

# ADMINISTRATIVE APPEALS GUIDE

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## Purpose

This Administrative Appeals Guide (Guide) provides guidelines and recommendations for City staff to understand and facilitate appeals processes allowed by the Fridley City Code (Code).

## Definitions

**Administrative Citation or Administrative Penalty:** A civil fine that is issued in response to a violation of the Code.

**Administrative Hearing:** A scheduled opportunity for parties to present testimony and question witnesses related to a specific Administrative Citation or appeal.

**Administrative Offense:** A violation of a provision of the Code.

**Appeal:** An application to the City for a citation or determination to be reversed.

**Appellant:** A person who applies to the City requesting a citation or determination to be reversed.

**Hearing Examiner:** Any person as defined by Minnesota Statute (M.S.) § 609.415 and selected by the City Manager or their designee to hear and determine a matter for which an Administrative Hearing is requested. The Hearing Examiner will be an individual trained in law; however, it will not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota. The Hearing Examiner will:

- Set dates and hear all contested cases;
- Take testimony from all interested parties;
- Examine all facts, evidence and testimony as presented;
- Makes a complete record of all proceedings and conclusions; and
- Affirms, dismisses or modifies the original Administrative Citation.

A list of approved Hearing Examiners may be found in the Appendices of this Guide.

## Questions

If you have questions about the information shared in this Guide, please contact a member of the City Clerk Division. Any technical or legal questions should be directed to the City's attorneys listed in this Guide.

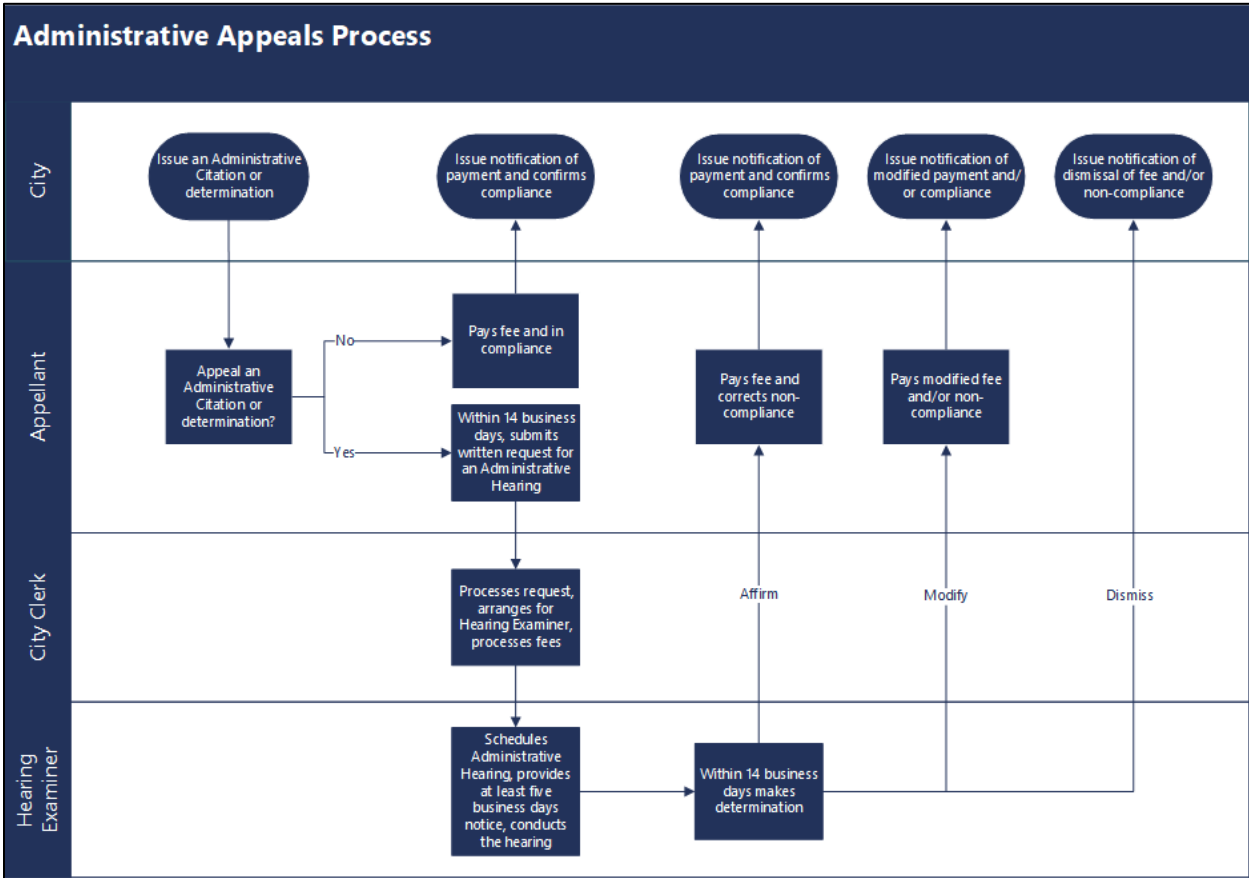
# Fees and Budgetary Considerations

Fees for citations may vary based on the violation. Fees for an Administrative Hearing may be found in the Fees Chapter of the Code. The Administrative Hearing fee will be refunded if the Administrative Citation or original determination is dismissed. The fee will not be refunded if it is affirmed or modified.

A list of Hearing Examiners may be found in the Appendices. Invoices for services should be coded to each department’s budget to 631100 (Professional Services).

## Procedures

The appeal procedures allowed by the Code and detailed in this Guide must be followed by City staff if an appeal is requested. Appeals to citations or determinations are available to any person directly and adversely affected by an Administrative Citation or determination. This appeal process may be used for appeals dealing with certain Code violations such as on-street parking, animal control, false alarms, long grass or other property maintenance appeals. Commonly, the process allowed by the Code looks like:



## Appeals

The Appeals and Administrative Citations Chapter of the Code outlines a simple and streamlined appeal process for most Administrative Citations or determinations. All appeals regarding Administrative Citations or determinations of the City will follow the process outlined in this Guide unless an alternative process is required by the Code.

A person wishing to appeal an Administrative Citation or determination must file with the City Clerk a written request for a hearing within 14 business days after the date of being issued an Administrative Citation or determination. The request must:

- specify the order, determination, or condition being appealed;
- the date of the notification; and
- the Code provision under which the appeal is authorized.

Appellants may use the Administrative Hearing Request Form as found in this Guide or submit a letter in writing to the City Clerk.

## Administrative Hearings

The appeal will be heard by the Hearing Examiner following the Administrative Hearing procedures set forth in this Guide and in the Code. Hearings will:

- Take place at the Fridley Civic Campus
- Between 8:00 a.m. and 8:00 p.m. Monday through Friday
- Recorded with an audio recording device
- A transcript of the Hearing will be transcribed and retained pursuant to the Minnesota Government Data Practices Act.

The Hearing Examiner must provide all parties involved with a written Notice of Hearing at least five business days prior to the Administrative Hearing. The Hearing Examiner will take testimony from the petitioner and any corroborating witnesses who wish to testify. The Hearing Examiner will then take testimony from the City. Both the petitioner and the City may appear with legal counsel.

The Hearing Examiner will render a written decision to affirm, modify or dismiss the City's Administrative Citation or determination. Within 14 business days after the Administrative Hearing, the Hearing Examiner must provide written findings of fact, conclusions of law and if applicable, issue a timeline to pay any applicable penalties and fees. The decision of the Hearing Examiner will be final unless otherwise stated in an applicable section of the Code.

