

ADMINISTRATIVE HEARING PROCEDURES

An individual or business has the right to contest an administrative citation and request an administrative hearing when the individual or business disagrees with the City of Rancho Palos Verdes, Code Enforcement Division action. The following Rancho Palos Verdes municipal codes provide information related to the payment requirement of the administrative fine, how to request an administrative hearing, the time required for the hearing process, and the advance hardship fee waiver deposit required. Enclosed in this packet are the Request for Administrative Hearing form, the Advance Hardship Fee Waiver Deposit form, and Frequently Asked Questions and Answers.

It is noted, the following Rancho Palos Verdes municipal codes herein replace the municipal code description “the department of planning, building, and code enforcement” hereafter with “the Community Development Department.”

RANCHO PALOS VERDES MUNICIPAL CODE

1.16.120 - Payment of Administrative Fine.

The administrative fine shall be paid to the City of Rancho Palos Verdes, Community Development Department, within 30 days from the date of service of the administrative citation. If, after a hearing requested pursuant to Section 1.16.130 (Request for Administrative Hearing), the hearing officer determines that the administrative citation should be cancelled, the administrative fine shall be refunded promptly.

1.16.130 - Request for Administrative Hearing

- A. Any responsible person to whom an administrative citation is issued may contest the citation by: (1) completing a Request for Hearing Form and returning it to the Community Development Department; and (2) either depositing the administrative fine with the Community Development Department or providing notice that a request for an advance deposit hardship waiver has been filed pursuant to [Section 1.16.140](#) (Advance Hardship Waiver Deposit). A Request for Hearing Form may be obtained from the Community Development Department.
- B. The Community Development Department must receive a completed request for hearing form and the administrative fine or completed hardship waiver form pursuant to [Section 1.16.140](#) (Advance Hardship Waiver Deposit) within 30 days from the date of service of the administrative citation. If not, the responsible person waives the right to a hearing.

- C. The citing official shall notify the person requesting the hearing by regular mail in accordance with [Section 1.16.030](#) (Procedure for Service) of the time and place of the hearing at least 20 days before the date of the hearing. The citing official shall serve any documentation, other than the administrative citation, that the citing official has submitted or will submit to the hearing officer on the person requesting the hearing by regular mail in accordance with [Section 1.16.030](#) (Procedure for Service) at least ten days before the date of the hearing.

1.16.140 - Advance Hardship Waiver Deposit.

- A. Any responsible person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine required in [Section 1.16.120](#) (Payment of Administrative Fine) may file a request for an advance deposit hardship waiver. The request shall be filed with the Community Development Department on an advance deposit hardship waiver application form, available from Community Development Department, no later than 30 days after service of the administrative citation. The Community Development Department's failure to receive a completed form, with all supporting documents, within 30 days after service of the administrative citation, shall constitute a waiver of the right to receive a hardship waiver.
- B. The Director of the Community Development Department ("director") or the director's designee may issue an advance deposit hardship waiver only if the person requesting the waiver submits a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the director or the director's designee the person's financial inability to deposit with the city the full amount of the fine in advance of the hearing. The director or his or her designee shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The decision shall be served upon the person requesting the waiver as specified in [Section 1.16.030](#) (Procedure for Service). If the director or the director's designee determines that the waiver is not warranted, the person shall remit the full amount of the fine to the Community Development Department within ten days of receipt of the director's written decision. The decision of the director or the director's designee whether to issue a hardship waiver shall be final.

1.16.150 - Time for Administrative Hearing.

Only after a request for hearing form is received by the Community Development Department within the required period, and the responsible person requesting the hearing has either deposited the administrative fine in full or obtained an advance deposit hardship waiver (hereinafter a "perfected appeal"), shall the city set the date and time for the administrative hearing. The hearing shall be set for a date not less than 15 days, nor more than 60 days after the filing of a perfected appeal.



CITY OF RANCHO PALOS VERDES

COMMUNITY DEVELOPMENT DEPARTMENT

1.16.130 - REQUEST FOR ADMINISTRATIVE HEARING ADMINISTRATIVE HEARING CITATION CONTEST FORM

NOTICE TO CONTESTANT

The contestant is responsible for the timely filing of the appeal to request a hearing. The Request for Administrative Hearing form must be completed in its entirety and returned to the Community Development Department of City Hall within 30 days from the date of service of the administrative citation. **A separate Request for Administrative Hearing form is required for each citation.**

An advance deposit of the total administrative fine for each citation is required at the time of filing. Payment may be in the form of Cash, Check, Cashier's Check, or Money Order payable to the City of Rancho Palos Verdes. The advance administrative fine deposit shall be refunded if the ruling made by the Hearing Officer rules there was no violation as charged in the Administrative Citation.

Any responsible person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine required in [Section 1.16.120](#) (Payment of Administrative Fine) may file a request for an advance deposit hardship waiver.

INSTRUCTIONS: Complete this form if you are contesting the issuance of an administrative citation regarding the violation(s) of the Rancho Palos Verdes Municipal Code.

