

## *Mistake of Facts*

This may apply to any case where the citizen claims that either there was not sufficient warning that the area/parking space was regulated or that the vehicle was not in violation. Examples are parking stall improperly marked; vehicle was not parked in violation of the regulation, such as commercial vehicle in a commercial zone or parked within time allowed or not obstructing flow of traffic at an intersection.

### VERIFICATION FROM CONTESTEE

1. A statement from the citizen
2. Photos or signed witness statements

### VERIFICATION BY INVESTIGATION

1. Request a field investigation by the issuing agency or other relevant agency/department. Request that copy of relevant supporting documentation be attached to the field inspection report
2. Review contestee submitted documentation for authenticity
3. Review the contestee's statement and documentation, the citation information and officer notes and any field investigation information to identify discrepancies

### DECISION

It is important that the information used to support your decision be reliable and convincing. The reviewer must evaluate and judge which information is the most credible.

The citation should be dismissed if, based on your review of the documentation provided, you determine that any of the following are true:

- Markings or signage were missing, faded, or unclear
- Warning or notice was insufficient
- Officer notes or documentation are not specific
- Mechanical equipment was missing, inoperative or malfunctioning

If there is evidence submitted that supports the claim, but is contradicted by the field investigation, then review the case with the appeals supervisor before making a decision.

All other citations should be upheld.

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

Comments: In these situations, where it is the citizen's word against the agency, it is very important that we, the processing agency, carefully review all information submitted for the appeal.