IRSMC RULE 3.5
DECISION ON WRITTEN STATEMENTS

Pursuant to IRLJ 3.5, the court is authorized to enter decisions based upon written statements on infraction cases involving contested and mitigation hearings and requests for deferred findings. Such written statements may be submitted to the court for consideration either by mail or email by the respondent but must certify or declare under penalty of perjury that the statement is true and must contain a statement that if it is determined that the respondent committed the cited infraction, the respondent promises to pay the monetary penalty authorized by law and assessed by the court.

(A) Generally. In infraction cases where the respondent has requested, the court will conduct a mitigation hearing as authorized by RCW 46.63.100 as now enacted or hereafter amended, or consider a petition to defer the finding, or conduct a contested hearing based upon the upon the written statements of the City's witness(es) if provided, and the Respondent, pursuant to IRLJ 3.5.

The examination shall take place within 90 days after the respondent filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(B) Factual Determination. In contested cases, the court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(C) A petition for a deferred finding which is denied by the Court will be treated as a request for a mitigation hearing on written statements.

(D) Disposition. If the court determines that the infraction has been committed, or the review was based upon a request for mitigation or a deferred finding, the court may assess a penalty in accordance with rule 3.3.

(E) Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and/or what penalty, if any, was imposed.

(F) No Appeal Permitted. There shall be no appeal from a decision on written statements.

[Effective September 1, 2003.]