

# **CITY OF OAKLAND**

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## **Parking Division**

### **Parking Citation Appeal Review Process**

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# **I. BACKGROUND**

## **INTRODUCTION**

This manual is divided into three sections. The first section provides review staff with background information regarding the issuance and Appeal Process associated with parking citations. The second section, contains detailed instructions for reviewing contested Notices of Parking Violation (NPV or citation). The third section gives guidelines for verifying factual information or statements presented in each case. It is intended to cover most violations, regulations, and policies in current use by all issuing agencies.

## **MISSION STATEMENT**

The goal of the Internal Review process is to provide all individuals charged with a parking violation a fair and timely review of requests for appeal on a Parking Citation or a Notice of Parking Violation.

The mission of the Appeal Review Process is to provide an Internal Review of the citation and determine if the citation was validly issued. This includes reviewing the citation to determine if it has met the prima facie requirements of the Vehicle Code and to determine, if based upon the circumstances, the citation should be dismissed in the Interest of Justice based upon the extenuating circumstances presented. This is the first step in a three level review process which includes, the Internal Review, an Administrative Hearing, and a Hearing in Superior Court. It is the primary goal of the Internal Review Process to verify the facts presented by the respondent and the issuing agency, and indicate the recommended disposition based on those facts. A thorough and fair Internal Review will take into consideration mitigating factors, and may require sound judgement and discretion on the part of the reviewer. It is important to consider the ASpirit of the Law@ as well as the ALetter of the Law.@

## PHILOSOPHY OF PARKING ENFORCEMENT

An effective parking enforcement program must provide for the public safety, community standards, and regulate the available parking resources. Parking Enforcement provides a means to ensure availability of limited parking resources while at the same time ensuring that those who disregard parking regulations are penalized. Penalties for non-payments of citations must be strong enough to discourage violators from being scofflaws. Repeat offenders who fail to observe parking regulations and their obligation to pay outstanding parking fines are warned to expect towing and impounding of their vehicle.

The administrative investigation of contested citations contributes to the overall goal of discouraging illegal parking by enforcing parking regulations with a response that is fair and timely, and at the same time provides for a level of service that recognizes that some parking situations are unavoidable given a particular set of circumstances and are not true violations in the spirit of the law.

## AUTHORITY TO ESTABLISH AN ADMINISTRATIVE ADJUDICATION PROGRAM

The establishment of the administrative adjudication program is authorized by California Vehicle Code (CVC) Article three, Sections 40200.7 and 40215, which became effective on July 1, 1993, as Chapter 1244, Statutes of 1992, formally referred to as AB 408. The entire procedure can be summarized as follows:

The Issuing/Processing agency must perform an administrative investigation of a citation if the review is requested within 21 days of issuance of the citation or within 14 days of the mailing of the Notice of Parking Violation. It is City of Oakland's policy to allow citizens an extended period in which to contest a Parking Violation. (30 days from issuance as oppose to 21 days required by CVC.)

Within 21 days of mailing the results of the Internal Review, the person may request a mail-in or in-person review of the citation by a Hearing Officer authorized by the Issuing agency. The request for the Hearing must be accompanied by payment of the full amount due or file a valid indigency claim.

Within 30 days of the mailing of the Hearing Officer's decision, an appeal may be filed with a Civil Court. ~~The Court currently requires the person filing the appeal to pay a \$25 filing fee plus any other applicable court charges and fees. The appeal is heard de novo (a new or fresh hearing of the facts) in Superior Court with the parking agency's case file submitted as evidence. A copy of the Notice of Parking Violation is admitted into evidence as prima facie evidence of the violation. (Prima facie evidence establishes a fact, if not contested)~~ If the Court overrules the Hearing Officer, the parking agency must refund the \$25 filing fee and any part of the parking penalty that the Court may order to be refunded.

There are no provisions in the Vehicle Code, nor is the Issuing agency required, to conduct an administrative investigation or schedule an appearance before a Hearing Officer if the mandated time limits are not followed by a citizen.

## OTHER PERTINENT LEGAL AUTHORITY OR REQUIREMENTS

### Parking Citation Information: CVC Section 40202(a), (b), (d)

When a violation of a parking regulation is observed, enforcement personnel are required to securely attach a Parking Citation on unattended Vehicles. The Parking Citation should contain the following information:

- Violation
- Approximate time of violation
- Location of vehicle at time of violation
- Vehicle license number
- Registration expiration date (or notation that tabs were not on the vehicle)
- Last four digits of the VIN, if visible to the Officer
- Color of vehicle
- Make of vehicle (if it can be determined)

Bolded items must appear on the Parking Citation for it to be valid.

If the vehicle is driven off before the Officer can affix the Parking Citation, the Officer will file it with the processing agency. The processing agency will then mail a Notice of Parking Violation to the registered owner of the vehicle within 15 days of issuance.

### **Seizure of the Vehicle: CVC Section 22651(I) and 22651.7**

Enforcement agencies are authorized to seize by immobilization (booting device) or impound (tow), at the registered owner's expense, any vehicle that has been issued five or more notices of parking violation over a period of five or more days to which the registered owner has not responded.

**Notice Requirements: CVC Section 40206, 40207**

Processing agencies are required to notify the registered owner of a vehicle when a Parking Citation issued to that vehicle is delinquent. This Notice requirement is satisfied when the Processing Agency mails a Notice of Parking Violation to the last known address of the registered owner, that address being the one which is on file at the Department of Motor Vehicle (DMV). A claim that the Notice was not received is not normally a valid rebuttal to a citation. The Processing Agency has satisfied the statutory requirement of Notice by mailing the delinquent notice to the address of record at the DMV.

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**Leased and Rented Vehicles: CVC Sections 40209 and 41102**

When the vehicle identified on a citation is a leased or rented vehicle, the Vehicle Code mandates certain processing requirements which are listed below:

A notice of delinquent parking violation must be sent to the registered owner. The registered owner of the vehicle may attempt to transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation, but only if the name, address, and driver's license number of the lessee/ renter is provided to the processing agency within 30 days of the mailing date of the delinquent notice. If the registered owner does not provide this information in 30 days, then there can be no transfer of responsibility for the citation.

