



Level-2 Administrative Hearing

2150 KITTREDGE STREET, BERKELEY, CA 94720-5740

CONTESTING THE RESULT OF THE (Level-1) Administrative Review

I. Your "RIGHTS AND RESPONSIBILITIES"

If you are dissatisfied with the result of the initial citation review, you may request an Administrative Hearing with an independent reviewing authority – **The Hearing Examiner (a.k.a. Level-2 Review)**. (California Vehicle Code § 40215[b])

1. Your Level-2 Administrative Hearing application **must be received within (21-calendar days)** following the date of the results of the Level-1 Administrative Review. **POSTMARKS WILL BE HONORED.**
 - You may deliver your Level-2 Administrative Hearing request form, by mail, or in person, to **Parking & Transportation at 2150 Kittredge Street, Berkeley, CA 94720-5740**. Payment of the fine **will be processed** by Customer Support Services and **placed into a Holding Account pending a final review**. The Application for the Level-2 Administrative Hearing will be forwarded directly to the Hearing Examiner.
 - A Hearing may be conducted in person or entirely in writing, by mail. Your **written statement** must be attached to your Level-2 Administrative Hearing application.
 - The parking citation is considered **"prima facie" (true or authentic) evidence** that the violation occurred, therefore, the issuing officer will not be present at the hearing. (California Vehicle Code § 40215[c][5])
2. The **citation fine must** accompany the Level-2 Administrative Hearing Application, unless a pre-hearing fee waiver is granted, with **documented proof of inability to pay** in advance of hearing the evidence. (California Vehicle Code § 40215[b])
 - The *Request for Fine Waiver* is available only for citations with a fine of **\$200 or more**, or the review of a group of citations totaling \$200.00, or more.
 - The Request for Fine Waiver can be obtained at **Customer Support Services, 2150 Kittredge Street, 1st Floor, Berkeley, CA.**

II. About the Level-2 HEARING PROCESS:

The **Examiner will conduct Hearings at 2150 Kittredge Street, Berkeley, CA.** His decision will be based upon the evidence presented by you at the Hearing, whether to uphold the citation as valid or to dismiss it completely.

- The standard burden of proof is a preponderance of the evidence (**a 51% probability**).
1. Failure to understand campus-parking regulations is not a basis for dismissal.
 2. **If, the Level-2 Administrative Hearing application and payment for the fine(s) is postmarked after the due date established at the completion of the Level-1 Administrative Review, your application for a Level 2 review will not be accepted and the citation will be upheld as issued.** (California Vehicle Code § 40215[b]).
 3. If a Hearing is scheduled and you are unable to attend, you must provide notice at least (48 hours) in advance, by calling **510-643-7701** and rescheduling within 21 calendar days of the original Hearing date. **California Vehicle Code § 40215[b]**
 4. Include all documents and comments you want to be considered for review at the time you submit your Level-2 Administration Hearing request.
 - Documents may include, but are not limited to, photographs, copies of your parking citation or permits, your own testimony, as well as testimony of witnesses.
 - If you, or your witness, present written testimony, the following statement should appear above your signature: "I, (name of person testifying), state that the testimony I have given is true and correct."
 5. An In-Person Administrative Hearing usually lasts approximately 15 minutes.
 - The citation will be upheld unless evidence is presented by you that there is valid reason to dismiss it.
 - It is to your benefit to prepare for the Hearing.
 - Information provided at your Level-1 Administrative Review will also be considered.
 6. Procedures for **Written Hearings** are the same as **In-Person Hearings**, except that you will not be able to speak personally to the Hearing Examiner.
 7. If you have additional questions about the Level-2 Administrative Hearing process, please **Call: 510-643-7701.**

Level-2 Administrative Hearing

2150 Kittredge Street MC#5740 Berkeley, CA 94720-5740

NOTICE TO THE HEARING EXAMINER

A Second Level Administrative Hearing is available to you upon request. PROCEDURES FOR FILING A "REQUEST FOR AN ADMINISTRATIVE HEARING", PURSUANT TO SECTION 40215 OF THE CALIFORNIA VEHICLE CODE (CVC) ARE LISTED BELOW:

THE HEARING EXAMINER'S OFFICE: PROCEDURES FOR THE FILING THE "NOTICE OF APPEAL" OF A CITATION

REQUESTING A LEVEL-2 ADMINISTRATIVE HEARING:

1. Your request may be filed in-person or by mail. A request should be submitted no later than **21 CALENDAR DAYS** of the mailing date of the enclosed, Notice of Hearing Decision Letter aka (**Level-1 Administrative Review**).

PLEASE NOTE: If your request for a **Level-2 Administrative Hearing** is not postmarked within this time period, or is **incomplete**, the decision of the Level-1 Administrative Review shall be deemed **final**.

2. The **citation fine must** accompany this **Level-2 Administrative Hearing** application, unless a pre-hearing fee waiver is granted. **MAKE CHECKS PAYABLE TO: U.C. REGENTS**

Scheduling your IN-PERSON Level-2 Administrative Hearing (DATE, TIME and Location):

3. Once this application and the deposit of fine are received, you will be mailed an appointment letter indicating the DATE, TIME and location to appear. Appearing at your appointment 15 minutes late or failure to appear (aka No Show) at your scheduled Hearing Appointment will result in your request being DENIED and the Administrative Hearing Officer's final decision being UPHELD.

NOTE: A Request to **reschedule** your Hearing date must be received by the Hearing Examiner at least **(48) hours** before your scheduled Hearing. Only **one** continuance may be permitted. **CALL (510) 643-7701** Monday-Friday 9:00 A.M. to 4:00 P.M.

4. **LEVEL-3 SMALL CLAIMS COURT:** Sec. 40230 (CVC) you have the right to file an appeal of the Level-2 Administrative Hearing decision within 30 calendar days after the decision. The fee for filing is \$25. Pay directly to Alameda County Superior Court.

**** (If selection box is not marked, hearing will be BY**

MAIL.)

Level-2 Administrative Hearing:

To request a hearing please select (✓) *one*: IN PERSON BY MAIL (Please attach your evidence to this form)

4. I am contesting the results of the Level-1 Administrative Review and making a request for an Administrative Hearing for the following citation(s).

CITATION #: _____

VEHICLE LICENSE NUMBER: _____

NAME: _____

Signature: _____

PRINT YOUR NAME

Please Sign Here

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE: _____

TODAY'S DATE: _____

FOR OFFICIAL USE ONLY

	\$		\$
	\$		\$
<input type="checkbox"/> FEE WAIVER ATTACHED	<input type="checkbox"/> CREDIT CARD <input type="checkbox"/> NO PAYMENT RECEIVED	<input type="checkbox"/> CHECK <input type="checkbox"/> CASH <input type="checkbox"/> POWER FUND	RECEIPT # CHECK #
Received by:	Date:	Entered by:	Date: