**DDS-FTA**

**NOTE:** **Failure to appear** for the hearing may result in a default and dismissal of the matter. The purpose of the hearing is for the Judge to review the agency decision in the case. The issue for the Judge to determine is whether the Petitioner’s drivers license or privilege to operate a motor vehicle in this state should be suspended for failure to respond to a citation to appear before a court of competent jurisdiction of this state or of any other state or other country by treaty, for a traffic violation other than a parking violation. A short and plain statement of the matters asserted or the issues involved is contained in the Respondent’s Official Notice. Respondent has a minimal burden of persuasion in these matters that is routinely satisfied by appropriate submittal of a certified record establishing the traffic offense to which Petitioner allegedly failed to respond. Absent an affirmative showing of mistaken identity, generally, to prevail in such matters, a Petitioner must (1) establish that the fines and penalties imposed have been paid, (2) show proof that such payment has been submitted to the Department of Driver Services, and (3) submit proof that Petitioner has paid the requisite license restoration fee to the Department of Driver Services after payment of the fines and penalties. The parties are encouraged to resolve the case informally prior to the hearing.

RIGHTS OF THE PARTIES: The hearing will follow the procedures set out in the Georgia Administrative Procedure Act and OSAH Rules. Among the rights the Act and the Rules provide is the right to be represented by legal counsel and to subpoena witnesses and documentary evidence for the hearing. Subpoenas must be requested at least five days prior to the hearing. The parties must be ready to present their case including witnesses and evidence at the hearing.

STATUTES AND RULES INVOLVED, OFFICIAL NOTICE: The relevant statutes and rules involved in this matter are O.C.G.A. § 40-5-56 and Department of Driver Services (DDS) Rules currently found at the Department of Public Safety (DPS) Rules, specifically DPS Rules 570-1-.05and 570-6-.12.