

**SUGGESTED OPENING STATEMENT FOR CODE ENFORCEMENT**  
**FOR CONTINUING PENALTIES**  
**HEARING OFFICERS**

These are hearings conducted by the Miami-Dade County Clerk of Court, Code Enforcement Division, the purpose of which 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.

These hearings are conducted in a quasi-judicial manner and I am the Hearing Officer assigned to hear today's cases. My responsibility is to hear cases presented by Code Inspectors and to hear contradictory arguments presented by the alleged violators. Because of the COVID-19 pandemic, 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 at an in-person hearing. 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 alleged violators the opportunity to contest the affidavit of the code inspector which alleges that you failed to correct a code violation by the deadline. You may agree or disagree with the code enforcement inspector's decision and you may explain why you have appealed.

The hearing is being recorded so that there will be an accurate record of the proceedings and of the final ruling made at the conclusion of these proceedings. 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 by the administrator, you will also need to unmute yourself on your device if you would like to be heard. You may unmute yourself by clicking the unmute icon on your screen (microphone with a line through it). 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 if too many microphones are open. The mute/unmute icon will appear in different places on your screen depending on the type of device you are using to access Zoom.™ If you are having technical difficulties, please alert us by raising the virtual hand by using the "raise hand" icon in the Zoom tool bar, which may be located in a different area of your screen depending on the device or version used, much like the mute/unmute feature. If you are calling in via telephone you may raise a virtual hand by hitting \*9 on your telephone keypad.

These hearings will not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence will be admitted, provided that it was timely submitted and submitted in accordance with the instructions contained within the Notice of Hearing, if I find that the evidence is competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. All documentary evidence, otherwise known as exhibits, must be submitted for placement in the hearing file – this will be done by referring to the previously submitted evidence during the portion of the hearing when you are given the opportunity to speak and present your case. No documentary evidence will be considered unless it was timely submitted, submitted in accordance with the instructions contained within the Notice of Hearing, and unless the alleged violator or code inspector refers to it during the hearing. At the time you refer to any or all of the evidence you previously submitted, that piece of evidence will be shown on the screen for all to see, particularly me. Please refer to the evidence using the identifiers on the form for the evidence that you previously submitted to the clerk of court. If you need to see the form during your portion of the hearing, to help you identify a piece of evidence, please ask the clerk to show 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 my responsibility to make findings of fact based on the evidence of record. The fact-finding determinations of the Hearing Officer are limited to:

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

As a Hearing Officer, I have 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, I must find that a preponderance of the evidence indicates that the violation continued to exist and, if so, for how many days. My order will specify:

1. 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.
2. The surcharge.
3. The Administrative Costs of the hearing; and,
4. 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.

We will now commence the proceedings. It is required that all persons who testify as to facts, be placed under oath, including the Code Inspector.

#### OATH

**Department Staff:** Department Staff testifying in this hearing should identify themselves by raising a virtual hand; and if they are unable to raise a virtual hand please wave at your camera until we recognize you aloud by name.

STATE NAMES OF DEPARTMENT STAFF THAT ARE TESTIFYING IN THE MATTER AND ASK CLERK TO UNMUTE THOSE IDENTIFIED, AND STATE, "PLEASE RAISE YOUR RIGHT HAND."

The Deputy Clerk in attendance will now swear you in.

**Named Violator and any witnesses on behalf of the Named Violator:** ASK CLERK TO UNMUTE the named violator and ask the named violator whether they have any witnesses that may be testifying on their behalf, and if so, ask them to name the witnesses; ASK CLERK TO UNMUTE ANY WITNESSES, AND HEARING OFFICER STATES TO NAMED VIOLATOR AND WITNESSES, "PLEASE RAISE YOUR RIGHT HAND," AND ASK CLERK TO SWEAR IN THE NAMED VIOLATOR AND THE WITNESSES.

After oath is administered, ask clerk to mute named violator and witnesses until the named violator's case begins, and proceed with Department's case.

\* \* AT BEGINNING OF EACH WITNESS'S TESTIMONY INSTRUCT ALL PERSONS TO STATE NAME AND POSITION FOR THE RECORD

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**THE ADMINISTRATIVE HEARING OFFICER'S CLOSING STATEMENT:**

Pronounce ruling in accordance with the following:

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

This is my final ruling in this matter. If you desire to seek review of my ruling, you must file a Notice of Appeal in the Circuit Court in and for Miami-Dade County, Florida, within 30 days of the date of this ruling. In doing so, the Respondent's name in the Petition should be "Miami-Dade County"

This hearing is now concluded; you may log out of Zoom™ or close the program; if you wish to observe other hearings, if any remain, the clerk of court will mute your microphone and turn off your video so you will no longer be visible. Thank you.