

Level-2 Administrative Hearing

1995 University Avenue Suite 110 Berkeley CA 94704-5746

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:

REQUESTING A LEVEL-2 ADMINISTRATIVE HEARING:

- This request form must 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.
- IF, your request for a Level-2 Administrative Hearing is not received within this time period, or is incomplete, the decision of the Level-1 Administrative Review shall be deemed final.
- The **ORIGINAL BAIL (Fine) MUST BE INCLUDED WITH** this Level-2 Administrative Hearing application, unless a Pre-Hearing Fee Waiver has been granted. **MAKE CHECKS PAYABLE TO: U.C. REGENTS**

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

- Once this application form and a deposit of the fine are received, you will be mailed an appointment letter indicating the DATE, TIME and location to appear.
- **Appearing 15 minutes late or a failure to appear** (aka A No Show) at your scheduled appointment time will result in your request being DENIED and the Administrative Hearing Examiner's final decision being citation UPHELD as valid.
- 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.
- **LEVEL-3 SMALL CLAIMS COURT: Sec. 40230 (CVC)** following a L2 Hearing you have the right to file an Appeal of the Level-2 Administrative Hearing decision within 30 calendar days after their decision. * PAY TO Alameda County Superior Court **FILING FEE \$25.**

** 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)

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: _____
CITATION #: _____	VEHICLE LICENSE NUMBER: _____
CITATION #: _____	VEHICLE LICENSE NUMBER: _____
CITATION #: _____	VEHICLE LICENSE NUMBER: _____

Contestant's First and Last: **NAME:** _____ *Signature:* _____

ADDRESS: _____ **CITY/STATE/ZIP:** _____

TELEPHONE: _____ **TODAY'S DATE:** _____

FOR CASHIER'S USE ONLY

	\$		\$
	\$		\$
<input type="checkbox"/> FEE WAIVER	<input type="checkbox"/> VISA <input type="checkbox"/> MASTERCARD <input type="checkbox"/> DISCOVER CARD	<input type="checkbox"/> CHECK <input type="checkbox"/> NO PAYMENT RECEIVED <input type="checkbox"/> POWER FUND	<input type="checkbox"/> RECEIPT # <input type="checkbox"/> CHECK #
Received by: _____	Date: _____	Entered by: _____	Date: _____



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

Your "Rights and Responsibilities"

- **The results of the initial Administrative Review were not in your favor.** You may request a "Level-2 Administrative Hearing" to be conducted by an independent reviewing authority – the **Hearing Examiner per** (California Vehicle Code § 40215(b))
- **A completed Level-2 Administrative Hearing application Form must be** received within (21-calendar days) following the date of the results of the Level-1 Administrative Review. **POSTMARKS WILL NOT BE HONORED.**
- **You may deliver** your Level-2 Administrative Hearing request form by mail, or in person, to Parking & Transportation at 1995 University Ave Suite 110 Berkeley CA 94704-5746.
- **Included with your application form, payment of the original bail or (fine)** to be placed into a Holding Account pending final review by the Hearing Examiner.
- **At your request,** Hearings may be conducted "**in person**" or "**entirely in written format**". In written format, your written statement plus all supporting documents (i.e. pictures) must be attached to the application form to be forwarded to the Examiner for review.
 - **Your 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))
 - **If you can not afford** the "bail as a deposit", a pre-Hearing Fee Waiver must be granted. You must provide **documented proof of the inability to pay or hardship** in advance of reviewing your evidence. (California Vehicle Code § 40215(b))
 - **The Request form** for a pre-Hearing Fine Waiver is available only for citations with a bail of **\$200 or more**, or the review of any group of citations totaling \$200 or more.
 - **The Request form** for a Pre-Hearing Fine Waiver can be obtained at the **Customer Services support window at, 1995 University Ave Suite 110 Berkeley CA 94704-5746**

The Administrative Hearing Process

- **The Hearing Examiner** conducts Hearings at 1995 University Ave Suite 325 Berkeley CA 94704. The Examiner's decision is based upon the evidence presented by you at the Hearing to Uphold the citation as valid or to Dismiss without bias, it completely.
- **Bring with you to your Hearing** all or any evidence you wish to be considered. 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."
- **The standard burden of proof is a preponderance of the evidence** (a 51% probability). Failure to understand campus-parking regulations is not a basis for automatic dismissal.
- **If, the Level-2 Administrative Hearing application form and pre-payment of the bail is received 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 valid.** (California Vehicle Code § 40215(b)) **POSTMARKS ARE NOT HONORED.**
- **You will be notified by letter of your pending Hearing date and time.** If 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)
- **In-Person** Administrative Hearings usually last approximately 15 minutes.
- **The citation will be upheld as valid** unless evidence is presented by you that there is a valid reason to dismiss it.
- **It is to your benefit** to prepare for your Hearing date.
- **Evidence provided you and by the University of Calif Berkeley will be considered** at your Level-2 Administrative Hearing.
- The Procedures for "**Written Hearings**" are the same as "**In-Person Hearings,**" except that you will not be able to speak directly to the Hearing Examiner.
- **If you have additional questions** about the Level-2 Administrative Hearing process, please Call: 510-643-7701.