

Resolution on Enforcement of Rules

The existing rules and chart of penalties have a few small problems that need to be corrected in order to guarantee their usefulness.

One is that the current rule severely limits the imposition of increased fines for second or subsequent offenses. Whether intended to do so or not, the rule wipes a violator's slate clean after a year. That is too short a period for proper calculation. A person who committed a violation on June 1, 2008, a second on June 2, 2009, and a third on June 3, 2010 could only receive three first offense penalties. We should instead use a longer period. In the resolution below, I propose a five year period, but we could use three years or some other period.

Another problem is that the rules do not specifically state that one who violates the pass procedure must pay the original fee the violator avoided in addition to any levied fines. That should be just common sense, but while we're clarifying our enforcement mechanisms we should put that in the rules to prevent any attempt to avoid payment of the proper charges.

Finally, the rules do not provide for increased fines in the (rare) case of fourth or subsequent violations.

I therefore propose the following amendments:

1. Amend Rule 10.4 to read as follows (new language in bold):

The following is a chart of the fines. Fines are levied over a ~~one~~ **five** year period beginning with the first offence. These fines are in addition to any County, State, or Federal fines. **In the case of violations of gate pass rules or any other rule requiring payment to HIOA, the violator must pay the original unpaid fee in addition to any fines levied pursuant to these rules.**

2. In the chart of penalties, change the heading for second offenses to read:

Fine Assessment 2nd Violation Within ~~1 year~~ **five years** of 1st violation

3. In the chart of penalties, change the heading for third offenses to read:

Fine Assessment 3rd Violation Within ~~1 year~~ **five years** of 1st violation

4. At the end of the chart of penalties, add this note:

The fine shall be increased by \$100 above the third offense amount for a fourth offense, \$100 above that amount for a fifth offense, and so on.