

**HERMOSA BEACH ADMINISTRATIVE CITATION HEARING PROGRAM
REQUEST FOR ADMINISTRATIVE HEARING**

Name: _____ Administrative Citation # _____
Address: _____ Citation Date: _____
City, State, Zip: _____ Citation Time: _____
Phone #: _____ Penalty Amount: _____
Today's Date: _____

PLEASE READ EACH PARAGRAPH AND ACKNOWLEDGE BY INITIALING AT THE LEFT

In accordance with Hermosa Beach Municipal Code Section 1.10.090, you may request an Administrative Hearing within 30 days of the issue date of the Administrative Citation. In order to request an Administrative Hearing, **you must pay the full amount of the penalty or claim indigence (an indigence claim form must be filed within 10 days of the issue date of the citation)** and submit a written statement of the reason for contesting the administrative citation on the Administrative Hearing Program Written Statement form.

Initial

The Administrative Hearing is your opportunity to provide defense against the facts presented on the Administrative citation. You may bring written and/or photographic documentation and witnesses to the hearing. No materials submitted will be returned. The results of the Administrative Hearing will be mailed to the address you have provided.

Initial

Administrative Hearings are assigned in the Hermosa Beach City Council Chambers located at 1315 Valley Drive, Hermosa Beach, CA 90254. Administrative Hearings are conducted BY APPOINTMENT ONLY. UNSCHEDULED CASES WILL NOT BE HEARD UNDER ANY CIRCUMSTANCE.

Initial

If you will be unable to attend the Administrative Hearing, please contact the Cashiering Department at (310) 318-0217 or (310) 318-0211 at least 24 hours prior to your scheduled appointment time. If you fail to appear, you will have exhausted all rights to further appeal this citation.

Initial

CHECK ONE:

I PLAN ON ATTENDING THE HEARING IN PERSON

I PLAN ON ATTENDING THE HEARING BY PHONE

I WILL NOT ATTEND THE HEARING BUT WILL LET MY ORIGINAL STATEMENT AND PRIOR SUBMITTED EVIDENCE (IF APPLICABLE) ACT AS MY TESTIMONY

PLEASE NOTE THAT IN PERSON HEARINGS ARE NOT GUARENTEED AND ARE AT THE SOLE DISCRETION OF THE HEARING OFFICER.

FOR OFFICE USE ONLY

In Person
Mailed
Telephone
Processor: _____

Payment Received
Results Mailed
Hearing Officer: _____
Location: _____
Hearing Date: _____

Status:
Dismissed
Upheld
FTA

HERMOSA BEACH ADMINISTRATIVE CITATION HEARING PROGRAM

WRITTEN STATEMENT

City of Hermosa Beach
Community Services Division
1315 Valley Drive
Hermosa Beach, CA 90254

Please provide a written statement as to why you are contesting the Administrative Citation. Include any material(s) (e.g. receipts, photographs, etc.) to support your statement. Attach additional sheets if necessary.

I certify that the above statement is accurate to the best of my knowledge.

Signature: _____

Date: _____



HERMOSA BEACH, CA MUNICIPAL CODE

TITLE 1 GENERAL PROVISIONS

Chapter 1.10 Administrative Citations and Penalties

1.10.090 Appeal of administrative citation.

- A. Time to file an appeal. Any responsible person to whom an administrative citation is issued may choose to contest the citation by requesting an administrative hearing within thirty (30) days of service of the citation. In order to request a hearing, the responsible person shall submit in the manner directed on the citation a fully completed request for administrative hearing form along with either a deposit of the full amount of the administrative fine (in cash or by way of a negotiable check) or a notice that an advance deposit hardship waiver request has been filed pursuant to paragraph B of this section [1.10.090](#). The request for hearing shall be incomplete if it does not include the deposit in the full amount of the fine or the request for a hardship waiver. The deposit will be retained in a non-interest bearing account until the matter is resolved. If a timely and complete request for hearing is not submitted, the citation shall be deemed final, and the fine shall be immediately due and owing to the City and may be collected in any manner allowed by law for collection of a debt. Commencement of an action to collect the delinquent fine shall not preclude issuance of additional citations to the responsible party should the violation persist.
- B. Hardship Waiver. Any responsible person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine as required in paragraph A of this section may file a request for an advance deposit hardship waiver. The request shall be filed with the planning department on an advance deposit hardship waiver application form, available from the department, no later than ten days after service of the administrative citation. The City Manager or his/her designee may issue an advance deposit hardship waiver only if the person requesting the waiver submits to the City Manager or his/her designee a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the City Manager or his/her designee the person's financial inability to deposit with the City the full amount of the fine in advance of the hearing. Written proof of financial hardship, at a minimum must include tax returns, financial statements, bank account records, salary records or similar documentation demonstrating that the responsible person is unable to deposit the penalty. The City Manager or his/her designee shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The decision shall be final, and shall be served upon the person requesting the waiver by certified mail postage pre-paid return receipt requested and first class mail. If the City Manager or his/her designee determines that the waiver is not warranted, the person shall remit the full amount of the fine as a deposit within ten days of mailing of the decision. If the full amount of the fine is not deposited within the ten-day period, the request for hearing shall be deemed incomplete and waived, and the citation shall be deemed final. The fine shall be immediately due and owing to the City and may be collected in any manner allowed by law for collection of a debt.
- C. Dismissal of citation. The City Manager may dismiss an administrative citation at any time if it is determined to have been issued in error, in which event any deposit made shall be refunded.
- D. Hearing procedure.
1. The Hermosa Beach City Manager shall designate the hearing officer for the administrative citation hearing.