A lessee or renter who is then notified of the delinquent parking violation has the option of paying the fine or contesting it through the normal administrative process.

**AUTHORITY TO CANCEL A NOTICE OF PARKING VIOLATION**

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The City of Oakland's Parking Division, which is under the Finance and Management Agency, is the Processing Agency for all internally issued citations from agencies such as: Parking Enforcement, Police Department, Street Sweeping, Fire Department, etc. and several outside agencies such as the Port of Oakland and Alameda County Sheriff's Department. The CVC transfers the responsibility of processing appeals and canceling contested parking citations, if necessary, to the issuing/processing agency.

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Listed below are the relevant California Vehicle Code sections and policy guidelines, which direct the internal investigation process. The CVC sections are presented first:

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**Information Required on a NPV: CVC 40202 (a)**

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The Parking Citation must contain the following: the violation, approximate time violation occurred, the location of the vehicle at time of violation, vehicle license number and registration expiration date (or notation that tabs were not displayed) and color. Other information: last four digits of VIN and make of vehicle may appear on the Parking Citation but are not required.

**Enforcement Officer Recommends Parking Citation Cancellation: CVC 40202 (e) and (f)**

If after affixing the Parking Citation to the vehicle, the Issuing Officer decides that, in the interest of justice, the Parking Citation should be canceled, this recommendation may be made to the Processing Agency, in writing, stating the reason why the Parking Citation is to be canceled.

If the Issuing/Processing Agency's investigation finds that there are grounds for cancellation, those findings will be recorded and the Parking Citation canceled.

**Incorrect Vehicle Description: CVC 40206.5 (b)**

Upon written request and Processing Agency verification with the DMV, a Parking Citation can be canceled if the description of the vehicle noted on the Parking Citation does not substantially match the corresponding information on the registration card.

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Prior Sale of Vehicle: CVC 40210 (a), (b), (c)

If the Affidavit of Non-liability ( which appears on the reverse of the Notice of Delinquent Violation) is returned by the registered owner with evidence of a bona fide sale or transfer of that vehicle prior to the date the Parking Citation was issued then the Processing Agency will verify California Vehicle Code Section 5602 compliance with the Parking Citation.

If the registered owner has fully complied with Section 5602 then the Processing Agency shall cancel the Parking Citation with respect to the registered owner.

If not, then the registered owner must pay in full or contest pursuant to Section 40200.7. The Processing Agency may proceed against the registered owner pursuant to Section 40206 or send a Notice of Delinquent Violation to the person identified on the Affidavit of Non-Liability (pursuant to Section 40209 (b)).

Authority to Cancel a Parking Citation: CVC 40215 (a) (1)

Gives the Processing Agency the authority to investigate with its own records and staff or request that the Issuing Agency investigate the citation with respect to the respondent's written explanation. If after investigation the Issuing/Processing Agency is satisfied that the violation did not occur or that the registered owner was not responsible then the Issuing/Processing Agency can cancel the contested Parking Citation.

Prima Facie Evidence Requirements: CVC 40215 (4)

The Issuing Agency is not required to produce any evidence other than a copy of the original Parking Citation and registered owner information from the DMV. In proper form those items are considered prima facie evidence (uncontested facts) of the violation. The Issuing Officer is not required to participate in the administrative review.



There are departmental policy guidelines, which also can be used to resolve a contested citation. They are in section three entitled: *Guidelines for Review of Dismissal Requests*.

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## II. THE INTERNAL REVIEW APPEAL PROCESS

### General Approach to the Internal Review Process

In performing an Internal Review, the general approach is to verify the facts. Citizens may believe that the citation was issued to them in error or that they have a good reason for ignoring (or violating) the regulation. The good reason for ignoring or violating a regulation does not excuse the respondents from their responsibility to pay for the consequences of their actions. The Parking Violation was written because a violation of a regulation was observed. However, there are circumstances where the parker or registered owner may not be responsible for causing the violation to occur.

### General Approach to the Cancellation of Citations

When Enforcement Officers observe a parking or equipment/registration violation in the field, they may issue a citation. The California Vehicle Code (CVC) and the Oakland Municipal Code (OMC) given them the legal authority to do so. When a Respondent appeals a citation, they are in effect asking you to override the Enforcement Officer's decision. Remember, the Enforcement Officer needed legal authority to issue a citation. You can not overturn a citation without the same level of authority.

### Why We Conduct an Internal Review

A citizen has the right to appeal a citation and have their case reviewed by a Hearing Officer or Superior Court Judge within the time frame provided by State law. The case must first be investigated by the Issuing or Processing agency. The purpose of this level of review is to weed out any defective citations (such as those missing required information or that contain an error). We are not required to investigate or review a citation that is appealed beyond the legally required time limits provided by State law.

There are also instances where the operator or owner of the vehicle was not responsible for the circumstances which caused the vehicle to be in violation of regulations. For example, stolen vehicles, stolen license plate registration tabs, mechanical breakdown, road emergency, and medical emergencies which have been independently documented. Additionally a citation may have been issued in error because the Issuing

Officer did not know, or have, all the facts at the time the citation was issued. Extraordinary or mitigating circumstances can also be taken into consideration when deciding to uphold or dismiss a citation. In these cases, the reviewer may need to exercise sound judgment and discretion in determining if a citation should be dismissed. If the investigation does not confirm that sufficient evidence exists that a parking violation was either defective or issued in error, the parking citation will not be canceled. The respondent's request is denied. The Administrative Hearing is the second level of appeal for the respondent.

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### **PURPOSE OF THE INTERNAL REVIEW**

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An Internal Review may be performed on uncontested citations when an error is discovered during regular processing and on contested citations when a citizen initiates an Appeal Request.

