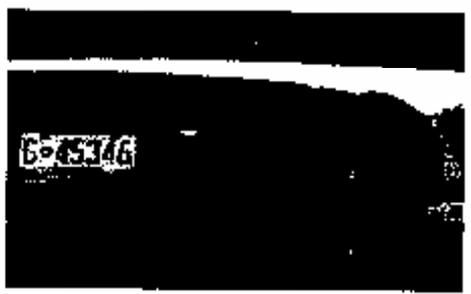
Appendix B – Sample Notice of STOP Violation



**CITY OF ALBUQUERQUE, NM**  
**NOTICE OF VIOLATION**  
**RED LIGHT**

NOTICE NUMBER: \_\_\_\_\_

|                                                                                                                                                                   |                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| DATE OF VIOLATION<br>2/5/2007                                                                                                                                     | TIME OF VIOLATION<br>12:44 PM        |
| NAME (FIRST AND LAST)<br>CITY OF ALBUQUERQUE                                                                                                                      |                                      |
| ADDRESS<br>PO BOX 1293                                                                                                                                            |                                      |
| CITY<br>ALBUQUERQUE                                                                                                                                               | STATE<br>NM                          |
| ZIP CODE<br>87103                                                                                                                                                 |                                      |
| VEHICLE NO. G45346                                                                                                                                                | STATE NM                             |
| YEAR OF MFG. 2000                                                                                                                                                 |                                      |
| VEHICLE MAKE Ford                                                                                                                                                 | VEHICLE STYLE 4 door Automobile      |
| REGISTERED OWNER OR LESSEE<br>CITY OF ALBUQUERQUE                                                                                                                 |                                      |
| ADDRESS<br>PO BOX 1293                                                                                                                                            |                                      |
| CITY<br>ALBUQUERQUE                                                                                                                                               | STATE<br>NM                          |
| ZIP CODE<br>87103                                                                                                                                                 |                                      |
| PLEASE NOTE THAT REGISTERED IMAGES CONSTITUTE EVIDENCE OF VIOLATION OF CITY ORDINANCE SECTION 1-1-101 (STOP) OR 1-1-150 (AS AVOIDED FAILURE TO STOP AT RED LIGHT) |                                      |
| LOCATION OF VIOLATION<br>6600 Coors Blvd. NW                                                                                                                      |                                      |
| THIS NOTICE OF VIOLATION IS BEING ISSUED TO YOU BY THE UNDERSIGNED POLICE OFFICER                                                                                 |                                      |
| DATE ISSUED<br>2/5/2007                                                                                                                                           | SIGNATURE<br><i>[Signature]</i>      |
|                                                                                                                                                                   | OFFICER NO.<br>336                   |
| DATE ISSUED                                                                                                                                                       | SIGNATURE ALBUQUERQUE POLICE OFFICER |
|                                                                                                                                                                   | OFFICER NO.<br>0 00                  |



Failure to pay this fine on time will lead to serious legal consequences including the loss of your vehicle and the assessment of additional fines and monies due. A second or subsequent STOP violation within two years from the date of this STOP Fine will lead to increasing fines and penalties including loss of the subject vehicle. After you have received this STOP Fine, it is a criminal violation to sell, transfer or otherwise convey title to the subject motor vehicle to another person unless all applicable STOP Fines are paid.

As the registered owner(s) of the vehicle described in this Notice, the City holds you responsible for paying this Fine.

No points will be assessed to your driving record and no record of this violation will be sent to your insurance company or the Division of Motor Vehicles.

A hearing must be scheduled or payment received by 4/5/2007

Fine Schedule - Read Carefully

1. First violation: \$100.00 fine. Failure to pay within 30 days: \$200 Default fine PLUS \$100.00 STOP Fine = \$300.00
2. Second violation within two (2) years: \$150.00 fine. Failure to pay within 30 days: \$300 Default fine PLUS \$200.00 STOP Fine = \$500.00
3. Third violation within two (2) years: \$200.00 fine. Failure to pay within 30 days: \$1,000 Default fine PLUS \$300.00 STOP Fine = \$1,300.00

Cancel - Non-payment

4. You MAY request to speak with the Issuing Officer. See Section 7A on the reverse side of this Notice.
5. To CONTEST this STOP Fine you MUST request a Hearing. See Section 7B on the reverse side of this Notice.
6. A \$100.00 administrative fee will be assessed for rejected or declined payments.
7. You may view the video of the violation at [www.photoline.com](http://www.photoline.com). Print City Code ABC Computers are available for use for a nominal fee at Albuquerque Public Libraries.

**PAYMENT INSTRUCTIONS:** No Contest Payment of STOP Fines (To be completed by the person to whom this Notice was issued). Please sign and date below. By signing below you acknowledge that you are waiving your right to a hearing.

- You may pay by cashier's check or money order payable to "Photo STOP", mailed with the payment coupons to: Photo STOP P.O. Box 76842 Cleveland, OH 44101-6500. Do not mail cash. To avoid default, please write the Notice number and vehicle license plate number on your check or money order.
- You may pay by credit card over the Internet at [www.photoline.com](http://www.photoline.com). Enter City Code ABC.