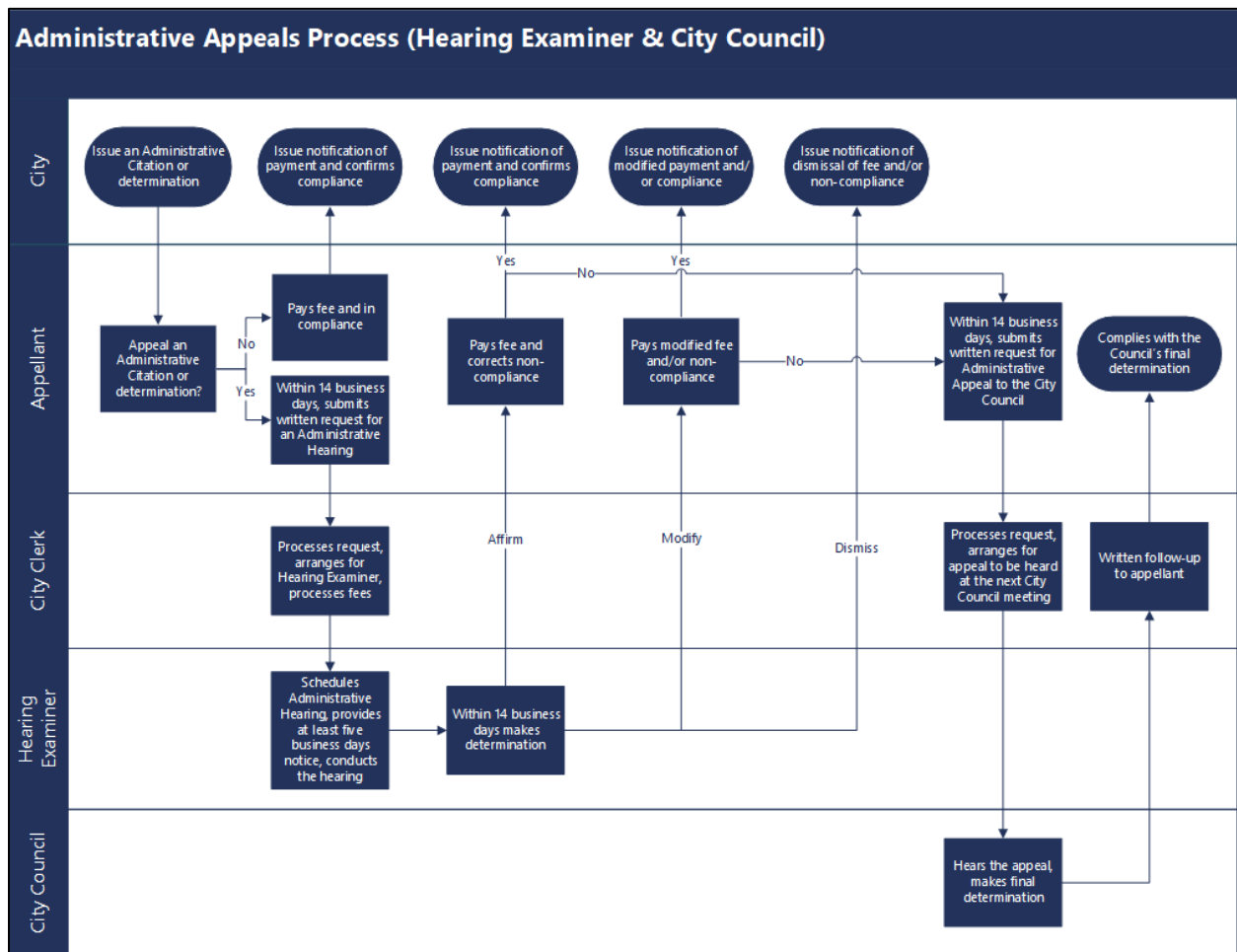
## Exceptions

There are varying processes for appeals found throughout the Code that are more unique in nature and specialized based on the content or subject of the appeal. Often exceptions to the

City's traditional appeal process are determined by State law or other past practice. Of the exceptions found in the Code, there are two that are the most common.

