NMLARLJ 3.2.
DECISION ON WRITTEN STATEMENTS

1. The court is authorized to enter decisions based upon written statements on infraction cased involving contested and mitigation hearings and request for deferred findings.

   (a) In infraction cases where the respondent has requested, the court will conduct a mitigation hearing as authorized under 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 written statements of the City's witness(es), if provided, and the Respondent, pursuant to IRLJ 3.5.

   The examination shall take place within 120 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 provided preponderance of all evidence submitted that 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 and any appropriate and permitted costs.

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

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

(Effective September 1, 2006)