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Authority to cite parking permit violations and adjudicate citations.

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Authority to cite parking permit violations and adjudicate citations.

Submitted by: John Dyer

2/29/2008

Question:

Under what authority are parking & permit violations cited and subsequently adjudicated, and what campus offices have the authority to make citation (police, parking & transportation, etc.)? Is the citing authority granted by the state legislature, the BOR, or by the university, and is the authority granted derived from legislative statute or is it simply regulatory in nature? Is the authority to cite, adjudicate, and hear appeals held by one single office, or separate offices?

Rationale:

A question of legal authority as well as separation of powers to both cite and adjudicate.

Senate Minutes:

One RFI asked under what authority are parking and traffic citation issued, and adjudicated? Vice President Joe Franklin supplied a response: "Georgia Southern University parking rules and regulations are generally not a legal matter that is adjudicated by judge and jury. Georgia Southern Parking and Transportation issues are University rules and regulations that are enforced with fines essentially assessed by the University and are not legal matters to be dealt with by courts. Parking and Transportation has no authority where legal matters are concerned. However, the University Police Department does issue parking tickets that are violations of Georgia Law. These cases are legal matters and are adjudicated in State Court.

The Board of Regents authorizes the University to set parking rules, fines and fees. The Office of Parking and Transportation administers the citing of parking violations and collects fines associated with the citations. A separate Parking and Transportation Committee has the authority of final enforcement of appeals on citations issued by Parking and Transportation.

The University Police Department is a recognized police department and has the same authority as any police department in the State of Georgia. Tickets issued for violations of law are adjudicated in State Court. Citations issued by University Police for violation of University parking rules and regulations would follow the same path as for Parking and Transportation. Parking and Transportation, and the University Police Department are authorized to issue parking citations. The University Police Department's authority is derived from state law. The Parking and transportation Department's activities are regulatory in nature."

Other Response:

From Joe Franklin 3-7-08:

Georgia Southern University parking rules and regulations are generally not a legal matter that is adjudicated by judge and jury. Georgia Southern Parking and Transportation issues are University rules and regulations that are enforced with fines essentially assessed by the University and are not legal matters to be dealt with by courts.

Parking and Transportation has no authority where legal matters are concerned. However, the University Police Department does issue parking tickets that are violations of Georgia Law. These cases are legal matters and are adjudicated in State Court. Under what authority are parking and permit violations cited and subsequently adjudicated? Is the authority to cite, adjudicate, and hear appeals held by one single office or separate offices?

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department in the State of Georgia. Tickets issued for violations of law are adjudicated in State Court. Citations issued by University Police for violation of University parking rules and regulations would follow the same path as for Parking and Transportation. What campus offices have the authority to make citation? Parking and Transportation, and the University Police Department are authorized to issue parking citations.

Is the authority derived from legislative statute or is it simply regulatory in nature?

The University Police Department's authority is derived from state law. The Parking and Transportation Department's activities are regulatory in nature.