

DIVISION: Administration**SUBJECT: Appeals****POLICY/PROCEDURE NUMBER:****SUPERSEDES: Version 1****EFFECTIVE DATE: 2016-07-06****PREVIOUSLY ISSUED DATE: 2015-08-13****Article 1. STATEMENT OF POLICY**

- §1.1 **The Department of Parking and Transportation (DPT) issues citations to vehicles parked out of compliance with campus, state and federal parking regulations. There are few situations for which the University may choose to dismiss a citation. The recipient of a citation may elect to appeal the citation based on extenuating circumstances.**
- §1.2 **Vehicles with 4 or more unpaid citations even while under appeal are subject to the University's Towing Policy.**

Article 2. FIRST-LEVEL APPEAL

- §2.1 **The recipient of a citation has 14 calendar days to file the appeal using the LMU Park online appeal process.**
- §2.2 **The online appeal is reviewed by the Parking and Transportation Office and the corresponding citation is dismissed, upheld, or the fine amount is reduced.**
- §2.3 **The appellant is notified of the decision via e-mail.**
- §2.4 **Citations upheld on appeal must be paid within 14 calendar days of the appeal decision date or a late fee of 50 percent of the citation amount is applied to the citation.**

Article 3. SECOND-LEVEL APPEAL**§3.1 GENERAL**

- a.) The Parking Appeals Board (PAB), comprised of members of the Parking Advisory Committee (PAC), shall meet on a monthly basis at a regularly scheduled time, or as needed.
- b.) No member of the PAB may adjudicate a re-appeal that could represent a conflict of interest.
- c.) The PAB may not make any ruling on a re-appeal without a justifiable reason for making such a ruling.
- d.) All board decisions are final and may not be re-appealed or overturned.

§3.2 SCHEDULING

- a.) Re-appeal hearings shall be scheduled in writing through the Parking and Transportation Office.
- b.) Re-appeals must be submitted within 14 days of the First-Level response.
- c.) Citations must be paid in full prior to scheduling.
- d.) Each appellant may reschedule their hearing a maximum of 1 time. This must be done a minimum of 48 hours in advance of the hearing.

- e.) Supplemental documentation must be provided a minimum of 2 business days in advance of the appellant's scheduled hearing date.
 - i.) Documents submitted after this time are not allowed into the hearing or reviewed by the Board.
 - ii.) Board members and appellants will be provided the same supplemental documentation that may include information about their parking history at the University.
- f.) Failure to appear will result in the forfeiture of the appellant's appeal privileges.

§3.3 MEMBERSHIP

- a.) A quorum must be present during each hearing.
- b.) Appellants may waive quorum at their discretion.
- c.) Hearings will be rescheduled if the appellant chooses not to waive quorum.
- d.) Members affiliated with or active parts of DPT shall serve as ex-officio members of the PAB.

§3.4 ELIGIBILITY

- a.) The recipient of a denied first-level appeal has 14 calendar days to contact the Parking Office to file for second-level appeal.
- b.) Violations of the California Vehicle Code (CVC) and government regulations may not be re-appealed unless permitted by the Parking and Transportation Office.
- c.) All appellants must appear before the board in person and present sufficient new evidence as determined by members of the PAB to warrant a modification to the first level response.
- d.) Appellants who arrive for their scheduled hearing after 10 minutes from the scheduled start time will not be considered for review and automatically rejected.

§3.5 CONTEXT AND PRECEDENT

- a.) Violation frequency and appellant parking history may be taken into consideration during a PAB decision.
- b.) The PAB shall rule on like re-appeals with similar circumstances surrounding the citation in similar fashion, using precedence as a guideline.

§3.6 HEARING PROCEDURES

- a.) Parking and Transportation will respond to eligible requests for re-appeal with written instructions and assign a hearing date.
- b.) Supplemental documentation shall be distributed to the PAB 2 days prior to the hearing date.
- c.) PAB quorum must be fulfilled for a decision to be valid.
- d.) Each appellant is allocated 5 minutes of testimony before the board.
 - i.) The PAB may ask follow up questions once the testimony has concluded, which will not count against the appellant's 5 minutes.
- e.) The PAB shall vote immediately after each testimony.
 - i.) Board members may move to uphold, dismiss, or reduce the citation fine amount.
 - ii.) Members may vote to postpone a decision; this also requires quorum.
- f.) Decision will be communicated within 10 business days of the hearing via e-mail.
 - i.) Paid funds will be returned to payer for citation fees overturned with adjustments if necessary.