The purpose of the Internal Review is to:

- 1) *Screen out ineligible appeal requests.* An appeal must be made within 30 days of the citation date, or within 21 days of the date on the Notice of Parking Violation. We have already extended the deadline from the legally required 21 days to 30 days. Exception: Defective citations not meeting the prima facie requirements can be reviewed beyond the established time limits.
  - 2) *Cancel defective or invalid citations.* A citation that does not meet the prima facie requirements is invalid and must be canceled per 40202(a) CVC. A citation must contain the following information: violation, approximate time the violation occurred, location of the vehicle at the time of the violation, the vehicle license number and registration expiration date or note it is missing. A citation is defective if the description of the vehicle on the citation does not substantially match the description of the vehicle registration and must be canceled per 20306.5 CVC. See Guidelines for Mistake of Facts, Error on Citation for more information.
  - 3) *Investigate validly issued citations which have been appealed by the citizen. A*
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valid citation meets the prima facie requirement as defined in 40202(a) CVC and contains no errors per 40206.5 CVC. Because the citation has been contested, the goal of the investigation is to determine if the violation occurred as stated and who was responsible for causing the violation to occur. A citation may be dismissed by the Issuing/Processing agency if the investigation confirms that the violation did not occur or that the registered owner or operator was not responsible for causing the violation to occur.

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Ideally, the Internal Review guarantees that citizens will be held accountable for paying a fine only when they are responsible for violating the law or regulation noted on the citation. Invalid or unjustly issued citations will be dismissed.

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## **HOW TO CONDUCT AN INTERNAL REVIEW**

The Internal Review process should be as unbiased and accurate as possible. If at any time you realize that someone you know personally is named in a review that has been assigned to you, notify your supervisor immediately. Likewise, if for any reason you feel unable to thoroughly and accurately perform a review, notify your supervisor immediately.

To be efficient, the Internal Review should be performed in two parts. The first part, which determines the validity of both the citation and the citizen's appeal, is performed for all correspondence received and is completed in two steps. The criteria for determining if a citation or an appeal is valid is listed below.

Only those citations that pass both steps of the first part of the review go to the second part. The second part confirms that the violation did in fact occur; and determines if the registered owner or operator of the vehicle was responsible for causing the violation to occur. General instructions for that level of review are found below as Criteria for Determining Responsibility. The *Guidelines for Review of Dismissal Requests* were also developed to give detailed instructions for the review of the most commonly described conditions or reasons that citations are appealed. Those guidelines also note the legal authority to dismiss a validly issued citation.

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## **CRITERIA FOR DETERMINING VALIDITY**

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## I. Appeal Requests

A dismissal request is valid when it meets the time requirements, or if the citizen received a Notice of Parking Violation in error. It is possible for a citizen to receive a Notice of Parking Violation in error if the vehicle license plate number was written incorrectly on the citation or information is incorrectly entered in the computer. Since those cases need to be fully reviewed, they should be considered valid at this point.

To screen for valid requests first note the citation date. If the appeal is received or postmarked within 30 days of the date the citation was issued, or within 21 days of the date a Notice of Parking Violation was mailed, then the request is valid.

These validated requests are ready for the next step of the review. Now scan the requests you have just screened out as invalid to identify any requests that claim an original citation was never received and/or they do not own the vehicle as described on the Notice of Parking Violation. If any are found, include them with the group of valid appeal requests that will continue on in the review process. Prepare the remaining invalid appeal requests to receive the proper notice.

## II. Prima Facie Requirements

All of the valid Appeals and any citation identified as containing an error during processing are now reviewed for prima facie requirements. Citations that do not contain the prima facie requirements are not valid and should be canceled. Per 40215(4) an issuing/processing agency is not required to produce any evidence other than a copy of the original citation and the name of the registered owner from the DMV to prove their case against the citizen. In proper form those items are considered prima facie evidence (uncontested facts) that the violation occurred and identifies the party responsible. So, at this point you are reviewing the citation to confirm that the issuing agency has in fact, correctly made their case against the citizen.

Begin by reviewing the valid appeal requests. Visually inspect the original citation or computer record and any notes that appear. At this point we are looking for any corrections or additions made by the Officer or Processing Staff, and to confirm that

the citation meets the prima facie requirements:

- The violation(s)
- Time of Violation
- Location of Violation
- License number
- Registration Expiration Date or a note that the tabs were missing
- The last four Digits of the VIN number (if the number is visible)
- Color of Vehicle
- Make of Vehicle (if it can be determined)

- a) If any of this information is missing, you can immediately end the review and recommend for dismissal per 40202(a) CVC.
- b) If all this information is present on the citation, you can assume this is a valid citation.

The first step of the Internal Review for appealed citations is completed. Next, review uncontested citations for prima facie requirements.

- a) If any prima facie requirement is missing, you can immediately end your review and recommend the citation for dismissal per 40202(a) CVC.
- b) If all the information is on the record, look for obvious errors such as the State code being incorrect, violation number is incorrect, sequence on the license plate is incorrect, make, model, expiration date don=t match DMV, etc. Note the suspected error and advise your supervisor.

Some of the information contained on a citation is optional. If the last four digits of the VIN number are missing, or if the Make of the vehicle can not be determined, it will not effect the validity of the citation.

The Internal Review of uncontested citations is completed.

## CRITERIA FOR DETERMINING RESPONSIBILITY

The citation's prima facie evidence tells the Issuing Agency's side of the story. At this point, we verify the information presented by the citizen. In many instances that will be all of the information needed to complete the review. Information presented by the citizen needs to be verified with the Issuing Agency or the DMV. The information may be contradictory.

Carefully read the citizens Appeal Request and any information submitted. Based on the reason given by the citizen for requesting an appeal, refer to the Guidelines section of this manual. The guidelines address the most commonly given reasons for requesting a dismissal; and the information that must be verified before a citation can be recommended for dismissal.

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These guidelines are based upon two assumptions:

- 1) The Enforcement Officer issued a citation because a violation of a state or municipal code was observed at a particular location
- 2) The registered owner was responsible for parking the vehicle at the location.

