

## Superior Court of California County of San Luis Obispo

### NOTICE TO PARTIES CONSIDERING AN APPEAL FROM DECISIONS OF ADMINISTRATIVE CITATIONS

Parties may file an Appeal on the administrative order pursuant to Government Code § 50369.4 by filing a notice of appeal with the clerk of the civil division of the Superior Court along with the required filing fee and a copy of the administrative order. The appealing party shall also serve a copy of the notice of appeal on the agency who issued the decision by delivering the same in person or mailing the same by first class mail, postage pre-paid.

Appeal from a local agency ordinance must be filed within twenty (20) calendar days after service of the administrative order.

Appeal from a Vehicle Code or Public Utilities Code violation must be filed within thirty (30) calendar days after service of the administrative order.

Parties may also file a petition for a writ of mandate pursuant to Code of Civil Procedure, § 1094.5, within ninety (90) calendar days after service of the administrative order.

### NATURE OF AN APPEAL

An appeal is not a re-trial. New evidence such as testimony and exhibits are not given to the Superior Court. There are two main grounds of appeal: (1) the evidence in the administrative hearing was insufficient to justify the verdict or judgment, and (2) errors of law were committed during or before the hearing which harmed the appealing party. As to the first ground, insufficiency of the evidence, the Superior Court does not decide where the greater weight of evidence was or who was telling the truth; it only decides if there was any substantial evidence which supports the judgment. Many times, parties ask the Superior Court to change the judgment because they should have been believed and their opponent disbelieved. This request seldom, if ever, works as it is beyond the power of the Superior Court to re-try, or re-decide the case by re-weighting the evidence. As to the second ground, errors of law, the Superior Court will listen and decide whether there has been any irregularity and whether any errors prejudiced or substantially harmed the appealing party. Most appeals are won or lost on these issues of error of law and procedure.

### APPEAL PROCEDURE

**NOTICE OF APPEAL:** The most important act in an appeal is the timely filing of the written notice of appeal. Generally, the notice must be filed within 20 days of entry of the decision. The Superior Court will not consider the appeal unless it grants a motion of the appellant (the party who is appealing) to set aside the untimeliness of the filing of the notice of appeal. Permission to file late is rarely given. You must attach a copy of your citation and the decision of the hearing officer. You must serve the Notice of Appeal on the opposing party prior to the hearing.

**STATEMENT ON APPEAL:** Your written Proposed Statement on Appeal must be filed and served on opposing party prior to the hearing.

**PROOF of SERVICE:** You must file with the clerk's office a Proof of Service of the Notice of Appeal and Statement on Appeal prior to the hearing.

**TESTIMONY:** You will have an opportunity to present oral testimony at the hearing.

**HEARING:** The case will be set for hearing and the clerk will notify you of the date, time, and place. At the hearing, you should stress the most important parts of your case while realizing that the judge has reviewed the file and read your Statement on Appeal. After the hearing, the judge's decision will be mailed to you.

**FORMS/FEES:** Filing fee for the appeal of a parking citation or administrative fine/penalty is \$25.00 (2020 fee schedule)  
Filing fee for the appeal of a dangerous or vicious dog is \$45.00 (2020 fee schedule)

When you have completed the forms make two photocopies. The original will be kept by the court; you will need a copy to be served and a copy for your records.

**HEARING DATE:** The court will mail you a notice of your hearing date and time. If you do not want to appear at the hearing in person you may file a document that states, you want to submit your appeal on the paperwork only.

Name, Address & Telephone Number of Attorney:  Attorney for:	
<input type="checkbox"/> <b>SUPERIOR COURT OF SAN LUIS OBISPO COUNTY</b> <input type="checkbox"/> <b>San Luis Obispo Branch</b> , 1035 Palm Street, Rm 385, San Luis Obispo, CA 93408 <input type="checkbox"/> <b>Grover Beach Branch</b> , 214 South 16th Street, Grover Beach, CA 93433 <input type="checkbox"/> <b>Paso Robles Branch</b> , 901 Park Street, Paso Robles, CA 93446	
Appellant:  Respondent:	
<b>NOTICE OF APPEAL (Administrative Citation)</b>	<b>CASE NO:</b>

Defendant/Appellant (*Name*): \_\_\_\_\_  
In the above entitled action hereby appeals to the Superior Court for the County of San Luis Obispo, State of California, from the Decision of

Citation number: \_\_\_\_\_

Date of citation: \_\_\_\_\_

Agency name: \_\_\_\_\_

Hearing Officer name: \_\_\_\_\_

Date of Ruling/Judgment: \_\_\_\_\_

**YOU MUST ATTACH A COPY OF YOUR CITATION AND THE DECISION OF THE HEARING OFFICER TO THIS FORM.**

Name, Address & Telephone Number of Attorney:  Attorney for:	
<input type="checkbox"/> <b>SUPERIOR COURT OF SAN LUIS OBISPO COUNTY</b> <input type="checkbox"/> <b>San Luis Obispo Branch</b> , 1035 Palm Street, Rm 385, San Luis Obispo, CA 93408 <input type="checkbox"/> <b>Grover Beach Branch</b> , 214 South 16th Street, Grover Beach, CA 93433 <input type="checkbox"/> <b>Paso Robles Branch</b> , 901 Park Street, Paso Robles, CA 93446	
Appellant:  Respondent:	
<b>PROPOSED STATEMENT ON APPEAL (Administrative Citation)</b>	<b>CASE NO:</b>

Defendant/Appellant (Name): \_\_\_\_\_

Submits the following Proposed Statement on Appeal:

**GROUND FOR APPEAL:**

1. Specify in detail your reasons for why you feel the Administrative Officer “error” in regarding the law or procedure.
  - a.
  - b.
  - c.
  - d.

A copy of this document must be mailed to the agency who issued the citation you are appealing. You **may not** perform the mailing yourself. You must have a party who is at least 18 years old and not a party to this action perform the mailing and complete a Proof of Service Form.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>   TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO</b> STREET ADDRESS: 1035 Palm Street MAILING ADDRESS: Room 385 CITY AND ZIP CODE: San Luis Obispo, CA 93408 BRANCH NAME: San Luis Obispo	
PETITIONER/PLAINTIFF: _____  RESPONDENT/DEFENDANT: _____	
<b>PROOF OF PERSONAL SERVICE—CIVIL</b>	CASE NUMBER: _____

***(Do not use this Proof of Service to show service of a Summons and Complaint.)***

1. I am over 18 years of age and **not a party to this action**.
2. I served the following **documents** *(specify)*:

The documents are listed in the *Attachment to Proof of Personal Service—Civil (Documents Served)* (form POS-020(D)).

3. I personally served the following **persons** at the address, date, and time stated:

- a. Name:
- b. Address:
- c. Date:
- d. Time:

The persons are listed in the *Attachment to Proof of Personal Service—Civil (Persons Served)* (form POS-020(P)).

4. I am

- |   |  |
|---|--|
| a. <input type="checkbox"/> not a registered California process server. | c. <input type="checkbox"/> an employee or independent contractor of a registered California process server. |
| b. <input type="checkbox"/> a registered California process server.     | d. <input type="checkbox"/> exempt from registration under Business & Professions Code section 22350(b).     |

5. My name, address, telephone number, and, if applicable, county of registration and number are *(specify)*:

6.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7.  I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)



\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED THE PAPERS)