

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Andrew Fullman	:	
	:	
v.	:	
	:	
Appeal from Decision of Bureau of Administrative Adjudication	:	
	:	
	:	No. 1026 C.D. 2023
Appeal of: Andrew Fullman	:	Submitted: July 8, 2026

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE ANNE E. COVEY, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE COVEY

FILED: September 15, 2026

Andrew Fullman (Fullman) appeals, pro se, from the Philadelphia County Common Pleas Court’s (trial court) August 14, 2023 order granting the City of Philadelphia’s (City) Motion to Dismiss his appeal (Motion) from the City Bureau of Administrative Adjudication’s (BAA) decision that upheld his violation of Section 12-1005(1) of the Philadelphia Traffic Code¹ (Traffic Code). The sole issue before this Court is whether the trial court properly dismissed Fullman’s appeal.² After review, this Court affirms.

¹ Phila., Pa., Traffic Code § 12-1005(1) (effective May 6, 1958) (pertaining to use of parking meters). See https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-284741 (last visited Sept. 14, 2026).

² In his Statement of the Questions Presented, Fullman presents 21 issues, including the substantive issues of his appeal, claims of discrimination, and challenges to the trial court’s conduct during the hearing. See Fullman Supplemental Br. at 4-5. Beyond mere accusations, Fullman does not point to any evidence that the City engaged in discriminatory conduct. Further, Fullman does not explain how the BAA or the City violated his due process rights. With respect to the trial court’s alleged improper conduct, “[i]n local agency appeals where the agency record

On September 10, 2021, the Philadelphia Parking Authority (Authority) issued Fullman a parking citation for violating Section 12-1005(1) of the Traffic Code - failure to pay the designated fee to use a parking meter (September 2021 Ticket).³ The issuing officer observed Fullman's vehicle parked at 9:37 a.m., displaying a Physically Disabled License Plate, with no active parking session evident within the metered zone. At 10:45 a.m., one hour and eight minutes after the initial observation, the officer issued Fullman the September 2021 Ticket and the Authority assessed a \$36.00 civil penalty. On September 13, 2021, Fullman appealed from the September 2021 Ticket to the BAA, requested a hearing before a BAA hearing examiner, and submitted evidence to refute the September 2021 Ticket. Therein, Fullman referenced his Physically Disabled License Plate and his entitlement to "one [] hour of free parking set by law." Original Record (O.R.) at 20.⁴ On November 9, 2021, the BAA hearing examiner determined that Fullman violated Section 12-1005(1) of the Traffic Code. *See* O.R. at 29. On November 16,

is complete and the trial court did not take additional evidence, the Commonwealth Court reviews the decision of the local agency, not the trial court." *Carson Concrete Corp. v. Tax Rev. Bd., City of Phila.*, 176 A.3d 439, 447 n.4 (Pa. Cmwlth. 2017). Nonetheless, having reviewed the relevant transcript this Court discerns no improper conduct by the trial court. Accordingly, this Court addresses the issue as stated herein.

³ Section 12-1005(1) of the Traffic Code states:

When a vehicle is parked in a parking meter space[,] the operator shall immediately pay the designated fee using a parking meter, unless there is parking meter time remaining on the meter at the parking meter space. Any vehicle can use the balance of time on the parking meter until such time expires and additional payments are required. Failure to pay such fee for a vehicle at a parking meter whose time has expired shall constitute a violation of this Chapter [12-1000 of the Traffic Code].

Traffic Code § 12-1005(1).

⁴ Because the pages of the trial court's Original Record are not numbered, this Court references electronic pagination herein.

2021, Fullman appealed from the hearing examiner's decision to the BAA Appeal Panel (Appeal Panel).

On January 24, 2022, the Appeal Panel affirmed the BAA hearing examiner's decision and fined Fullman, including a late penalty, \$66.00. On February 15, 2022, Fullman appealed from the Appeal Panel's decision to the trial court. Following the trial court's receipt of the BAA's record, the parties' briefs, and oral argument, the trial court remanded the matter to the BAA for the limited purpose of allowing Fullman to provide the BAA still images from his car's dashcam video recording. On October 26, 2022, Fullman submitted an email to the BAA with additional evidence for consideration. On December 5, 2022, following its review of the entire case with the newly accepted evidence, the Appeal Panel issued its written findings and again affirmed the BAA hearing examiner's decision. The Appeal Panel explained:

[N]othing presented in terms of testimony or evidence forms a basis to dismiss [the September 2021 Ticket] or the late penalty. There is no dispute that there was no active parking session established at the time of ticket issuance. Your defense for the violation is that between the time the vehicle was initially observed by the issuing officer and the actual time of ticket issuance, you moved the vehicle from the metered zone in order to attempt to secure parking within your residential permit parking zone. You provided still photographs, converted from video as instructed, to substantiate this claim. You assert that you were unsuccessful in finding legal parking within your permit zone and then returned to park in the original metered zone where first observed. You further argue that upon returning and based on the display of your disability parking placard, you should have been afforded an additional hour of free parking from the time you returned [-] [e]ssentially requesting that the vehicle be re-timed.

