

DISTRICT OF COLUMBIA COURT OF APPEALS

DeVita v. District of Columbia

74 A.3d 714 (D.C. 2013) · Decided September 5, 2013

SUMMARY

The District of Columbia Court of Appeals held that speeding penalties imposed through the District’s Automated Traffic Enforcement System are civil rather than criminal. The court concluded that the administrative hearing procedures provided sufficient due process, rejected the appellant’s multiple-hat and equal protection claims, and affirmed the Traffic Adjudication Appeals Board’s decision.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Fisher, Associate Judge; Fisher; Glickman; Ruiz
JURISDICTION	District of Columbia
DECIDED	September 5, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of DeVita's application for leave to appeal a Traffic Adjudication Appeals Board decision finding him liable for speeding based on evidence from the District of Columbia's Automated Traffic Enforcement System.
STANDARD OF REVIEW	The court reviewed the administrative decision as if the appeal had initially been heard in the Court of Appeals, applying the same scope of review used by the Superior Court under D.C. Code § 2-510. Agency findings supported by substantial evidence are not disturbed unless arbitrary, capricious, an abuse of discretion, or otherwise unlawful. Legal issues are reviewed de novo, with deference to the agency's reasonable interpretation of statutes and regulations it administers.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	James DeVita v. District of Columbia

TOPICS

judicial review of agency action

procedural due process

equal protection

administrative law

appellate procedure

PRACTICE AREAS

administrative law

constitutional law

traffic law

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QUESTIONS PRESENTED

1. Whether speeding penalties imposed through the District's Automated Traffic Enforcement System are criminal or civil for purposes of the Fifth and Sixth Amendments.
2. Whether the administrative procedures used to adjudicate Automated Traffic Enforcement System violations satisfy procedural due process.
3. Whether the hearing examiner's performance of both adjudicative and alleged prosecutorial functions violated due process.
4. Whether the Automated Traffic Enforcement System violates equal protection by treating camera-detected motorists differently from motorists stopped by police officers.
5. Whether the hearing examiner's erroneous statement limiting available defenses prejudiced DeVita.

HOLDINGS

1. Penalties imposed through the District's Automated Traffic Enforcement System are civil in nature, not criminal.
2. Because ATE System penalties are civil, defendants are not entitled to the Fifth and Sixth Amendment procedural protections applicable to criminal prosecutions, including the Sixth Amendment's criminal-trial confrontation procedures.
3. The procedures for administrative adjudication of ATE System speeding violations provide constitutionally sufficient procedural due process.
4. Although the hearing examiner incorrectly suggested that only two defenses were available, the error did not prejudice DeVita and therefore did not warrant reversal.
5. Due process was not violated by the hearing examiner's role because the examiner performed no prosecutorial functions and did not act as counsel for the District.
6. The ATE System's differing treatment of camera-detected motorists and motorists stopped by police officers survives rational-basis review and does not violate equal protection.

KEY QUOTATIONS

"We conclude, as we have in the past, that ATE System penalties are civil in nature. We also hold that the administrative hearing satisfied the requirements of due process." (714)

"Motorists caught by the District's ATE System are subject to civil fines, not imprisonment. They defend against speeding allegations in administrative hearings and do not enjoy the same procedural safeguards as

criminal defendants. Nevertheless, these administrative proceedings provide sufficient process to satisfy the Constitution, including the right to contest the charge before a neutral arbiter.” (726)

FACTUAL BACKGROUND

On January 29, 2010, an automated photo-radar device detected a vehicle registered to DeVita speeding, and the District issued him a \$50 ticket. At his September 24, 2010 administrative hearing, the examiner announced that persons cited for speeding could raise only two defenses, although DeVita challenged the constitutionality of the automated-enforcement statutes and did not present or proffer a factual defense to speeding. The hearing examiner relied on evidence that the radar unit had been tested, calibrated, and was functioning properly; the Board and Superior Court affirmed.

PROCEDURAL HISTORY

An automated traffic-enforcement camera detected a vehicle registered to DeVita speeding, resulting in a \$50 notice of infraction. After a DMV hearing examiner found him liable, the Traffic Adjudication Appeals Board affirmed. The Superior Court denied DeVita's application for leave to appeal, and the District of Columbia Court of Appeals affirmed the Board's decision.

DISPOSITION

affirmed

CASES CITED

- District of Columbia v. Sullivan, 436 A.2d 364 (D.C. 1981)
- Agomo v. Fenty, 916 A.2d 181 (D.C. 2007)
- Public Employee Relations Board v. Washington Teachers' Union Local 6, 556 A.2d 206 (D.C. 1989)
- Eagle Maintenance Services, Inc. v. District of Columbia Contract Appeals Board, 893 A.2d 569 (D.C. 2006)
- District of Columbia Office of Human Rights v. District of Columbia Department of Corrections, 40 A.3d 917 (D.C. 2012)
- Albertie v. Louis & Alexander Corp., 646 A.2d 1001 (D.C. 1994)
- Legette v. United States, 69 A.3d 373 (D.C. 2013)
- Hudson v. United States, 522 U.S. 93 (1997)
- United States v. Ward, 448 U.S. 242 (1980)
- Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963)
- Bevis v. City of New Orleans, 686 F.3d 277 (5th Cir. 2012)
- Holst v. City of Portland, 152 Fed. App'x 588 (9th Cir. 2005)
- Mendenhall v. City of Akron, 2008 WL 7484179 (N.D. Ohio Dec. 9, 2008)
- Shavitz v. City of High Point, 270 F. Supp. 2d 702 (M.D.N.C. 2003)
- State v. Dahl, 336 Or. 481, 87 P.3d 650 (2004)
- City of Creve Coeur v. Nottebrok, 356 S.W.3d 252 (Mo. Ct. App. 2011)

- In re Amey, 40 A.3d 902 (D.C. 2012)
- In re D.B., 947 A.2d 443 (D.C. 2008)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Van Harken v. City of Chicago, 103 F.3d 1346 (7th Cir. 1997)
- In re Dortch, 860 A.2d 346 (D.C. 2004)
- Bridges v. Clark, 59 A.3d 978 (D.C. 2013)
- Richardson v. Perales, 402 U.S. 389 (1971)
- Romer v. Evans, 517 U.S. 620 (1996)
- Dixon v. District of Columbia, 666 F.3d 1337 (D.C. Cir. 2011)
- Idris v. City of Chicago, 552 F.3d 564 (7th Cir. 2009)
- United States v. Harley, 315 Fed. App'x 437 (3d Cir. 2009)
- Smith v. Doe, 538 U.S. 84 (2003)
- Washington v. Glucksberg, 521 U.S. 702 (1997)
- In re W.M., 851 A.2d 431 (D.C. 2004)