

WAC 132I-116-300 Appeal of fines and penalties. Any citation for violation of these rules and regulations, may be appealed. The appeal must be submitted in writing, within twenty calendar days from the date of the citation, to the public safety and emergency management director or designee, who will:

(1) Review the appeal and confer with the appellant to determine whether a satisfactory solution, to all parties, can be reached without further administrative action. If a solution satisfactory to all parties cannot be reached, the public safety and emergency management director or his designee will issue and serve the appellant with a brief written order explaining why the appeal was denied. Service shall be in person or by first class mail. For purposes of this regulation, service by mail will be deemed complete on the third business day after the order is deposited in the mail.

(2) An appeal of the public safety and emergency management director's or designee's order may be submitted in writing to the college's vice president for administration or designee within twenty-one calendar days after service of the public safety supervisor's order is complete. The written appeal must be accompanied by a copy of the public safety and emergency management director's or designee's order. Within twenty calendar days from the receipt of any such appeal, the college's vice president for administration or designee shall render a written decision. This decision will be final.

(3) The final legal recourse for an appellant is to the Washington state superior court system.

(4) In the event that the appeal involves an impounded vehicle, the vehicle's owner shall have the right to a hearing before the public safety and emergency management director or designee within forty-eight hours of a request, or on the next business day if the forty-eight hour period terminates on a weekend or holiday. The vehicle's owner shall also be entitled to a release of the vehicle upon payment of a bond to the college in the amount of the sum of the impoundment costs and the total of all fines due and owing. If at the hearing it is shown that the vehicle was improperly impounded, the owner of the vehicle shall be entitled to a refund of the costs of impoundment. The vehicle's owner may appeal the public safety and emergency management director's or designee's order as provided in WAC 132I-116-300(2).

(5) In all appeals under this section, the appellant carries the burden of proof, which shall be a preponderance of the evidence.

[Statutory Authority: Chapter 34.05 RCW et seq. and RCW 28B.50140 [28B.50.140] (10) and (13). WSR 14-21-063, § 132I-116-300, filed 10/9/14, effective 11/9/14. Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-116-300, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq. and RCW 28B.50.140. WSR 04-23-044, § 132I-116-300, filed 11/12/04, effective 12/13/04. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-116-300, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 28B.50.140. WSR 84-14-020 (Order 020), § 132I-116-300, filed 6/26/84; Order 014, § 132I-116-300, filed 1/6/76; Order 003, § 132I-116-300, filed 9/27/73.]