## Hearing Examiner and City Council

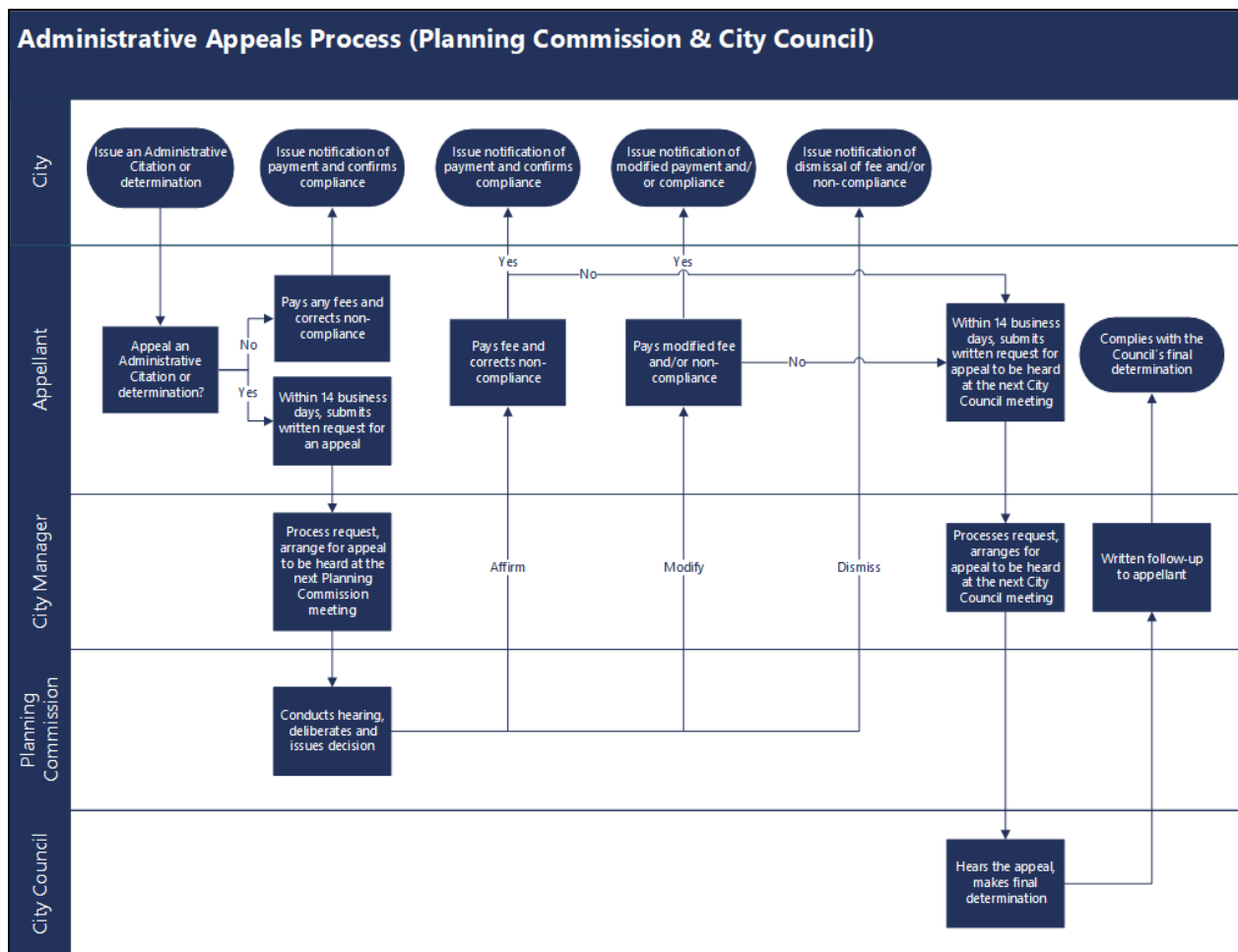
Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. Appellants may use the Administrative Hearing Request Form as found in this Guide or submit a letter in writing to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision. This appeal process may be used for appeals dealing with certain business licenses such as liquor, tobacco, pawn, massage or issues related to vehicles (junk or abandoned, etc.). Generally, the process allowed by the Code looks like:



## Planning Commission and City Council (Zoning and Land Use)

For certain zoning and land-use issues appeals to the Planning Commission are available to appellants wishing to appeal a citation or determination. The appeal must be made in writing to the City Manager or their designee. At its next regular meeting following receipt of the request for appeal, the Commission will affirm, repeal, or modify the citation or determination associated with the appeal.

Within 14 business days of a determination by the Commission, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. Appellants may use the Administrative Hearing Request Form as found in this Guide or submit a letter in writing to the City Clerk. At its next regular meeting following the Commission's decision, the Council will affirm, repeal, or modify that decision. This appeal process may be used for appeals dealing with rental and animal licensing, abatements and zoning matters. Generally, the process allowed by the Code looks like:



# Appendices

## Hearing Examiners

### **Keith Streff**

Hearing Examiner for Dangerous Dogs  
[kpstreff@gmail.com](mailto:kpstreff@gmail.com)  
651-302-3204

### **Scott C Baumgartner, Administrative Hearing Examiner**

BBKG Law  
[sbaumgartner@bbklaw.com](mailto:sbaumgartner@bbklaw.com)  
763-427-5950

### **Mike Freske, Employment Attorney**

City of Brooklyn Park  
[mike.freske@brooklynpark.org](mailto:mike.freske@brooklynpark.org)  
763-493-8184

### **Mary Dobbins, Attorney**

Landrum Dobbins LLC  
952-893-2925

### **Tim Keane, Attorney**

Kutak Rock  
612-334-5015  
[Tim.keane@kutakrock.com](mailto:Tim.keane@kutakrock.com)

### **Jon Morphew**

Morphew Law Offices P.L.L.C.  
612-790-9189  
[Jon.morphew@gmail.com](mailto:Jon.morphew@gmail.com)

## City Attorneys

### **City Attorney for Civil Matters**

Sarah Sonsalla, City Attorney  
Kennedy and Graven  
[ssonalla@kennedy-graven.com](mailto:ssonalla@kennedy-graven.com)  
612-337-9284

### **City Attorney for Criminal Matters**

David Brodie, City Attorney  
City of Coon Rapids  
[dbrodie@coonrapidsmn.gov](mailto:dbrodie@coonrapidsmn.gov)  
763-767-6495

### **City Attorney for Code Enforcement**

Steve Tallen, Attorney at Law  
[steve@tablawmin.com](mailto:steve@tablawmin.com)  
612-349-3900

# ADMINISTRATIVE HEARING REQUEST FORM



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## About This Form

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Chapter 203 of the Code outlines a simple and streamlined appeal process for most Administrative Citations or determinations. A request for an appeal must be made in writing to the City Clerk within 14 days of the City issuing an Administrative Citation or determination. Appellants may use this form or may submit an appeal in another written format. All appeals must be in writing and include:

- specifying the order, determination, or condition being appealed;
- the date of the notification; and
- the Code provision under which the appeal is authorized.

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## Verifications

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Appellant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Location of Incident: \_\_\_\_\_

Date of Notification: \_\_\_\_\_ Code provision: \_\_\_\_\_

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## Fees

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Pursuant to the Fees Chapter of the Fridley City Code, the fee for an Administrative Hearing is \$200. The Administrative Hearing fee will be refunded if the Administrative Citation or original determination is dismissed. The fee will not be refunded if it is affirmed or modified.

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## Submit

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Submit this form to: City of Fridley, City Clerk Division, 7071 University Avenue N.E., Fridley, MN 55432 or [CityClerk@FridleyMN.gov](mailto:CityClerk@FridleyMN.gov).

# DAIM FOOS KEV THOV LUB ROOJ SIB HAIS NTAWM FEEM HAUJ LWM TSWJ HWM



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## *Hais Txog Daim Foos No*

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Zaj Lus 203 ntawm Txoj Cai tau piav qhia txog cov txheej txheem thov rov hais dua yooj yim thiab muaj txiaj ntsig zoo rau feem ntau tshaj plaws ntawm Cov Cai Tswj Hwm los sis cov kev txiav txim siab. Qhov kev thov kom rau ib qho kev thov rov txiav txim dua yuav tsum tau sau ua ntawv mus Tus Kws Lis Hauj Lwm Tuav Ntaub Ntawv Hauv Nroog hauv 14 hnuv txij li Lub Nroog tau tshaj tawm Daim Ntawv Pov Thawj Kev Tswj Xyuas los sis qhov kev txiav txim siab. Tej zaum cov neeg foob yuav siv daim foos no los sis yuav xa daim ntawv thov rov txiav txim dua ua lwm hom ntawv sau. Txhua qhov kev thov rov txiav txim dua yuav tsum sau ua ntawv thiab suav nrog:

- kev qhia meej txog lus txib, kev txiav txim, los sis cov xwm txheej uas tau thov rov txiav txim dua;
- hnuv ceeb toom; thiab
- Txoj Cai Lij Choj raws li qhov kev thov rov txiav txim dua uas tau tso cai rau.

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## *Cov Kev Txheeb Xyuas*

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Tus Neeg Foob Lub Npe: \_\_\_\_\_ Tus Xov Tooj: \_\_\_\_\_

Chaw Nyob: \_\_\_\_\_ Email: \_\_\_\_\_

Hnuv Muaj Teeb Meem: \_\_\_\_\_ Qhov Chaw Muaj Teeb Meem: \_\_\_\_\_

Hnuv Ceeb Toom: \_\_\_\_\_ Tus zauv muab: \_\_\_\_\_

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## *Tus Nqi*

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Ua Raws Li Zaj Lus Qhia Cov Nqi ntawm Txoj Cai Tswj Hwm Hauv Nroog Fridley, tus nqi rau Kev Hais Plaub Ntug yog \$200. Tus nqi no yuav tau txais kev them nyiaj rov qab yog tias Daim Ntawv Pov Thawj Kev Tswj Xyuas raug tso tseg, tab sis tsis them rov qab yog tias nws tau txais kev lees paub los sis tau txais kev hloov kho.

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*Xa*

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Xa daim foos no mus rau: City of Fridley, City Clerk Division, 7071 University Avenue N.E., Fridley, MN 55432 or [CityClerk@FridleyMN.gov](mailto:CityClerk@FridleyMN.gov).



# FOOMKA CODSIGA DHEGAYSIGA MAAMULEED



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## *Ku saabsan Foomkan*

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Cutubka 203 ee Xeerka muujinaya mida fudud iyo nidaamka rafcaanka la baahiyay ee Ogaysiiska Xad gudubka badankiisa ama go'aanka. Codsiga rafcaanka waa in loogu sameeyaa qoraal Karaaniga Magaalada 14 maalmood gudahood marka Magaaladu soo saarto Ogaysiiska Xad gudubka ama go'aanka. Dadka rafcaanka qaadanaya ayaa isticmaali kara foomkan ama u gudbin kara rafcaanka qaab kale oo qoran. Dhammaan rafcaanada waa inay qornaadaan oo ay ku jiraan:

- caddaynta amarka, go'aanka, ama xaalada rafcaanka laga qaadanayo;
- taariikhda wargelinta; iyo
- Shuruudaha Xeerka waafaqsan mida ay tahay rafcaanka la oggolaaday.

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## *Xaqijinta*

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Magaca Rafcaan qaataha: \_\_\_\_\_ Telefoonka: \_\_\_\_\_

Cinwaanka: \_\_\_\_\_ Iimaylka: \_\_\_\_\_

Taariikhda Shilka: \_\_\_\_\_ Goobta Shilka \_\_\_\_\_

Taariikhda Wargelinta: \_\_\_\_\_ Shuruudaha xeerka: \_\_\_\_\_

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## *Kharashyada*

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Sida waafaqsan Cutubka Kharashyada ee Xeerka Magaalada Fridley, kharashka Dhegaysiga Maamuleed waa \$200. Kharashka lacagtiisa dib ayaa loo celin doonaa haddii Ogaysiiska Xad gudubka la iska dhafo, laakiin maaha haddii la xaqiijiyo ama wax laga beddelo.

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## *Gudbi*

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U gudbi foomkan: City of Fridley, City Clerk Division, 7071 University Avenue N.E., Fridley, MN 55432 ama [CityClerk@FridleyMN.gov](mailto:CityClerk@FridleyMN.gov).



## FORMULARIO DE SOLICITUD DE AUDIENCIA ADMINISTRATIVA

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### *Acerca de este formulario*

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El Capítulo 203 del Código describe un proceso de apelación simple y simplificado para la mayoría de las citaciones o determinaciones administrativas. Una solicitud de apelación debe realizarse por escrito al Secretario Municipal dentro de los 14 días posteriores a la emisión de una Citación o determinación administrativa. Los apelantes pueden utilizar este formulario o presentar una apelación en otro formato por escrito. Todas las apelaciones deben realizarse por escrito e incluir:

- especificando la orden, determinación o condición que se apela;
- la fecha de la notificación; y
- la disposición del Código bajo la cual se autoriza la apelación.

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### *Verificaciones*

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Nombre del apelante: \_\_\_\_\_ Teléfono: \_\_\_\_\_

Dirección: \_\_\_\_\_ Correo electrónico: \_\_\_\_\_

Fecha del incidente: \_\_\_\_\_ Lugar del incidente: \_\_\_\_\_

Fecha de notificación: \_\_\_\_\_ Disposición del código: \_\_\_\_\_

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### *Tarifas*

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De conformidad con el Capítulo de Tarifas del Código de la Ciudad de Fridley, la tarifa por una Audiencia Administrativa es de \$200. Esta tarifa será reembolsada si se desestima la citación administrativa, pero no si se confirma o modifica.

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### *Enviar*

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Envíe este formulario a: City of Fridley, City Clerk Division, 7071 University Avenue N.E., Fridley, MN 55432 or [CityClerk@FridleyMN.gov](mailto:CityClerk@FridleyMN.gov).