CONTESTANT NAME: _____

ADDRESS: _____
(STREET) (CITY) (STATE) (ZIP)

TELEPHONE #: _____ CELL #: _____ WORK #: _____

EMAIL: _____

The contestant hereby contests to the City of Rancho Palos Verdes the decision to administer administrative citation:

Citation #: _____ \$ _____ Issued on: _____ Case #: _____
(FINE AMOUNT) (DATE)

Violating Address: _____ RANCHO PALOS VERDES, CA 90275
(STREET) (CITY) (STATE) (ZIP)

State reasons for contesting the above citation:

Attach a statement for the request to contest the citation and any documents to support your claim.

I hereby request an administrative hearing and declare under penalty and perjury that the information provided is true and correct to the best of my knowledge. I have attached the required statement and any supporting documents and paid the advance deposit or attached the hardship fee waiver deposit application.

Print Name: _____

Signature: _____ Date: _____

FOR CITY USE ONLY

Received by: _____ Date: _____

An administrative hearing will be held on the date and time shown below:

Date	Time	Location	Hearing Officer	Issuing Officer



CITY OF RANCHO PALOS VERDES

COMMUNITY DEVELOPMENT DEPARTMENT

1.16.140 – ADVANCE HARDSHIP WAIVER DEPOSIT REQUEST FOR ADMINISTRATIVE HEARING FEE WAIVER

NOTICE TO CONTESTANT

The contestant is responsible for the timely filing of the appeal to request a hearing. The Request for Hearing form must be completed in its entirety and returned to the Community Development Department of City Hall within 30 days from the date of service of the administrative citation. **A separate Request for Hearing form is required for each citation.**

An advance deposit of the total administrative fine for each citation is required at the time of filing. Any responsible person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine required in [Section 1.16.120](#) (Payment of Administrative Fine) may file a request for an advance deposit hardship waiver.

INSTRUCTIONS:

Pursuant to Chapter 1.16.140 of the Rancho Palos Verdes Municipal Code, the Director of the Community Development Department ("director") or the director's designee may issue an advance deposit hardship waiver only if the person requesting the waiver submits a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the director or the director's designee the person's financial inability to deposit with the city the full amount of the fine in advance of the hearing.

The director or his or her designee shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The decision shall be served upon the person requesting the waiver as specified in Section 1.16.030 (Procedure for Service). If the director or the director's designee determines that the waiver is not warranted, the person shall remit the full amount of the fine to the Community Development Department within ten days of receipt of the director's written decision. The decision of the director or the director's designee whether to issue a hardship waiver shall be final.

CONTESTANT NAME: _____

ADDRESS: _____
(STREET) (CITY) (STATE) (ZIP)

TELEPHONE #: _____ CELL #: _____ WORK #: _____

EMAIL: _____

Attach an affidavit together with any supporting documents, demonstrating to the satisfaction of the director or the director's designee of personal financial inability to deposit with the city the full amount of the fine in advance of the hearing.

I hereby declare under penalty and perjury that the attached affidavit is true and correct to the best of my knowledge and have provided the required documents and either paid the advance deposit or requested the hardship fee waiver.

Print Name: _____

Signature: _____ Date: _____

FOR CITY USE ONLY

Received by: _____ Date: _____

The decision of the hardship waiver is: APPROVED DENIED NEED ADDITIONAL INFO

Authorized Personnel: _____
(PRINT) (TITLE) (SIGNATURE) (DATE)

FREQUENT ASKED QUESTIONS AND ANSWERS

Whom do I contact if I have questions or concerns regarding the hearing procedures?

Contact the Code Enforcement Division at (310) 544-5281 or codeenforcement@rpvca.gov to discuss any questions or concerns you may have regarding the contents of this document.

What if my hardship waiver is denied and I want a second opinion?

The decision of the director or the director's designee on whether to issue a hardship waiver shall be final.

What are the steps involved when requesting a hearing?

Step 1: Complete a request for hearing form and return it to the Community Development Department.

Step 2: Either deposit the administrative fine with the Community Development Department or provide a notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 1.16.140 (Advance Hardship Waiver Deposit).

Step 3: The Community Development Department must receive a completed request for hearing form and the administrative fine or completed hardship waiver form pursuant to Section 1.16.140 (Advance Hardship Waiver Deposit) within 30 days from the date of service of the administrative citation. If not, the responsible person waives the right to a hearing.

Step 4: The citing official shall notify the person requesting the hearing by regular mail in accordance with Section 1.16.030 (Procedure for Service) of the time and place of the hearing at least 20 days before the date of the hearing. The citing official shall serve any documentation, other than the administrative citation, that the citing official has submitted or will submit to the hearing officer on the person requesting the hearing by regular mail in accordance with Section 1.16.030 (Procedure for Service) at least ten days before the date of the hearing.

