SPECIAL AUDIT REPORT

OF

SAFE TRAFFIC OPERATIONS PROGRAM
ALBUQUERQUE POLICE DEPARTMENT

REPORT NO. 07-112

City of Albuquerque
Office of Internal Audit and Investigations
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.
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:


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).
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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citation Revenue</td>
<td>$10,611,397</td>
</tr>
<tr>
<td>Expenditures paid to Redflex</td>
<td>($2,844,920)</td>
</tr>
<tr>
<td>APD Personnel Expenditures</td>
<td>($465,888)</td>
</tr>
<tr>
<td>APD Direct Expenditures, excluding Personnel &amp; Redflex</td>
<td>($761,350)</td>
</tr>
<tr>
<td><strong>Subtotal APD:</strong></td>
<td>$6,539,239</td>
</tr>
<tr>
<td>OAH Expenditures</td>
<td>($731,958)</td>
</tr>
<tr>
<td><strong>Net (Revenues - Expenditures):</strong></td>
<td><strong>$5,807,281</strong></td>
</tr>
</tbody>
</table>

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.
Principal Auditor

REVIEWED:

________________________________________________________________________

Audit Manager  Internal Auditor

APPROVED:  APPROVED FOR PUBLICATION:

________________________________________________________________________

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

Notice of STOP Violation

City of Albuquerque
PO Box 299
Albuquerque, NM 87103

STOP
2600 Central Avenue NE
Albuquerque, NM 87108

If you wish to contest this STOP violation, you may file an appeal within 21 days of the date of this Notice. You may appeal by completing the form below and mailing it to the Administrative Hearing Officer, Attention: STOP, P.O. Box 1293, Albuquerque, NM 87103.

The Office of the Mayor
City & County of Albuquerque
Attention: STOP
P.O. Box 1293
Albuquerque, NM 87103

If you have questions or need additional information, please contact the STOP office at 505-243-8080.

STOP Office
P.O. Box 1293
Albuquerque, NM 87103

Page 1
Appendix B – Sample Notice of STOP Violation

OPTIONS PAGE - For instructions, see Page 4

OPTION A: ULTIMATE NEW DRIVER - IF YOU WEAR NOT THE DRIVER
Violator Name: CITY OF ALBUQUERQUE

Check One:
☐ The vehicle was driven prior to the incident date
☐ The person named below was the driver of the vehicle

First/Last Name of Violator ________________________________ Driver's License # ________
Address ___________________________ ___________________________ Issued in the State of ________
City/State/Zip Code ___________________________ Date of Issue ______________

Signature ___________________________________________ Print Name ____________________________
Your Phone Number: ___________________________ Date ________________

OPTION B: CONTEST THE STOP FINE & REQUEST A HEARING
Violator Name: CITY OF ALBUQUERQUE

I wish to contest the STOP fine and request a hearing.

1. The vehicle was driven without your knowledge or permission at the time of the violation. You must have a police report or other reliable evidence to prove you were not the driver.
2. The ownership of the vehicle had not been transferred and delivered to you by another person before the time of the violation. To prove a transfer, you must show the written and signed transfer of ownership.
3. The evidence does not show that a violation was committed involving the subject vehicle.

Signature ___________________________________________ Print Name ____________________________
Your Phone Number: ___________________________ Date ________________

OPTION C: PAY THE STOP FINE BY MAIL

IF YOU ARE NOT THE DRIVER, DO NOT SELL THIS OPTION; DO NOT SEND CASH.

Cash Check
Charge
VISA MasterCard

You may also pay your fine by credit card at www.payamount.com and enter City Code: ABQ

Name: ___________________________ ___________________________ ____________________________
License State: ___________________________ ___________________________ ____________________________
License Plate: ___________________________ ___________________________ ____________________________
Signature: ___________________________ ___________________________ ____________________________

City of: ___________________________ Date of Violation ________________

Fine Amount __________ Amount Paid: __________

PO BOX 1293
ALBUQUERQUE NM 87103
Appendix B – Sample Notice of STOP Violation

CITY OF ALBUQUERQUE, NM
NOTICE OF VIOLATION

RED LIGHT

NOTICE NUMBER: ________________

DATE OF VIOLATION: 09/27/2007
TIME OF VIOLATION: 12:04 PM

MVR: ________________

License: ________________

Date Exp.: ________________

Vehicle Make: ________________

Model Year: ________________

Vehicle Color: ________________

Vehicle Style: ________________

REGISTERED OWNER/DRIVER:

CITY OF ALBUQUERQUE

 Make ________________
Model ________________
Year ________________

LOCATION OF VIOLATION:
6600 Doors Blvd, NW

The vehicle designated above is subject to the undersigned Police Officer:

DATE ISSUED: 10/02/2007

SIGNED ALBUQUERQUE POLICE OFFICER: __________

Failure to pay this fine on time will lead to serious legal consequences including the lien on your vehicle and the assessment of additional fine and interest. 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 fail to pay or otherwise convey title to the subject motor vehicle to another person unless all applicable STOP fines are paid.

As the registered owner of the vehicle described in this Notice, the City holds you responsible for paying this fine.

No stops will be made to your driving record and no record of this violation will be sent to your insurance until thirty (30) days after the date of the violation.

A hearing must be scheduled or payment received by __________

by September 1, 2008.

You will receive a Notice to Appear in the 1st Judicial District Court, City and County of Albuquerque.

To contest this fine you must ask for a Hearing or an extension of time in writing.

If you are not satisfied with the decision of the hearing, you may appeal to the Municipal Court for a trial by a judge.

The decision of the hearing officer is final, and will be binding and enforceable.

If you do not contest the fine, the decision of the hearing officer will be final, and will be binding and enforceable.

PAYMENT INSTRUCTIONS: This payment must be completed by the person to whom the Notice was issued. Please sign and date below. A copy of the Notice is attached.

The amount of the fine is $100.00 plus $3.00 for mailing and handling. You may pay the fine in person by cash, check or money order payable to "City of Albuquerque."

You may pay by credit card over the Internet at www.paymentshop.com, Enter City Code: ABQ.

Failure to pay this fine on time will lead to serious legal consequences including the lien on your vehicle and the assessment of additional fine and interest. 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 fail to pay or otherwise convey title to the subject motor vehicle to another person unless all applicable STOP fines are paid.

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Appendix B – Sample Notice of STOP Violation

CITY OF ALBUQUERQUE
INSTRUCTIONS PAGE

1. RIGHT TO TALK TO THE ISSUING OFFICER
   If you have questions concerning this violation, please contact the Albuquerque Police Department. Call 505-768-2899 or email at 911@abqpolice.gov

2. VIEW VIOLATION ON THE INTERNET
   The Violation can be viewed online at www.NewMexico.gov/Police

3. YOU MUST SELECT ONE OF THE FOLLOWING OPTIONS
   Complete the coupon on the Options Page to the right and return the coupon to the address on the envelope to which you sent the notice. Make sure the mailing address on the envelope is that of the individual who received this notice.

   A. Identify Another Driver
      If a sufficient evidence exists of a violation, the Notice will be forwarded to the Owner/Operator of the vehicle. The Owner/Operator must make all reasonable efforts to identify the actual driver of the vehicle and return the coupon. The Notice will be sent to the address on the envelope. The City of Albuquerque will then proceed with the collection of the fine.

   B. Contest the STOP Fine & Request a Hearing
      To contest the STOP fine, you must within 14 days of the date of the STOP issue appear at the Office of Administrative Hearings (OAH) 1800 St. Joseph Blvd, 4th Floor, 1st Plaza, Albuquerque, NM 87102. The office is open Monday through Friday from 8:30 AM to 5:00 PM.

4. Pay the STOP Fine by Mail
   The registered owner of the vehicle described in the Notice, we have no choice but to have you responsible for paying the STOP fine by 5:00 PM. No points will be assessed if your driving record and no record of the 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 violation, you may attempt to complete the page on the envelope and return the envelope, she will be returned.

   - Please do not send cash
   - Make Checks or Money orders payable to “Photo STOP”
   - Payment by Personal Check or Money Order are acceptable. Please mail in the enclosed envelope a copy of the payment coupon from your
   - Cougar of page 2
   - A $15 fee for each payment will be assessed for rejected or declined payments
   - Credit card payments can also be made online at www.PhotosPolice.com, Enter City Code: ABQ

5. DEFAULT
   You MUST respond to the STOP fine within 20 days of 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 $15 fee. Your failure to meet all the terms of the STOP Fine is a violation of the Uniform Administrative Hearing Act. If you do not DEFAULT, in addition to the STOP Fine, you will owe the City of Albuquerque a $15 fee. Your failure to meet all the terms of the STOP Fine is a violation of the Uniform Administrative Hearing Act. You will be held responsible for all court costs, fees, and penalties.

   - For questions regarding this Notice, contact the “STOP” Customer Service Call Center toll free at 1-337-447-2339 between 8:00 am and 4:00 pm (MST).