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Violation

The Boston Globe

Challenge the system and the odds are on your side. With 1.7 million tickets issued last year in Boston, a new service is banking on it.

By Johnny Diaz, Globe Staff | February 6, 2005

Call it the case of "The Chef Parked in a No Stopping Zone." Before, Michael Phillips had always paid his parking tickets -- six in the space of a year, in fact. This time, he decided, it was time to fight.

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This time, the Beacon Hill chef wasn't going to cave. This time, he had photos.

His offense: parking his Mazda pickup in a no-stopping space on Cambridge Street, at the bottom of the Hill, last December.

His defense: no signage.

"I have proof there is no sign there," said Phillips, clutching his photos as he readied for his turn with one of three full-time hearing officers for the city's ticket appeal board.

After explaining his problem, Phillips walked out of the hearing room with

a smile and a small victory.

Ticket dismissed.

The officer had agreed there was no sign, although he did give Phillips a stern warning to check the nearest signs before parking.

Drivers who fight their parking tickets may find making the trip to City Hall a hassle, but the odds of victory are in their favor: 60 percent of the 17,000 people who showed up last year at the appeals office had their tickets thrown out. That's not to say that you have a 60 percent chance of beating any ticket; drivers who show up to fight are usually those with a good reason. Only 1 percent of all tickets are appealed in person. Several thousand more were dismissed last year when the protest was done by mail, according to the city.

But coming soon to a meter near you is a service that promises to make that ticket go away a little easier -- for a fee, of course.

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Beginning today, the online company parkingticket.com opens business in Boston, ready to write letters of protest to transportation officials on behalf of any driver who wants to appeal a parking fine.

"We love to beat parking tickets," said Glen Bolofsky, founder of the four-year-old company based in Paramus, N.J. So far, the company has successfully fought 100,000 parking tickets in New York City, Washington, D.C., and San Francisco in 2004, while losing the battle on 45,000 tickets, according to Bolofsky. Now, his Jersey-based staff -- 12 full-timers and 12 part-timers -- will be battling Boston tickets. He said the Hub just seemed like the next best metropolis for the ticket-tackling team.

"Boston, next to New York [City], is probably the king of parking tickets per capita," said Bolofsky, noting that anyone who has visited or lived in Boston has encountered his or her share of parking tickets.

He and his fleet of employees and consultants, who include former police officers and meter enforcers, scour tickets for loopholes and defects, such as the wrong make of the car, wrong address, or a miswritten vehicle identification number or plate number. Any of those discrepancies can be used to have the ticket dismissed. While Bolofsky says his firm takes into account any extenuating circumstances the driver offers as a defense, he added: "The parkingticket.com system finds the grounds for dismissal." A former CPA, he believes his team can find more obscure loopholes than the average Joe.

"We are like detectives," Bolofsky said. "If they say you are driving a Mercedes and you are driving a Chevy, that's grounds for dismissal. We look for defects in the ticket."

When Bolofsky talks about parking tickets, his voice occasionally rises, and he grows notably animated. As for his own encounters with meter enforcement, he said, he is still upset about a \$35 ticket he received back in 1980 in Queens, New York, for parking on the side of the street during street cleaning.

"I took away from it," he said, "a determination to do something about it."

For the letter of protest, Bolofsky charges a fee of half the cost of the ticket. If the appeal fails and the driver has to pay the ticket, the fee is refunded.

Bolofsky touts his service as "a big timesaver."

"He was able to get two of my tickets thrown out and reduce the penalty on another," said Don Rojas, a Lower Manhattan radio station manager who used the parkingticket.com service in December to fight three tickets involving expired meters.

"My argument was that the meter had not expired, but they wrote the ticket anyway," Rojas said. "Sort of a typical thing that thousands of New Yorkers deal with every day."

Joanna Perlman, spokeswoman for the city of New York's Finance Department, said she is aware of Bolofsky's service but declined to say more about it.

Clearly, plenty of Boston drivers feel confident in their own abilities to fight a ticket, as any hearing officer can tell you. Some aggrieved drivers bring their children on the trip to City Hall to evoke extra sympathy; others show up with written affidavits from witnesses. Most have photos, sometimes even videos, painstakingly taken of the parking spot in contention. And more often than not, they win.

"If someone goes through all the trouble to request a hearing, we should try and give them the benefit of the doubt," said Tracey Ganiatsos, a spokeswoman for the Boston Transportation Department. "The more information you can bring to prove your point, the better chance you have of having your ticket dismissed."

Indeed, first-time ticket contesters interviewed outside the appeals office last month said the

hearing officers seemed on the lenient side. In Phillips's case, the naked pole on which the no-parking sign had once been attached was clearly visible, making this reporter doubt that he would ever win his case. He did.

Of a handful of ticketed drivers a Globe reporter spoke to at random on a Tuesday afternoon last month, all said their tickets had been dismissed. (They were easy to spot. They had the ear-to-ear grins and waved the white dismissal forms on their way out.)

Among the more successful defenses, according to the city's Transportation Department, are obscured or missing signs (with photographs to prove it) and claims of a broken meter, which the city can confirm by checking its maintenance records.

Among the excuses that don't win: "I wasn't really parked because someone was in the passenger seat" and "I only double-parked for five minutes."

Dave Miller, 24, brought his digital camera to a recent hearing and clicked through his photos with the hearing officer because he couldn't print them out. He explained that he had parked his Isuzu Rodeo in December in a space, at Parmenter Street off Salem Street in the North End, that prohibited parking only during daytime construction hours.

Miller's defense: He parked after 9 p.m.

His proof: The time on the ticket read 9:44 p.m.

He walked out victorious.

"It's the most expensive one I've had," said the recent Northeastern graduate of the \$75 ticket. He's been guilty of previous parking tickets, from expired meters to parking in residential areas without a sticker, and he always paid those without a fight for a simple reason.

"All the other times," he said, "I knew I was wrong."

It's hard to know how many improperly issued tickets are paid by people who aren't interested in spending the time fighting.

Most tickets are disputed by mail; some 71,000 tickets were dismissed last year without the driver going to City Hall. On the Tuesday we visited, the line to pay tickets was about 15 people long, while only a handful of people were waiting to fight one.

Among them was Beth Goldstein, a Newton nurse who works at the East Boston Neighborhood Health Center. She parked her Dodge minivan on Eastie's London Street at 8:20 a.m. one January morn before beginning her shift.

"When I came back in the afternoon, there was no car. There was a dumpster," she said. "It was a horrible sinking feeling."

Through some phone calls, she learned her van was towed. Cost was \$75 for the parking infraction and another \$125 for the tow fees. The city's reason for the ticket: a temporary construction/no parking sign posted in the area.

Goldstein's defense was that no signs had been posted the morning of the construction, or she wouldn't have parked there.

"It's not right," she said before her hearing. "It's the principle."

In a manila envelope, she brought enlarged photos of the dumpster and accompanying lack of signage.

After 10 minutes of making her case, she walked out of the appeals board room flashing a big

thumbs up.

The hearing officer had acknowledged that the city must place temporary construction signs 24 hours ahead of time.

Goldstein didn't just get the ticket dropped; she will be reimbursed for the towing fees.

"It's worth coming here for," she said, before dashing back to work.

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Beat it: You can do it, these tips can help

- Bring photos. If a tree obstructed the No Parking sign, a photo of the obstruction will go a long way.
- Bring a witness.
- If you parked at a broken meter for less than an hour and were ticketed, appeal by mail to the city giving the meter's number, and its maintenance records will be checked.
- Appealing by mail is as effective as appealing in person, as long as you enclose photos or other evidence.

Source: Boston Transportation Department ■

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