

OPENING STATEMENT FOR CODE ENFORCEMENT FOR CONTINUING PENALTIES

An administrative hearing officer is assigned to hear today's cases. But first, please listen carefully to this recording that explains the process for the hearings. These hearings are conducted by a Miami-Dade County Hearing Officer as part of the County's code enforcement process. The Clerk of the Court and Comptroller is present to assist with the administration of the hearings.

The purpose of these hearings is to give alleged violators the opportunity to contest the Notice of Assessment of Continuing Penalties for the civil violation that has previously been decided by the Code Inspector.

The hearing officer's responsibility is to hear cases presented by the code inspector and to hear testimony presented by the alleged violators, if any. Today's hearing is being conducted through various remote and virtual means, including through the Zoom™ application, an online virtual meeting platform, which will allow members of the public that received a Notice of Assessment of Continuing Penalties to have an electronic hearing to contest the assessment of continuing penalties, rather than appearing in-person. Likewise, other members of the public have also been given the opportunity to observe the hearing through various remote and virtual means, including through the Zoom™ application. The purpose of these hearings is to give violators the opportunity to contest the code inspector's certificate of non-compliance which alleges that you failed to correct a code violation by the deadline. You may agree or disagree with Department's decision, and you may explain why you have appealed. In each of these cases, the civil violation was previously decided by the issuing code inspector and adjudicated. You may agree or disagree with certificate of non-compliance, and you may explain why you have appealed.

These hearings are recorded to ensure an accurate record of the proceedings and findings. Further, all parties presenting testimony will be required to take an Oath as to the truthfulness and accuracy of their statements, under the penalties of perjury.

For today's hearing, you will be muted by the hearing administrators until it is your opportunity to be heard during your hearing. Once you have been unmuted, you will also need to unmute yourself on your device if you would like to be heard. When you are finished speaking, if you choose to speak, you will click the same mute icon. It is important to mute yourself when you are not speaking because it can cause interference with other speakers during the hearing. The mute/unmute icon will appear in different places on your screen depending on the type of device you are using to access Zoom.™

These hearings are quasi-judicial and will not be conducted with formal evidence and witness rules. Relevant evidence will be admitted if timely submitted following the Notice of Hearing instructions, provided that the evidence is competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. Documentary evidence, such as exhibits, must be submitted for placement in the hearing file. During the hearing, please refer to the evidence by using the identifiers on the index form for the evidence that you previously submitted to the Clerk of the Court and Comptroller. If you need to see the form during your portion of the hearing, ask the clerk to display it on screen.

Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut the evidence against him. It is the hearing officer's responsibility to make findings of fact based on the evidence of record.

The fact-finding determinations of the Hearing Officer are limited to:

- Whether the violation, which has previously been decided, continued to exist after the time for compliance had expired.
- If so, how many days after the deadline for compliance did the violation continue to exist.

The Hearing Officer has no authority to modify the amounts of any civil penalty imposed for the continuing violation. In order to make a finding that the violation continued to exist past the deadline for compliance, the hearing officer must find, by a preponderance of the evidence, that the violation continued to exist and, if so, for how many days. The Hearing Officer's order will specify:

The amount of the civil penalty determined by multiplying the number of days that the violation continued to exist by the daily penalty provided in Chapter 8CC of the code for the violation:

1. The surcharge.
2. The Administrative Costs of the hearing; and,
3. Where applicable, the costs of the department

The decision of the Hearing Officer may be appealed in accordance with the provisions of Section 8CC-8 of the Code of Miami-Dade County and the Florida Rules of Appellate Procedure within 30 days from today's hearing.

We will now commence the proceedings.