



## APPEALS REQUEST FORM

Date:	Permit Number:	
First Name:	Last Name:	
Taxi Company Name:		
Appellant's Mailing Address:		
City:	State:	Zip:
Email:	Phone Number:	
Specific OCTAP action you are appealing:		
Grounds for Appeal:		
Relief Sought (action you want OCTAP to take):		

I request a meeting with the Orange County Sheriff's Department to discuss the reasons for Denial/revocation/suspension (if applicable).

Signature of Appellant:	Date:
OCTAP USE ONLY	
Received Date:	Received within 10 days: YES NO
OCTAP Notes:	
OCSD Meeting Date:	Time: Location:

## **OCTAP Appeals Hearing Definitions and Procedures**

These definitions and procedures apply to individuals who have been granted an appeals hearing to review an adverse action (fine, suspension, revocation, or denial) by OCTAP.

### **(A) Definitions**

- Adverse Action – Adverse actions include the denial, suspension, or revocation of an OCTAP permit; or the issuance of a fine.
- Appellant - An OCTAP permit holder or applicant who has been issued an adverse action by OCTAP, and files a timely written appeal (within ten (10) days).
- Hearing Officer - A member of a Hearing Panel.
- Hearing Panel - A panel of members from the participating agencies; three persons appointed by the OCTAP Administrator to hear an appeal.
- OCTAP Representative - OCTAP Administrator or his designee.
- Party or Parties – Appellant and/or OCTAP representative (as context requires.)
- Sworn In – A promise, under penalty of perjury, that the party will tell the truth and will not lie during the proceeding.

### **(B) The Hearing Officers**

The OCTAP Administrator shall maintain a list of qualified Hearing Officers consisting of members of the OCTAP Steering Committee and Safety Committee, who shall not be employees of OCTA. Steering Committee and Safety Committee members shall regularly rotate assignments as hearing panelists.

A panel of Hearing Officers shall hear the appeal. None of the Hearing Officers shall have been directly involved in the incident or issue that resulted in the adverse action.

### **(B) Setting the Matter for Hearing**

(1) The appellant files a written notice of appeal, within ten (10) days of the date of delivery of the notice of adverse action from the OCTAP Administrator.

2) OCTAP, after review of the written appeal, sets an appeals hearing date and solicits a hearing panel from the poll of eligible hearing officers. OCTAP, at least five days before the hearing date, sends notification of the hearing date,

time, and location to the appellant by email, and to the appellant's most recent address of record by US certified mail.

(3) The Hearing Panel holds the hearing and makes a determination, or may continue the hearing for good cause

### **(C) Right to Representation**

Any party may be represented by legal counsel or other representative at any hearing. If the appellant is to be represented by an attorney, written notice of the attorney's name, address, and phone number shall be sent to the OCTAP Administrator at least five (5) calendar days before the hearing.

If an attorney appears at the hearing on behalf of the party, or if written notice that an attorney will appear on behalf of the appellant, all future notices and determinations shall be served to the appellant's counsel.

### **(D) Failure to Appear to a Hearing**

If Appellant fails to appear at the hearing either in person or through a duly authorized representative after having received notice of the date, time, and place of the hearing, Appellant shall be deemed to have waived the right to appeal and the proposed adverse action shall become final.

### **(E) Discovery**

Copies of reports and materials related to the adverse action will be made available to the appellant upon request by the appellant or their representative. When requested, reports and materials will be made available at least five (5) calendar days before the scheduled hearing date.

### **(F) Rules of Evidence Applicable to Hearings**

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

Each party shall have the right to call and examine witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; the right to impeach any witness regardless of which party first called the witness to testify; and the right to rebut the evidence against the party.

If Appellant does not testify in his own behalf, the Appellant may be called and examined as if under cross-examination.

The Hearing Panel may consider hearsay evidence as part of its determination except that no finding may be based solely on such hearsay evidence unless the hearsay evidence is supportive or supplementary to other legally competent evidence. Hearsay evidence may be used if it would be admissible in a civil action. In reaching its decision, the Hearing Panel may consider arrests and police-issued citations as evidence of unlawful activity if the frequency and nature of the arrests and/or citations support this finding.

The hearing shall be conducted in the English language. The proponent of any testimony to be offered by a witness who does not proficiently speak the English language shall provide an interpreter, approved by the Hearing Panel as proficient in the English language and the language in which the witness will testify, to serve as interpreter during the hearing. The cost of the interpreter shall be paid by the party providing the interpreter.

### **(G) Findings and Determinations by the Hearing Panel**

The Hearing Panel shall determine all factual issues raised by the appeal. The Hearing Panel shall make findings of fact as to whether the decision of the OCTAP Administrator is supported by the evidence presented or existing in the official file.

At the conclusion of the hearing, the Hearing Panel may, at their discretion, uphold the adverse action, order a lesser penalty; or overturn the adverse action.

### **(H) Final Decision**

The decision of the hearing panel is final, upon the issuance of an appeals determination letter. Any actions ordered by the hearing officers must be implemented as ordered.

### **(I) Judicial Review**

Pursuant to California Code of Civil Procedure, Section 1094.6, you may seek judicial review of this decision by filing for a judicial review with the Superior Court of California, Orange County, no later than 90 days from the date of the appeal panel's decision.