

FOR COURT USE ONLY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA
FREMONT HALL OF JUSTICE
39439 Paseo Padre Parkway
Fremont, CA 94538**

<p>CITY OF NEWARK</p> <p style="text-align: center;">v.</p> <p>_____</p> <p style="text-align: center;">Appellant(s)</p>	<p>CASE NO. _____</p> <p>NOTICE OF APPEAL OF DECISION OF HEARING OFFICER GOVERNMENT CODE §53069.4</p>
<p>APPELLANT(S):</p> <p>Name: _____</p> <p>_____</p> <p>Address: _____</p> <p>_____</p> <p>_____</p> <p>Telephone: _____</p> <p>Facsimile: _____</p>	<p>PROCESSING AGENCY:</p> <p>City of Newark David J. Benoun (SBN 247430) City Attorney 37101 Newark Boulevard Newark, CA 94560 Telephone: (510) 578-4427 Facsimile: (510) 578-4306</p>
<p>Citation Type: Administrative</p>	
<p>Date of Citation:</p>	<p>Citation No.:</p>
<p>Signature of Appellant:</p>	<p>Date:</p>

<p>FOR COURT USE ONLY:</p>	<p>Case Type: _____</p>
	<p>Case Subtype: _____</p>
	<p>Complaint Type: _____</p>

Appeal of Administrative Citation Decision Information

If a contestant of an administrative citation is not satisfied with an administrative decision, the contestant may seek review by filing an appeal to be heard by Limited Jurisdiction Alameda County Superior Court. The contestant must serve notice of the appeal on the City of Newark either in person or by first-class mail within twenty (20) days after service of the final administrative decision by providing the City with an Endorsed File Copy of the Notice of Appeal showing that it has been filed with the Court. Upon request by the Court, the City of Newark shall forward its case file to the Court within fifteen (15) days of the request.

If no notice of appeal of the City's final administrative order or decision is filed within the period set forth above, the order or decision shall be deemed confirmed.

The appeal shall be heard *de novo*, except that the contents of the City's file in the case shall be received in evidence. A copy of the document or instrument of the City providing the notice of the violation and imposition of the administrative fine or penalty shall be admitted into evidence as *prima facie* evidence of the facts stated therein.

The fee for filing the notice of appeal is \$25. The court shall retain the \$25 fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the City of Newark. Any deposit of the fine or penalty shall be refunded by the City of Newark in accordance with the judgment of the court.

If the fine or penalty has not been deposited and the decision of the court is against the contestant, the City of Newark may proceed to collect the penalty pursuant to the procedures set forth in its Municipal Code.

The conduct of the appeal is a subordinate judicial duty that may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.

The court shall send notice to the City of Newark and the contestant as to the court date. The court shall notify both parties as to the judgment.

For further information, see California Government Code §53069.4.