

OPENING STATEMENT
CODE ENFORCEMENT ADMINISTRATIVE HEARING OFFICERS FOR
VIRTUAL HEARINGS

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 on behalf of the County, in accordance with Chapter 8CC of the Miami-Dade County Code. The Clerk of the Court and Comptroller is present to assist with the administration of the hearings.

The purpose of these hearings, which are open to the public, is to give alleged violators the opportunity to contest the decision of the code inspector which resulted in the issuance of a civil violation notice. You may agree or disagree with the code inspector's decision, and you may explain why you have appealed the citations. Today's hearing is being conducted through remote means, through the Zoom™ application, an online virtual meeting platform. Members of the public have also been given the opportunity to observe the hearing through the same remote means.

All parties presenting testimony will be required to take an Oath as to the truthfulness and accuracy of their statements, under the penalty of perjury. Further, these hearings are recorded to ensure an accurate record of the proceedings and findings. Thus, please do not speak when someone else is speaking as this may disrupt the ability to properly record these proceedings. You will be muted by the hearing administrators until it is your opportunity to be heard during your hearing. Once you have been unmuted by the administrator, you will also need to unmute yourself 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 because it can cause interference while others are speaking during the hearing.

Each party shall have the right to call and examine witnesses, to introduce exhibits or evidence, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut the evidence against them. Pursuant to the Notice of Hearing sent to you, there was a deadline for both sides to submit all evidence they wish to use during this hearing to the Clerk of the Court and Comptroller. Any evidence that was not timely submitted may not be considered during this hearing. The Department has the obligation to go first and present its case, including any evidence that was timely submitted to the Clerk of the Court and Comptroller. You will then have an opportunity to present your case, if you so choose, including the opportunity to show the hearing officer any evidence that was timely submitted, to support your argument as to why the citation was incorrectly issued. Please note, however, that your correction of the violation after the citation was issued is not a valid defense.

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. To present evidence, 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.

It is the hearing officer's responsibility to make findings of fact based on the evidence of record, including testimonial evidence. The fact-finding determinations of the hearing officer are limited to:

- Whether the violations alleged did occur, and
- If so, whether the person named in the civil violation notice can be held responsible for those violations.

To affirm the code inspector's decision on a code violation, the hearing officer must find, by a preponderance of the evidence, that the violation of the cited Code section occurred and that the alleged violator was responsible for the violation. In other words, under the preponderance standard, the code inspector or Department needs to convince the Hearing Officer that there is a greater than 50% chance that the violation of the cited Code section occurred and that the alleged violator was responsible for the violation. If affirmed, the order will specify:

1. The amount of the civil penalty;
2. The surcharge;
3. The administrative costs of the hearing; and,
4. Where applicable, the date by which the violation must be corrected.

If the Miami-Dade County issuing Department's decision is affirmed, the administrative costs may be both the costs for this hearing and the Department's costs of investigating this matter and attendance at this hearing.

As a hearing officer, I have no authority to modify the amounts of any civil penalty, the surcharge, or the administrative costs imposed for the violation if the violation against you is affirmed.

If the Miami-Dade County issuing Department's decision is reversed, which means that the alleged violator wins, there will be no civil penalty, no surcharge, and no administrative costs imposed for the alleged violation.

The hearing officer's decision 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 withing 30 days from today's hearing.

We will now commence the proceedings.