To successfully dispute a citation, the registered owner must prove that either:

- a) The violation as noted on the citation did not occur or
- b) They were not in control of the vehicle at that time

Clearly a registered owner is not in control of a recently sold, stolen or leased vehicle, and medical or road emergencies do occur. Those instances are easily verified and resolved. A malfunctioning meter may have caused a violation to occur. In these cases, determining responsibility is relatively easy.

Appeals made by operators of law enforcement or government vehicles may be exempt from obeying some rules of the road given the particular circumstances of their job, or their involvement in the protection of life and property. As such, these appeals will be

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reviewed with an understanding of the public's expectation of safety and accessibility to available parking and the need to protect life and property.

## DOCUMENTING THE INTERNAL REVIEW

It should be noted that many of the reasons offered by citizen's for requesting an appeal will not clearly fit the guidelines or assumptions. It is important that the citizen's statements be clearly understood and applied to the guidelines. Do not hesitate asking your Supervisor for assistance.

After careful review of all the information gathered from the Issuing Agency and the citizen, you should be able to determine who was responsible for causing the citation to be issued and complete the recommended disposition process. You should be able to summarize the case in a brief statement on the computer record similar to the examples below.

! An error made by the Issuing, Processing, or DMV Agency caused a Notice of Parking Violation to be sent to the wrong person

! The citation should be transferred to the party identified on the Affidavit of Non-liability and canceled with respect to the registered owner as identified in our records.

! A verified medical or road emergency was responsible for causing the violation to occur.

! Issuing Agency confirmed citizen's claim of: missing sign, broken meter, improperly marked stall, etc.

! Verified that vehicle was stolen prior to the issuance of the citation, or that the registration tabs were stolen prior to the issuance of the citation.

! Verified that the vehicle registration was brought into compliance or correction within 30 days of the date of the citation being issued.

! Vehicle operator or passenger has a valid Disabled Persons Parking



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If the above statements do not summarize the case, you should consider not recommending the citation for dismissal, unless there are extenuating circumstances that make dismissal of the citation appropriate in the interest of justice

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## **CUSTOMER SERVICE ASPECTS OF THE INTERNAL REVIEW**

The best way for you to serve the citizen during an Internal Review is to be respectful of their right to an unbiased and timely review of their request.

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An Internal Review is not intended to be a customer complaint forum. The citizen's complaint is that they received a citation which they do not feel is fair for some reason. The citizen is further frustrated when their appeal is denied.

It is very important that we let the citizen know that their request was carefully considered and that the request was denied based on the authority given to us by the California Vehicle Code. This is in part demonstrated by the type of decision notice we generate to the person appealing the citation.

## **CONCLUSION**

The California Vehicle Code give the Issuing/Processing Agencies the authority and responsibility to cancel Parking Citations that contain errors, that were issued in error, or when an individual was not responsible for a violation that was cited, or when extenuating circumstances make dismissal of the citation to be in the Interest of Justice. We are obliged to verify the facts of every case and come to a quick and fair decision. Not all cases will be easy to review and not all respondents will be satisfied with the results of our investigation.

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The Internal Review of contested citations must contribute to the overall goal of discouraging illegal parking by enforcing parking regulations with a response that is fair and timely.

It is most important that we do not misuse or over-step the authority given to us by the California Vehicle Code. Our decisions must be based upon verified facts. Following the guidelines presented here and any additional instructions provided by your Supervisor, will enable you to respond quickly and fairly to your assigned appeals.

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### III. GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS

Attached are detailed instructions for a number of conditions that you may encounter when reviewing a dismissal request. Use the guidelines that fit the reason for dismissing the citation as well as the condition described by the citizen. They are listed below in alphabetic order of Condition. Study them in advance so you can quickly identify the Guideline to use for each dismissal request that you review.

Field reports or reports from an issuing agency/Officer, are referred to generically. It could be a specific report, like a Meter Report, or have no consistent report format. We are referring to any method used by an issuing agency to answer your request for information on a specific citation even if the answer is verbal and not in writing. In that case, you would write down the information given verbally, and note who provided the information and date it. For our purposes, that would be a report.

It is important to remember that not all citations are written by Parking Enforcement. The other agencies are just as concerned as we are that citizens be treated fairly and respectfully. Do not hesitate to request a report from any agency.

#### List of Guidelines by Condition

Curb Painting Not Clearly Marked or Visible  
Current Registration Tabs Not Displayed (CVC 5204 Violation)  
Deceased  
Department of Motor Vehicle Error  
Disabled Vehicle  
Disabled Person (DP) Placard, Disabled Driver Vehicle (DV)  
Equipment Violations  
Incarceration  
Leased or Rented Vehicles (Affidavit of Non-Liability)  
Medical Emergency  
Meter Missing, Inoperative, or Faulty  
Mistake of Facts  
Not Here (Error on Citation or Mistake of Facts)

#### List of Guidelines by Condition (Continued)

Not Here (Non-Liability)

Official Business or Official Vehicle

Officer Initiates Dismissal Request

Sign Missing or Not Visible (Permanently Posted or Temporary)

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## **GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS**

### **CONDITION: Curb Painting Not Clearly Marked/Visible**

This condition is commonly claimed when curbs have faded paint, are inadequately repainted, lettering is missing or faded, posted signs conflict with curb markings, or color rendition of paint is difficult to see because of sodium lighting.

### **VERIFICATION: REQUIRED FROM REQUESTOR**

1. A statement from the citizen that explains why they were unable to observe the indicated curb regulation.
2. Often the citizen will submit photographs

### **VERIFICATION: CONFIRMED BY INVESTIGATION**

1. Request a field investigation and report from the issuing agency.
2. Review the report from the issuing agency and the citizen's statement including any evidence submitted. If the issuing agency report agrees with the citizen's statement, then recommend dismissal. If the issuing agency reports that signs and curbs are adequately and correctly marked then you should deny dismissal.

### **DISMISSAL AUTHORITY: California Vehicle Code Section 40215 (a)(1)**

Comments: Throughout the United States and in most other countries, curb painting is a commonly used method for indicating that parking is either prohibited or strictly regulated in the area. Also, it is common for permanently posted signs to be located at either end of a block. Sometimes that is quite a distance from a parking space, this does not excuse a person from failing to see or look for signs and obey them in conjunction with a painted curb.

## GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS

### CONDITION: Current Registration Tabs Not Displayed (CVC 5204)

Proof of current registration must be displayed on the rear plate. When the tab is out of date or missing, a citation is issued. If the owner can prove that the vehicle was properly registered with DMV at the time the citation was issued, and that replacement tabs have been obtained, then the citation may be considered a registration correction. Payment of registration fees and completion of the registration process within 30 days of the citation date may result in a reduction of the violation to a registration correction. The 30 day period to pay or respond to the citation is also a condition of this violation. A Notice requesting the \$10 processing fee should be generated if a copy of the Validated Registration Card that was in effect at the time the citation was issued is presented to show compliance with registration laws.

### VERIFICATION: REQUIRED FROM REQUESTOR

1. Proof of current DMV registration, such as a copy of the registration card or title document (if recently titled). Upon presentation of registration compliance or correct, the fees due on the citation can be reduced to a \$10 processing fee. If a receipt for \$7.00 for replacement of a year tab or \$8.00 for new plates (stolen) is presented, the citation can be dismissed.

### VERIFICATION: CONFIRMED BY INVESTIGATION

1. Check CLETS/PTS to confirm status of registration. Visual inspection of the plates by an Officer in the field is not adequate verification that the registration fees have been paid to DMV. Only confirmation with DMV can determine if the tabs displayed on an already cited vehicle have been stolen from another vehicle.

The citation can be corrected and reduced to a \$10 processing fee if proof is provided within 30 days, that the registration was current at the time the citation was issued or was brought into compliance shortly after the citation was issued. In the case of a lost or stolen tab/license plate, the owner must provide a receipt from DMV for replacement of the tabs or license plate. The citation can also be

corrected if overdue registration fees are paid within 30 days of citation issuance and a copy of the Validated Registration Card is provided as proof of correction.

If the registration fee was accepted by DMV but is conditional on the submission of a Smog Certificate or some other condition, such as an inspection, a denial notice should be sent. If the citation is issued prior to the registration being expired for 30 days, the matter should be brought to a Supervisor's attention.

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DISMISSAL AUTHORITY: California Vehicle Code Section 40215 (a)(1)

Comments: Enforcement Officers generally do not issue a citation unless the registration is expired more than 30 days. This allows adequate time for the registration tabs to be mailed and affixed to the vehicle.

## GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS

### CONDITION: Responsible Party Deceased

Request will be considered if received from a family or household member within the 30 days of the citation date for citations issued with 48 hours of the time of death listed on the death certificate.

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Deceased person must also be the registered owner. If the deceased was the operator and not the registered owner of the vehicle, then the citation can not be dismissed. The registered owner of the vehicle at the time of issuance becomes liable for the citation because of joint liability.

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Requests to dismiss citations issued on a date before or after the time of death must be reviewed under another guideline depending on the situation, such as non-liability due to recent sale of vehicle, stolen vehicle, or error on citation.

### VERIFICATION: REQUIRED FROM REQUESTOR

1. Copy of death certificate, and;
2. Copy of Current Registration
3. Verification as required by guideline for situation claimed

### VERIFICATION: CONFIRMED BY INVESTIGATION

1. Date of death and date of citation must coincide. Death certificate must appear official and unaltered.
2. Name on DMV registration and death certificate must be the same.
3. Refer to the guideline for the situation claimed

### DISMISSAL AUTHORITY: California Vehicle Code Section 40215 (a)(1)

Comment: Per Parking Management Policy, death is an extraordinary circumstance. If the registered owner's death is not the root cause for a dismissal, then the root cause (transfer of ownership, stolen vehicle, error on citation, etc.) is the guideline for reviewing the dismissal request.

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## GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS

### CONDITION: DMV (Department of Motor Vehicles) Error

DMV errors may occur with the issuance of license plates, or registration renewal. DMV could also incorrectly identify the vehicle or the registered owner of a vehicle should be dismissed with confirmation of the error by DMV.

### VERIFICATION: REQUIRED FROM REQUESTOR

1. Written documentation from DMV that notes DMV error.
2. Requestor states that DMV caused the error

### VERIFICATION: CONFIRMED BY INVESTIGATION

1. Review documentation for authenticity, if any questions call the DMV office where the documents were issued for confirmation of facts and authenticity. (The documentation may be a current registration from California or another state, or a receipt for fees paid).
2. If a check through CLETS/PTS can not confirm the situation, call a local DMV office for assistance.

### DISMISSAL AUTHORITY:

California Vehicle Code Section 40215 (a)(1) - Processing Agency Investigation  
California Vehicle Code Section 40206.5 - (Incorrect Vehicle Description)  
California Vehicle Code Section 40210 (a), (b), (c) - Prior Sale of Vehicle

Comments: It is an unusual occurrence for a DMV error to be responsible for someone receiving a citation for anything other than a 5204 citation (Current Registration Tabs Not Displayed).

## GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS

### CONDITION: Disabled Vehicle (Mechanical Breakdown)

To meet the guidelines as a disabled vehicle, the operator must prove that an accidental or emergency situation was the reason they were unable to move the vehicle. An accident or emergency that causes a vehicle to become disabled (not movable) is unavoidable and not caused by the vehicle operator. A mechanical breakdown, or damage caused by another person or vehicle or vehicle are emergency situations. In general, situations which are avoidable and not accidental such as running out of gas or locking keys in the vehicle, are not valid reasons for dismissing a citation.

### VERIFICATION: REQUIRED FROM REQUESTOR

1. Receipt for vehicle towing, road service, or emergency repair at a garage.
2. Accident Report
- 3.

### VERIFICATION: CONFIRMED BY INVESTIGATION

1. Check receipt for authenticity - Does it look altered or pieced together. Was the vehicle towed from the location noted on the citation? Did the activity occur on the date the citation was issued?
2. Does the accident report confirm the statement made by the vehicle operator?

### DISMISSAL AUTHORITY: California Vehicle Code Section 40215 (a)(1)

Comments: Investigation of facts must confirm that the operator was not responsible for violating parking or anti-gridlock regulations because the vehicle was disabled and therefore could not be moved from a regulated parking area.

## **GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS**

**CONDITION:** Disabled Person Placard, Disabled License Plate Vehicle

Disabled Person Placard, Disabled Person License Plates, or Disabled Veteran License Plates properly displayed allows a vehicle to park in designated Disabled Person Parking stalls, at parking meters and time limit zones without restriction to the time limits imposed by those zones, and in areas where preferential parking is granted to businesses or residents such as our Residential Permit Parking Areas. Parking at Red Zones, No Parking or Tow-Away Zones, Passenger Loading Zones (over 10 minutes) or Commercial Loading Zones are not allowed.

Disabled Person Plates and Placards in California are issued and registered by the California Department of Motor Vehicles. A person who has Disabled Person or Disabled Veteran License Plates may also be issued a Disabled Persons Parking Placard and an identification card. However, a majority of people only have the placard. The placard can be used in any vehicle carrying the disabled person. Unfortunately, the placard is often forgotten or not displayed properly, causing the vehicle to be cited.

### **VERIFICATION: REQUIRED FROM REQUESTOR**

1. The appeal request must include a statement which declares, under penalty of perjury, that the vehicle cited was carrying the person who has a valid placard. The person who has the placard must sign the statement, and provide a copy of a picture identification with a signature, a copy of the DMV Placard ID card, and a copy of the placard.

### **VERIFICATION: CONFIRMED BY INVESTIGATION**

1. Verify through CLETS/PTS that the DMV registration card is valid and current. Does the signature on the identification card match the signature on the respondents statement.

2. If the Port District issued the citation, send all requests to them for review. Any

other issuing agency should also review the request if you need additional information to conclude the investigation.

3. If the respondent meets the above requirements, the citation be dismissed. If there is any indication that someone other than the placard holder is using the placard, or that someone was driving a vehicle and taking advantage of Disabled Parking Privileges who was not authorized to do so, discuss the case with your supervisor.
- 

DISMISSAL AUTHORITY: California Vehicle Code Section 40215 (a)(1)

Comments: These requests are often made by the same person, numerous times. It is important to keep in mind that we want to discourage the abuse of Disabled Parking privileges, not discourage the legitimate use.

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## **GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS**

### **CONDITION: Equipment Violations**

A Parking Citation can be used for equipment violations. The \$35 penalty can be reduced to a \$10 processing fee with proof of correction. An Enforcement Officer must visually inspect the correction and sign the Parking Citation attesting to the correction.

### **VERIFICATION: REQUIRED FROM REQUESTOR**

1. The Parking Citation with a valid signature from an Enforcement Officer when requesting a reduction in penalty
2. If the citizen is requesting an appeal of the citation, they must provide some verifiable proof that they were not in violation of the code and that the equipment item cited was in fact operational per Vehicle Code requirements.

### **VERIFICATION: CONFIRMED BY INVESTIGATION**

1. Verify that the Officer signed-off correctly on the citation.
2. Request the issuing agency to review and report on any request for complete dismissal.
3. Review the issuing agency's report and the citizen's evidence that the violation did not occur. If the citizen's evidence is stronger than the issuing agency's evidence, then the citation can be dismissed. If not, the appeal should be denied.

### **DISMISSAL AUTHORITY: California Vehicle Code Section 40215 (a)(1)**

Comment: Equipment violations are usually issued by sworn Officers, since the violations are generally observed while the vehicle is in operation, not parked.

## GUIDELINES FOR REVIEW OF DISMISSAL REQUESTS

### CONDITION: Incarceration

Prior to the decriminalization of parking violations, an incarcerated individual could have all of their outstanding parking citations dismissed under section 41500 of the California Vehicle Code which prohibits the further prosecution of non-felony offenses pending at the time of incarceration. Since parking citations have been decriminalized, this section of the Vehicle Code no longer applies. If the person requesting dismissal was incarcerated before July 1, 1993 and the citations involved were issued before that date then the request can be reviewed.

### VERIFICATION: REQUIRED FROM REQUESTOR

1. A statement from the incarcerated individual and a copy of an official document which verifies that the person was incarcerated in prison or a Youth Authority institution prior to July 1, 1993.

### VERIFICATION: CONFIRMED BY INVESTIGATION

1. Review the request and the documentation submitted for authenticity, and correctness of dates. If incarceration and citation dates are prior to July 1, 1993, then the citation can be dismissed. If incarceration and the citation dates are after July 1, 1993, then the appeal must be denied.

DISMISSAL AUTHORITY: California Vehicle Code Section 40215 (a)(1)

Comments: This policy does not apply to individuals on parole, released on bail, or in custody but not convicted of an offense prior to July 1, 1993.

*Regina Bonner-Johnson  
February 9, 2007  
Staff Meeting 8:30 am*

*Administrative Review Process for 5204 Violation.*

**5204- No Registration Tabs**

*5204. (a) Except as provided by subdivisions (b) and (c), a tab shall indicate the year of expiration and a tab shall indicate the month of expiration. Current month and year tabs shall be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which license plates were issued, and, when so attached, the license plate with the tabs shall, for the purposes of this code.*

*Known as a fix-it violation citizen is allowed to pay \$10.00 with proof of correction. If citizen does not correct violation, citizen is held liable for \$60.00. If citizen does not pay \$60.00 or appeal within 21 day time frame penalty will assess and citizen is liable for delinquent amount of \$120.00 and lien amount of \$153.00.*

***\*\* Please note that a Hearing is not granted for \$10.00 Poc Fee \*\****

**EXAMPLES**

1. Ticket # 828597462

*Citizen has a temporary operating permit.*

***Please note that temp permit must be issued prior to ticket issued date and is valid for 30 days. Dismissal if ticket***

*contested within the timeframe of 21 days from issue date or 14 days from the courtesy notice.*

2. Ticket # 828284666

*Citizen has not corrected violation mailed in copy of registration. No correction made no reduction this is a tab violation not a 4000a registration violation. Liable for \$60.00*

3. Ticket # 150211109

*Citizen has corrected violation and provided proof. Ticket has been signed by an OPD officer within the 30 day time frame. Liable for \$10.00 POC fee.*

4. Ticket # 818107796

*Citizen has provided copy of temporary identification. Temp ID is valid for 180 days from the issue date. Verify the issue date is prior to ticket issue date. Dismissal if contested within the time frame of 21 days from date issued and 14 days of courtesy notice.*

\*\*\*\*\*

*Please note.....*

*Correction must be made within the 30 days from the date ticket issued if the ticket is a 15-series,  
And 30 days from the notice date if the ticket is an 8- series.*



1

**PARKING CITATION**  
CITY OF OAKLAND

828597462

ISSUE DATE (MM DD YY)	RPT. DIST.	TIME ISSUED
12 4 5 4 7	34	1 30 C

STATE LICENSE NUMBER	STATE	EXP (MM YY)
3RJA072	CA	09 06

MAKE	BODY TYPE	COLOR	2 TONE
CHEV	VAN	BLK	

VIN LAST 4 DIGITS	STREET/METER #
9017	100

STREET NAME / LOCATION
1510 ST

BADGE #	OFFICER
3220c	Alexander

COMPLAINANT

**CALIFORNIA VEHICLE CODE VIOLATION**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 5204 ( )<br>Current Tags Not Attached | <input type="checkbox"/> 22500<br>Improper Parking |
|---|--|

**OAKLAND MUNICIPAL CODE VIOLATION**

- |  |   |
|--|---|
| <input type="checkbox"/> 10.16.070<br>Vehicles on Private Property | <input type="checkbox"/> 10.16.110<br>Obedience to Barriers & Signs |
| <input type="checkbox"/> 10.28.190<br>Two Hour Zone                | <input type="checkbox"/> 10.28.240<br>No Parking Certain Hours      |
| <input type="checkbox"/> 10.28.250<br>No Parking Anytime           | <input type="checkbox"/> 10.36.050<br>Meter Expired (On Street)     |
| <input type="checkbox"/> 10.36.100<br>Meter Expired (Off Street)   | <input type="checkbox"/> 10.40.020<br>No Parking Red Zone           |
| <input type="checkbox"/> 10.40.060<br>No Parking Yellow Zone       | <input type="checkbox"/> 10.40.070<br>No Parking White Zone         |

OTHER	
<input type="checkbox"/> OMC <input type="checkbox"/> VC	

COMMENTS/VIN NUMBER

RETURN CITATION WITH PAYMENT

**TEMPORARY OPERATING PERMIT**

☒ AUTO ☐ COM ☐ PARK/CH TRLR ☐ PTV ☐ VESSEL

EXPIRATION DATE: **FEB 2007** EXPIRATION YEAR: **2007** LICENSE PLATE NO: **3K9A 07**

VEHICLE OR VESSEL IDENTIFICATION NO: **1 GNDM19W4TP139017**

RECEIPT NO: **604** FEE: **\$275**

Fees to register this vehicle or vessel have been paid to the State of California Department of Motor Vehicles. This Permit must be supported by either:

1. A Department receipt. The receipt number and the receipt number shown on this permit must agree.

OR

2. A letter issued by the Department confirming the existence of this permit.

AUTHORIZED SIGNATURE: *[Signature]* DATE: **604 JAN 22 2007 16**

2

**PARKING CITATION**  
CITY OF OAKLAND

828284666

ISSUE DATE (MM DD YY)				RPT. DIST.		TIME ISSUED	
11 27 7				E		0952	
STATE LICENSE NUMBER				STATE		EXP (MM YY)	
2P2A240				CA		0706	
MAKE		BODY TYPE		COLOR		2 TONE	
VW		T4		GRY			
VIN LAST 4 DIGITS				STREET/METER #			
4183				5006			
STREET NAME / LOCATION							
E 14TH AVE							
BADGE #				OFFICER			
20				J			

COMPLAINANT

15 WEED ST - 1000 W. 1000

**CALIFORNIA VEHICLE CODE VIOLATION**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> 5204 ( )<br>Current Tags<br>Not Attached | <input type="checkbox"/> 22500<br>Improper<br>Parking |
|--|---|

**OAKLAND MUNICIPAL CODE VIOLATION**

- |   |  |
|---|--|
| <input type="checkbox"/> 10.16.070<br>Vehicles on<br>Private Property | <input type="checkbox"/> 10.16.110<br>Obedience<br>to Barriers & Signs |
| <input type="checkbox"/> 10.28.190<br>Two Hour<br>Zone                | <input type="checkbox"/> 10.28.240<br>No Parking<br>Certain Hours      |
| <input type="checkbox"/> 10.28.250<br>No Parking<br>Anytime           | <input type="checkbox"/> 10.36.050<br>Meter Expired<br>(On Street)     |
| <input type="checkbox"/> 10.36.100<br>Meter Expired<br>(Off Street)   | <input type="checkbox"/> 10.40.020<br>No Parking<br>Red Zone           |
| <input type="checkbox"/> 10.40.060<br>No Parking<br>Yellow Zone       | <input type="checkbox"/> 10.40.070<br>No Parking<br>White Zone         |

OTHER

☐ OMC ☐ VC

COMMENTS/VIN NUMBER

RETURN CITATION WITH PAYMENT

AUTO 07/08/2006 TO 07/08/2007 11 2PCA590

VEHICLE IDENTIFICATION NUMBER

1HGCA6183KA054182

BODY TYPE MODEL

CP

DATE ISSUED

07/22/2006

CYLS.

DATE FIRST SOLD

00/00/1989

CLASS

DK

MAKE

HOND

YR

Yr. Model

1989

TYPE VEH.

120

MP

G

AX

WC

UNLADEN/G/GW

TOTAL FEES PAID

\$64

0100

HOLLAND KARLA J  
5606 PICARDY DR N  
OAKLAND CA 94605-1144

GMAC

PO BX 4052

R0040

L0014



CONCORD

94524

149071220065324

STATE OF CALIFORNIA  
DEPARTMENT OF MOTOR VEHICLES  
VALIDATED REGISTRATION CARD

K 0029192

REGISTERED

OWNER

0

# Notice of Parking Violation

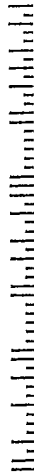
You are in violation of the Code Section referenced on the front of this Notice. You may do the following:

- (1) Remit payment in envelope provided (check or money order only, to the City of Oakland). Include citation with payment. Write citation number on the check.
- (2) Pay in person at the Parking Citation Assistance Center, 250 Frank H. Ogawa Plaza, Mon. through Fri., 9:00 AM to 5:00 PM at Suite 6300.
- (3) Pay by credit card by calling (800) 500-6484
- (4) Contest the violation(s) in person, or in writing, to City of Oakland, Parking Citation Assistance Center, 250 Frank H. Ogawa Plaza, Suite 6300, Oakland, CA 94612. Questions, please call (800) 500-6484

You have 21 days from this notice or 14 days from the Notice of Delinquency to contest this violation. Late appeals will not be heard. Failure to respond may result in an increase in the penalty, and a lien on your vehicle registration at the Department of Motor Vehicles.

CERTIFICATE OF CORRECTION			
Section Violated	Signature of officer responsible for correction	Badge No.	Agency
5204	<i>[Signature]</i>	8304	CPPD
			Date: 11/27/06

**CITY OF OAKLAND**  
 Parking Citation Assistance Center  
 250 Frank H. Ogawa Plaza, Suite 6300  
 Oakland, CA 94612-2035



## City of Oakland Parking Violation

Citation Number  
 150211109

Payment Questions: 1-800-500-6484

Date: 11/28/06 12:13 PM  
 Officer: 330 S00264  
 License: 4N1S835 CA 09/06  
 Make: VOLK 4DR GRY  
 VIN: NV

Location:  
 1700-50TH AV

Violation:  
 5204  
 CURRENT TAB NOT ATTACHED  
 Fine Amount: \$60.00  
 If Delinquent:  
 IF PAID AFTER 21 DAYS: \$120

Meter:



150211109

Failure to respond to 5 or more outstanding violations may result in immobilization and/or towing of your vehicle pursuant to C.V.C. 22651. Pursuant to G.C. 76000 a surcharge has been added to the penal Registration and equipment violations require proof of correct verification by a police officer, a California Highway Patrol Officer, or any Department of Motor Vehicles representative.

3

4

**PARKING CITATION**  
**CITY OF OAKLAND**

818107796

ISSUE DATE (MM DD YY)		RPT. DIST.	TIME ISSUED
07/03/03		4	1:00
STATE LICENSE NUMBER		STATE	EXP (MM YY)
4UP5727		CA	03/03
MAKE	BODY TYPE	COLOR	2 TONE
1/RS	2DR	WHT	2PK
VIN LAST 4 DIGITS		STREET/METER #	
1111		3855	
STREET NAME / LOCATION			
TELEGRAPH AVE			
BADGE #		OFFICER	
331		AJ-KC/1e	

COMPLAINANT

818107796

- CALIFORNIA VEHICLE CODE VIOLATION**
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> 5204 ( )<br>Current Tags<br>Not Attached | <input type="checkbox"/> 22500<br>Improper<br>Parking |
|--|---|
- OAKLAND MUNICIPAL CODE VIOLATION**
- |   |   |
|---|---|
| <input type="checkbox"/> 10.16.070<br>Vehicles on<br>Private Property | <input type="checkbox"/> 10.16.110<br>Obedience<br>to Barriers & St |
| <input type="checkbox"/> 10.28.190<br>Two Hour<br>Zone                | <input type="checkbox"/> 10.28.240<br>No Parking<br>Certain Hours   |
| <input type="checkbox"/> 10.28.250<br>No Parking<br>Anytime           | <input type="checkbox"/> 10.36.050<br>Meter Expired<br>(On Street)  |
| <input type="checkbox"/> 10.36.100<br>Meter Expired<br>(Off Street)   | <input type="checkbox"/> 10.40.020<br>No Parking<br>Red Zone        |
| <input type="checkbox"/> 10.40.060<br>No Parking<br>Yellow Zone       | <input type="checkbox"/> 10.40.070<br>No Parking<br>White Zone      |

OTHER

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

OMC VC

COMMENTS/VIN NUMBER

RETURN CITATION WITH PAYMENT

LAZAR, M.



**USED VEHICLE DEALER NOTICE/TEMPORARY IDENTIFICATION**  
(Must be affixed to the vehicle before delivery to the purchaser)

Deal #21645, Stock #21986R

MAKE  
**CHRYSLER**

DATE SOLD (MO./DAY/YR.)  
**06/08/2003**

YEAR MODEL  
**2002**

BODY TYPE  
**CV**

SOLD TO: PRINT TRUE FULL NAME(S)

**(1) BELTON, MEDINA**

BUSINESS OR RESIDENCE ADDRESS  
**428 ROAD RUNNER DRIVE**

DEALER'S NUMBER  
**20833**

VEHICLE IDENTIFICATION NUMBER  
**1C3EL55R92N216795**

SALESPERSON'S NUMBER  
**8625006**

NOTE: UPON TRANSFER OR SALE, DEALER  
MUST ENTER ODOMETER READING HERE.

REG 81 (REV. 4/84)

1 6 5 4 2

(2)  
APT. NUMBER CITY  
**PATTERSON**

IMPORTANT! ENTER BOTH DEALER'S AND SALESPERSON'S NUMBERS. This is a notice of purchase of vehicle. Do not use as an application for registration or title.

STATE ZIP CODE  
**CA 95363**

**24355520**