Step 5: Only after a request for hearing form is received by the Community Development Department within the required period, and the responsible person requesting the hearing has either deposited the administrative fine in full or obtained an advance deposit hardship waiver (hereinafter a "perfected appeal"), shall the city set the date and time for the administrative hearing. The hearing shall be set for a date not less than 15 days, nor more than 60 days after the filing of a perfected appeal.

Is there a cost to schedule and/or attend the administrative hearing?

Yes, the administrative hearing officer shall assess against the responsible person administrative costs for any violation found to exist, or for any violation which was not timely corrected. The administrative costs include any and all costs incurred by the city in connection with prosecuting the violation, including, but not limited to, investigation costs, staffing costs for preparing and conducting the administrative hearing, and costs for all inspections necessary to enforce the compliance order and the administrative order. The administrative order shall specify the date by which the costs must be paid to the city.

How soon will the hearing be scheduled?

The hearing shall be set for a date not less than 15 days, nor more than 60 days after the filing of a perfected appeal.

What if I can't make the hearing and need to reschedule attending the hearing?

The contestant may request one continuance and the city may continue the hearing on its own initiative for good cause. Holding the hearing beyond 30 days of the appeal shall not invalidate the citation.

What happens if I fail to attend the administrative hearing?

If the responsible person fails to attend the scheduled hearing, the hearing will proceed without the responsible person, and the responsible person will be deemed to have waived the right to an administrative hearing and any further appeals as set forth in this chapter.

Who appoints the administrative hearing officer?

Administrative hearing officers shall be selected in a manner that avoids the potential for pecuniary or other bias. In no event shall the administrative hearing officer be the citing official. The compensation, if any, of the administrative hearing officer shall be paid by the city. Compensation shall not be directly or indirectly conditioned upon whether administrative citations are upheld by the administrative hearing officer.

What are the procedures at administrative hearings, and do I need a lawyer or witnesses?

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 that party's case and to cross-examine witnesses. The city bears the burden of proof at an administrative hearing to establish a violation of the municipal code. The administrative citation and any additional reports submitted by the citing official shall constitute prima facie evidence of the facts contained in those documents. The administrative hearing officer must use the preponderance of evidence as the standard of review in deciding the issues.

Can I appeal the decision of the administrative hearing officer?

Yes, you may appeal the decision of the hearing officer within 20 days after service of the administrative hearing officer's decision upon the responsible person/citee, either the responsible person/citee or the city may seek review of the administrative hearing officer's decision by filing a notice of appeal and paying the appeal fee, if required, set forth in Government Code § 53069.4(b)(2) or its successor with the Los Angeles Superior Court (Southwest District/Torrance). The appealing party shall serve a copy of the notice of appeal either in person or by first-class mail upon the non-appealing party. If either the responsible person/citee or the city fails to timely file a notice of appeal, the administrative order shall be deemed confirmed.

Is there a fee for paying the administrative citation late?

Yes, any person who fails to pay the city on or before the due date any administrative fine imposed pursuant to the provisions of this chapter shall be liable for the payment of late payment charges as follows:

- A. For payment received within 30 days after the due date, a late fee in the amount of 50 percent of the administrative fine is due.
- B. For payments received more than 30 days after the due date, a late fee in the amount of 50 percent of the administrative fine due, plus an additional 10 percent of the overdue administrative fine for each month the payment is overdue. The maximum late fee shall be 100 percent of the overdue administrative fine.

Can the city place a lean on my property for unpaid fines?

Yes, in accordance with Section 1.16.230 (Collection of administrative fines and costs-Lien Procedures).

- A. If the responsible person fails to satisfy in full the assessed administrative fines and costs by the time specified in the administrative hearing officer's decision or the administrative order, and no timely appeal of the administrative officer's decision has been filed with the Los Angeles Superior Court (Southwest District/Torrance), the city may recover the outstanding fines and costs by imposing a lien against the real property on which the violation occurred.
- B. Prior to the recording of the lien with the Los Angeles County Registrar-Recorder's office, the city council shall conduct a hearing to hear any protest or objection to the lien. The citing official shall serve notice of the hearing upon the owner of record of the real property, based on the last equalized assessment roll or the supplemental roll, whichever is more current, at least ten days before the date of the hearing. If the owner of record cannot be located after a reasonable search, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days.
- C. After holding the hearing and taking all evidence, oral and written, the city council shall determine whether the lien should be imposed. If the city council determines that the lien should be imposed, the responsible person will have 45 days to satisfy the assessed administrative fines and costs in full. If after that time the assessed administrative fines and costs are not paid in full, the citing official shall then prepare and file with the city clerk a report stating the amount due and owing.
- D. After the report is filed with the city clerk, the citing official may cause the lien to be recorded with the county recorder. Once recorded, the lien shall have the force and effect and priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil Procedure, or its successor, and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure, or their successors.
- E. The remedies set forth in this section are not exclusive and may be used in addition to those set forth elsewhere in this code or by law. The city may collect any past-due fines and costs by use of any available legal means.