2. After receipt of the "request for hearing" and fine deposit (or, if applicable, approval of a hardship waiver) a hearing before the hearing officer shall be set for a date that is not less than 15 and not more than 60 days from the date that the "request for hearing" is filed in accordance with the provisions of this section. The person requesting the hearing shall be notified of the time and place set for the hearing by first class mail at least ten days prior to the date of the hearing. The responsible person may request one continuance of the hearing, but in no event may the hearing begin later than 90 days after receipt of the request for hearing from the responsible person. The responsible person may attend the hearing in person or in lieu of attending may submit written argument and documentation under penalty of perjury prior to the time scheduled for the hearing.
 3. Any documentation other than the administrative citation, which the enforcement official has submitted or will submit to the hearing officer, shall be sent to the person requesting the hearing by regular first class mail at least five days before the date on which the hearing is scheduled. The documentation shall also be made available upon request at the time of the hearing
 4. If the responsible person fails to attend the hearing or fails to submit arguments in writing, the administrative hearing officer will render a decision based on the documents that have been received and the responsible person will be deemed to have waived his/her right to an administrative hearing. Under those circumstances, the administrative hearing officer may request additional information from either the responsible person or the enforcement official as may be necessary to render a decision. If service of the administrative hearing is made by posting the citation on real property within the City in which the responsible person has a legal interest, and the responsible person provides verifiable and substantial evidence that removal of the administrative citation from the property by a third party caused the responsible person's failure to attend the scheduled hearing, the responsible person shall be entitled to an administrative hearing.
 5. The hearing officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person has caused or maintained the violation of the Municipal Code on the date(s) specified in the administrative citation.
 6. Administrative hearings are informal, and formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of his or her case and to cross-examine witnesses. The City bears the burden of proof at an administrative hearing to establish a violation of the Code. The administrative citation and any additional reports submitted by the enforcement official shall constitute prima facie evidence of the facts contained in those documents. The administrative hearing officer must use a preponderance of evidence as the standard of evidence in deciding the issues.
 7. The hearing officer may continue the hearing and request additional information from the issuing officer/employee or the recipient of the administrative citation prior to issuing a written decision.
- E. Hearing officer's decision. At the conclusion of the hearing or within fifteen (15) days thereafter, the administrative hearing officer shall render a decision as follows:
1. Determine that the violation for which the citation was issued occurred, and impose a fine in the amount set forth in the fine and penalty schedule, and if the violation has not been corrected as of the date of the hearing, order correction or abatement of the violation. In this event, the City shall retain the fine deposited by the responsible person.
 2. Determine that the violation for which the citation was issued occurred, but that the responsible party has introduced credible evidence of mitigating circumstances warranting imposition of a lesser fine than that prescribed in the fine and penalty schedule, or no fine at all, and impose such lesser fine, if any; and if the violation has not been corrected as of the date of the hearing, order correction or abatement of the violation. In this event, the City shall retain all or a portion of the fine deposited by the responsible person as applicable.

3. Determine that the violation for which the citation was issued did not occur or that the condition did not constitute a violation of the Municipal Code, or that the person cited was not the responsible party. In this event, the City shall refund the deposit, if any, within fifteen (15) days of the decision.

The administrative hearing officer's decision shall be in writing, shall explain the basis for the decision, and shall be served upon the responsible party by first class mail, to the address stated on the request for hearing form. If applicable, the order shall set forth the date by which compliance shall be achieved and the imposed fine paid to the City. The order shall be final on the date of mailing, which shall be deemed the "date of service," and shall notify the responsible person of the right to appeal to the Superior Court, as further described in Section [1.10.100](#).

- F. Collection of unpaid fines. Failure to pay the assessed administrative fine within 15 days or such other time limit set forth in the administrative citation, and/or if the decision of the hearing officer has not been successfully challenged by a timely appeal as provided in section [1.10.100](#), this obligation shall constitute a special assessment and/or lien against the real property on which the violation occurred. The special assessment and/or lien shall be imposed pursuant to the procedure set forth in Section [8.28.080](#) of this Code. Alternatively, the matter may be referred for collection, which includes but is not limited to the filing of a small claims court action.