It is the finding of the Appeal Panel that the defense offered is insufficiently persuasive to overcome the violation. It is further the finding of the Appeal Panel that

you are attempting to exploit [former Section] 12-1117(2)(a) of the [] Traffic Code⁵ in an effort to avoid paying for metered parking on the street. City Council enacted that [Traffic C]ode section to mitigate the chance of receiving a parking ticket simply because a citizen was not able to ambulate to the parking meter or vehicle before the time expired. [Former Section] 1117(2)(a) [of the Traffic Code] allows an individual, when their handicapped parking placard is properly displayed, “to park for a period of . . . 60[] minutes in excess of the maximum time limit . . . [.]” This section of the [Traffic] Code was enacted with the understanding that people with disabilities may experience more challenges returning to their vehicles before the parking meter has expired. The [Traffic] Code provides a “grace period” to people in that scenario of [one] hour during which a parking ticket will not be issued. In the present case, briefly moving your vehicle from a metered parking space and then returning to either the same exact space or a similar space on the same street and within the same zone does not create an additional [one] hour of free parking. The evidence submitted clearly demonstrates that you were able to move your vehicle within the [one]-hour grace period.

O.R. at 45-46.

On February 6, 2023, the trial court issued a scheduling order directing, among other things, that oral argument on the September 2021 Ticket appeal’s merits be scheduled for a date after August 7, 2023, and that once scheduled, no continuances would be granted. On June 9, 2023, the trial court scheduled oral argument for August 10, 2023, on Fullman’s September 2021 Ticket appeal.⁶

On August 10, 2023, Fullman appeared and argued to the trial court that it should overturn the BAA’s decision because he was not parked in the handicapped

⁵ On December 18, 2024, the City’s Mayor signed Bill No. 240613-AA which amended Section 12-1117 of the Traffic Code and replaced Section 12-1117(2)(a) of the Traffic Code in its entirety.

⁶ The trial court also scheduled oral argument for Fullman’s appeal from another ticket the Authority had issued to him on April 22, 2022.

spot for one hour and his dashboard camera showed that he had moved his car. According to Fullman, the BAA disregarded his evidence.

On August 14, 2023, the trial court denied Fullman’s September 2021 Ticket appeal “for lack of merit.” O.R. at 81. On August 24, 2023, Fullman filed a Motion for Reconsideration, which the trial court denied on August 25, 2023. Fullman appealed to this Court.⁷ On September 20, 2023, the trial court directed “Intervenor, Carlos Matos”⁸ to file a Concise Statement of Errors Complained of on Appeal pursuant to Pennsylvania Rule of Appellate Procedure (Rule) 1925(b) (Rule 1925(b) Statement). O.R. at 109. On October 25, 2023, the trial court issued its opinion pursuant to Rule 1925(a) (Rule 1925(a) Opinion), stating therein that because Fullman had not filed a timely Rule 1925(b) Statement, this Court should dismiss Fullman’s appeal.

On June 13, 2025, this Court remanded the matter to the trial court because the trial court’s order directed Carlos Matos - who was not a party to Fullman’s September 2021 Ticket appeal – to file a Rule 1925(b) Statement. This Court directed the trial court on remand to confirm whether it ever ordered Fullman to file a Rule 1925(b) Statement and, if not, to issue a corrected order directing Fullman to do so and, thereafter, issue a Rule 1925(a) Opinion on the merits of the September 2021 Ticket appeal.

⁷ Where the trial court does not take any additional evidence, [this Court’s] . . . review over the decision of a local agency is limited to determining whether constitutional rights were violated, whether an error of law was committed, whether the procedure before the local agency was contrary to statute, and whether necessary findings of fact are supported by substantial evidence.

Water Polo, I, L.P. v. W. Hanover Twp. Sewer Auth., ___ A.3d ___ n.7 (Pa. Cmwlth. No. 1283 C.D. 2024, filed May 15, 2026) (quoting *Appeal of Hall*, 317 A.3d 1115, 1119 n.3 (Pa. Cmwlth. 2024)).

⁸ Carlos Matos is not identified nor otherwise referenced in the Original Record.

On June 26, 2025, the trial court issued a Rule 1925(a) Opinion confirming that Fullman had filed a Rule 1925(b) Statement on October 26, 2023. The trial court's reasoning on the merits was virtually identical to the Appeal Panel's discussion. *See* Trial Ct. Rule 1925(a) Op. at 10.

