



## CITY OF MILLBRAE APPEAL OF ADMINISTRATIVE CITATION

In accordance with Millbrae Municipal Code Section 1.05.030 (F), any recipient of an Administrative Citation may contest that there was a violation of the Millbrae Municipal Code or that they are the responsible party by completing a request for hearing form and returning it to the city within fifteen (15) calendar days from the date of receipt of the Administrative Citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to subsection (G) of Millbrae Municipal Code Section. Any administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

**Be advised that: PURSUANT TO MILLBRAE MUNICIPAL CODE SECTION 1.05.030**

### **H. "Hearing Officer":**

1. No hearing to contest an administrative citation before a hearing officer shall be held unless and until a request for hearing form has been completed and submitted, and the fine has been deposited in advance.
2. A hearing before the hearing officer shall be set for a date that is not less than fifteen and not more than sixty days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.
3. The hearing officer shall only consider evidence that is relevant to whether the violation(s) of the Millbrae Municipal Code or other applicable state code existed on the date(s) specified in the administrative citation.
4. The responsible person contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.
5. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.
6. The administrative citation and any additional documents submitted by the enforcement officer shall constitute *prima facie* evidence of the respective facts contained in those documents.
7. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least five days prior to the date of the hearing.
8. At least ten days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the citations, reports and other documents submitted or relied upon

by the enforcement officer. No other discovery is permitted. Formal rules of evidence shall not apply.

9. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision.

**J. Hearing Officer's Decision.**

1. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten days of the hearing to uphold or deny the administrative citation and shall list in the decision the reason supporting that decision. The decision of the hearing officer shall be final.
2. If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.
3. If the hearing officer determines that the administrative citation should be canceled, then the city shall refund the amount of the deposited fine within fifteen days from the determination.
4. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.

I have read and fully understand the above procedures and conditions.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**APPEAL OF ADMININSTRATIVE CITATION AND REQUEST FOR HEARING**

Attention: **Hearing Officer, City of Millbrae City Clerk**

Regarding the property located at \_\_\_\_\_, in Millbrae, California.

An appeal is hereby made relative to Administrative Citation # \_\_\_\_\_.

It is the desire of the appellant to contest this citation before an Administrative Hearing Officer.

This request, and the amount of the fine on the citation, are hereby submitted to City of Millbrae City Clerk by mail or in person at 621 Magnolia Ave., Finance Division, Millbrae City Hall.

I understand this appeal and the advance deposit must be received by the City within **(15)** days of my receipt of this Citation to be considered timely filed.

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Date

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Name of Appellant (Please Print)

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Signature of Appellant

Address:

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Phone Number

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Email

## Contestant's Statement

**Administrative Citation #**

Date of Citation: \_\_\_\_\_

Address of property cited or location where individual was cited:

I hereby appeal the Citation for the following reasons:

Please attach any supporting documents or photographs with this form.

I declare under penalty of perjury that all the facts stated in this appeal are true and correct.

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## Signature

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Date

## Phone Number



## CITY OF MILLBRAE

### REQUEST FOR ADVANCE DEPOSIT HARDSHIP WAIVER

**Be advised that: PURSUANT TO MILLBRAE MUNICIPAL CODE SECTION 1.05.030**

#### **G. Advance Deposit Hardship Waiver.**

1. Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible person and who is financially unable to make the advance deposit of the fines as required in subsection (F) of this section may file a request for an advance deposit hardship waiver.
2. The request shall be filed with the department of finance on an advance deposit hardship waiver application form within ten days of the date of the administrative citation.
3. The requirement of depositing the full amount of the fine as described in subsection (F) of this section shall be stayed unless or until the director of finance makes a determination not to issue the advance deposit hardship waiver.
4. The director of finance may waive the requirement of an advance deposit set forth in subsection (F) of this section and issue the advance deposit hardship waiver only if the cited party submits to the director a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the director the person's actual financial inability to deposit with the city the full amount of the fine in advance of the hearing.
5. If the director of finance determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the city within ten days of the date of that decision or thirty days from the date of the administrative citation, whichever is later.
6. The director of finance shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the director of finance shall be final.
7. The written determination of the director of finance shall be served upon the person who applied for the advance deposit hardship waiver.

Full Legal Name: \_\_\_\_\_

Driver License Number and State: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

*[to be used by the City to verify Social Security Benefit status]*

Phone: (\_\_\_\_) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Request for Advance Deposit Hardship Waiver**  
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Fine amount on citation: \$ \_\_\_\_\_

List all family members living with you:

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_ Age: \_\_\_\_\_

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you presently employed? \_\_\_\_\_ If yes, where employed?

Employer: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Employer Phone Number: \_\_\_\_\_

**One copy each of your last federal and state tax return is required to be submitted with this form.**