## Appendix B – Sample Notice of STOP Violation

| CITY OF ALBUQUERQUE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | INSTRUCTIONS PAGE | Photo STOP |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------|
| <b>1. RIGHT TO TALK TO THE ISSUING OFFICER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |            |
| If you have questions concerning this violation, please contact the Albuquerque Police Department located at 5408 2nd Street NW Albuquerque, NM 87107. Phone: 505-761-6332 and schedule a time to discuss the matter with the issuing officer. Walk-ins are not permitted.                                                                                                                                                                                                                                                                                                                                       |                   |            |
| <b>2. VIEW VIOLATION ON THE INTERNET</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                   |            |
| The violation has been captured on video and is available for 60 days from the date of violation. The video can be viewed on the internet at <a href="http://www.photonotica.com">www.photonotica.com</a> . Enter City Code: ABQ.                                                                                                                                                                                                                                                                                                                                                                                |                   |            |
| If you do not have access to a computer, computers are available to the public for use for a nominal fee at Albuquerque Public Libraries. Please refer to your phone book for the library most convenient to you.                                                                                                                                                                                                                                                                                                                                                                                                |                   |            |
| <b>3. YOU MUST SELECT ONE OF THE FOLLOWING OPTIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                   |            |
| Complete the coupon on the Options Page for the option you select and return the coupon in the enclosed envelope. Make sure the mailing address on the reverse side of the coupon appears in the window of the enclosed envelope.                                                                                                                                                                                                                                                                                                                                                                                |                   |            |
| <b>A. Identify Another Driver</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                   |            |
| It is sufficient evidence of a violation of Albuquerque City Ordinance Section 7-11-1 et. seq. M.O.A. 1954 as amended, that the person registered as the owner of the vehicle was operating at the time of violation. However, liability of the owner may be removed if the Affidavit of Non-Responsibility (Option A of the mail in coupon on page 2) is completed and returned in the enclosed envelope by 4/13/2007.                                                                                                                                                                                          |                   |            |
| <b>B. Contest the STOP Fine &amp; Request a Hearing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |            |
| <ul style="list-style-type: none"><li>• To contest the STOP Fine, you must, within 20 days of the date of this STOP Fine, appear at The Office of Administrative Hearings, 200 3rd St. NW (at Tjere's) Downtown, 401 First Plaza (above Galleria shopping mall), North Tower, 7th floor, Suite 735, Albuquerque, NM 87102 and request a hearing.</li><li>• For information call 505-761-6332.</li><li>• The Hearing will be scheduled within 90 days of the date of this STOP Fine.</li><li>• The Hearing Officer can exclude any person from the hearing in the event of inappropriate behavior.</li></ul>      |                   |            |
| <b>It is your burden to prove any of the following available defenses:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                   |            |
| <ol style="list-style-type: none"><li>1. The vehicle was stolen or otherwise being driven without your knowledge or permission at the time of the violation. You must have a police report or other reliable evidence to avail yourself of this defense.</li><li>2. The ownership of the vehicle had lawfully been transferred and conveyed from you to another person before the time of the violation. To assert this defense, you must identify the transferee and provide proof of conveyance.</li><li>3. The evidence does not show that a violation was committed involving the subject vehicle.</li></ol> |                   |            |
| The Hearing Officer will report his or her ruling on the Hearing no more than 10 days following the hearing. If you did not prevail at the Hearing, you must pay the STOP Fine and any attendant fines or penalties issued within 20 days. That payment must be made in the same fashion outlined in Payment Instructions on the other side of this Notice.                                                                                                                                                                                                                                                      |                   |            |
| <b>C. Pay the STOP Fine by Mail</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                   |            |
| As the registered owner of the vehicle described in this Notice, we have no choice but to hold you responsible for paying the STOP fine by 4/13/2007. No points will be assessed to your driving record and no record of this violation will be sent to your insurance company or the Division of Motor Vehicles. Of course, if you were not the driver at the time of the offense, you may choose to complete the affidavit on Option A of the mail in coupon on page 2 of this Notice and indicate who was driving.                                                                                            |                   |            |
| <ul style="list-style-type: none"><li>• Please do not send cash.</li><li>• Make Check or Money order payable to "Photo STOP"</li><li>• Payments by Personal Check or Money Order are accepted. Please mail in the enclosed envelope along with the payment coupon from the Option C of page 2.</li><li>• A \$ 100.00 administrative fee will be assessed for rejected or declined payments.</li><li>• Credit card payments can also be made online at <a href="http://www.photonotica.com">www.photonotica.com</a>. Enter City Code: ABQ.</li></ul>                                                              |                   |            |
| <b>4. DEFAULT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                   |            |
| <ul style="list-style-type: none"><li>• You <b>MUST</b> respond to the STOP Fine of violation within 20 days of its issuance. You may pay the STOP Fine or Request a Hearing within those 20 days. If you do not respond within 20 days, you will Default. After Default, in addition to the STOP Fine, you will owe the City of Albuquerque a Default fine equal to two (2) times the amount of the STOP Fine. See the Fine Schedule on the other side of the Notice.</li></ul>                                                                                                                                 |                   |            |
| <ul style="list-style-type: none"><li>• If you feel that you have been held in Default error, you will have the opportunity to request a hearing on the Default determination. You will NOT have the opportunity to contest the violation at the Default Hearing. If you are successful at the Default determination Hearing, the Hearing Officer may determine that you will not have to pay the Default Fine, but you WILL have to pay the STOP Fine.</li></ul>                                                                                                                                                |                   |            |
| <ul style="list-style-type: none"><li>• For questions regarding this Notice, contact the "STOP" Customer Service Call Center toll free at 1-877-647-2338 between 8:00am and 4:00pm (MST).</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                              |                   |            |