On February 10, 2026, this Court ordered the parties to file supplemental briefs addressing the substantive issues discussed by the trial court. Both parties filed their supplemental briefs. The merits are now ripe for review.

Fullman contends that although his car was observed parked in the reserved handicapped parking spot at 9:37 a.m., he moved his car at 9:50 a.m. as evidenced by his dashcam footage, in order to find a spot in Zone 10, an area where he has an unlimited parking permit. Unable to find a spot in Zone 10, he then returned to the same reserved handicapped parking spot at 10:06 a.m. He claims that former Section 12-1117(2)(a) of the Traffic Code affords him one hour of free metered parking, and he did not exceed that hour between 10:06 a.m. and 10:45 a.m. - the time the citation was issued.

Initially, Section 12-1006(1) of the Traffic Code provides:

It shall be unlawful for any operator or owner to permit his vehicle to be parked in any parking meter space beyond the legal parking limit or to deposit any additional coins in a parking meter to extend the time for the use of the parking space beyond the legal parking limit.

Traffic Code § 12-1006(1).

Section 3354(d)(1) of the Vehicle Code provides:

When a motor vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard as prescribed in this title is being operated by or for the transportation of the person with a disability or severely disabled veteran, the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by local authorities[.]

except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon[,], or evening hours.

75 Pa.C.S. § 3354(d)(1).

Former Section 12-1117(2)(a) of the Traffic Code stated:

Exemption for physically handicapped persons and disabled or severely-disabled veterans from parking time limits and parking meter fees.

(a) When a motor vehicle bearing a handicapped plate, a handicapped parking placard, a severely-disabled veteran's plate, or a severely-disabled veteran placard is being operated by or for the transportation of a physically handicapped person or a severely-disabled veteran, **the driver shall be entitled to park for a period of . . . 60[] minutes in excess of the maximum time limit and without payment of any parking meter fees during that . . . 60[] minute period on streets where parking is limited** but not prohibited by ordinance or by the Vehicle Code[, 75 Pa.C.S. §§ 101-9805]. Such motor vehicles shall comply with all parking prohibitions.

Former Traffic Code § 12-1117(2)(a) (bold and underline emphasis added).

Merriam-Webster's online dictionary defines *excess* as "the state or an instance of **surpassing** usual, proper, or **specified limits**[.]"⁹ (Emphasis added). This Court agrees that former Section 12-1117(2)(a) of the Traffic Code entitled Fullman to park for 60 minutes, without paying for that 60-minute period, but only after *surpassing* the maximum time limit. Fullman cited to no evidence that he ever paid the meter fee for a parking session **after which** he was afforded an additional one hour of free parking under former Traffic Code Section 12-1117(2)(a). Fullman

⁹ <https://www.merriam-webster.com/dictionary/excess> (last visited Sept. 14, 2026) (emphasis added). "[W]here a court needs to define an undefined [ordinance] term, it may consult dictionary definitions for guidance." *Sheppleman v. City of Chester Aggregated Pension Fund*, 271 A.3d 938, 949 (Pa. Cmwlth. 2021) (quoting *THW Grp., LLC v. Zoning Bd. of Adjustment*, 86 A.3d 330, 336 (Pa. Cmwlth. 2014)).

complains that, because he moved his vehicle at 9:50 a.m. and did not occupy the parking space again until 10:06 a.m., he did not park in excess of one hour between 9:37 a.m. and 10:45 a.m.

Notwithstanding, for Fullman to avail himself of the one hour of free parking pursuant to Section 3354(d)(1) of the Vehicle Code and former Section 12-1117(2) of the Traffic Code, his parking from at least 9:37 a.m. had to be “**in excess** of the maximum time limit[.]” *Former* Traffic Code § 12-1117(2)(a) (emphasis added). If, as Fullman contends, he began a new parking session when he returned to the same parking space, then he was required to comply with the posted parking requirements, including paying the appropriate meter charges, after which he would be entitled to one hour of free parking “**in excess** of the maximum time limit[.]” *Former* Traffic Code § 12-1117(2)(a). To the extent Fullman asserts that his free one-hour parking session began at 9:37 a.m., then by 10:45 a.m. (when the vehicle was ticketed), he exceeded the legal parking limit. In either circumstance, Fullman violated former Section 12-1005(1) of the Traffic Code.

For all of the above reasons, the trial court’s order is affirmed.

ANNE E. COVEY, Judge

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O R D E R

AND NOW, this 15th day of September, 2026, the Philadelphia County
Common Pleas Court's August 14, 2023 order is affirmed.

ANNE E. COVEY, Judge