

### **Suggested Template for Hearing Officer's Decision**

1. Heading - [*"City of Gotham, Code Enforcement Hearing"*]
2. Caption of Case - [*"Code Enforcement Hearing Request of Mr. Felon Bounder"*]
3. Alphanumeric ID of Case - [*"Code Enforcement Hearing #05-349"*]
4. Jurisdictional Statement - [*"This is a hearing on an appeal by Mr. Felon Bounder ("Requester") pursuant to the provisions of G.L. c. 148A, appealing the issuance of a Notice of Code Violation."*]
5. Identification of Requester - [*"Mr. Felon Bounder is the owner and occupant of the residential premises identified in the Notice of Code Violation, and the party to whom that Notice was issued."* ]
6. Identification of Requester's Attorney or Other Representative - [*"Mr. Bounder was represented at the hearing by Attorney Bill Ding Coade"*]
7. Identification of the Code Enforcement Officer - [*"The Notice of Code Violation was issued by Ms. Anne Forser, a duly appointed Code Enforcement Officer of the City of Gotham. A copy of that Notice is attached."*]
8. Date and Manner in which the Notice Code Violation was issued - [*"Ms. Forser issued the Notice of Code Violation to Mr. Bounder in hand and at the premises on July 4, 2005"*]
9. Date on which Hearing Request was received by the Town - [*"On July 24, 2005, Mr. Coade, on Mr. Bounder's behalf, filed a formal written request for a hearing. That request was made in person by Mr. Coade by hand delivery to the Municipal Hearing Officer at Gotham City Hall. A copy of the request is attached."* (Note: the receipt date must be within 21 days of the date of the Notice of Code Violation.)]
10. Date on which the Hearing Notice was issued - [*"On July 27, 2005, the Municipal Hearing Officer sent written notice by certified mail to Mr. Bounder, with a copy to Attorney Coade, stating the date, time, and location of the hearing. A copy of the Hearing Notice is attached."* (Note: while there is no statutory deadline for sending this Notice, it should be done as soon as practicable.)]
11. Date on which the Code Enforcement Hearing convened - [*"In accordance with the Notice, the hearing was held on August 14, 2005 at the time and place noticed."* (Note: The hearing must commence within 45 days of the date on which the Hearing Request

was received by the City. If the hearing extended over multiple sessions, give details of all adjourned sessions.]

12. Identification of the Property in which the code violation is alleged to exist - [*“The Code Violation relates to the property owned and occupied by Mr. Bounder located 1 Rourke Terrace in the City of Gotham, more specifically in the 3rd floor northeast corner room of the dwelling.”*]
13. Detailed Description of the Property Involved - [Cite your source for this information, focusing on those relevant portions of the premises relating to the matter at hand.]
14. Identification of the Specific Code Provisions Involved [Include here the text of the relevant provision(s) of the Code involved. You might prefer to attach copies of those provisions in an Attachment.]
15. Detailed Description of the alleged code violation - [Cite source of information. Here you will connect the relevant aspects of the property to the relevant code provision(s), and restate that the Code Enforcement Officer had determined there to be a code violation. *“The Code Enforcement Officer states that an electrical outlet was installed 6” above the sink. The Code prescribes a minimum distance of 30 inches between such outlet and a water source. The Code Enforcement Officer concluded this to be a violation of the Code.”*]
16. Site Visit Information - [If a site visit was taken in the case, set forth the details: date, time, who attended, who pointed things out, etc. Remember that a site visit is not intended to be an occasion for the parties to advocate or argue, but merely to point things out that are material to the upcoming hearing. E.g., “Notice that doorway.” “You will hear testimony about that electrical equipment.” “Note the distance between the outlet and the faucet.”]
17. Summary of the Evidence  
Here you will identify the entire evidence base for your decision, including:
  - a. The site visit
  - b. The witnesses who testified (*“The Code Enforcement Officer Testified that the outlet was 6 inches from the faucet. Mr. Bounder testified that the faucet was not a water source, and was 32 inches from the outlet.”*)
  - c. The exhibits submitted
  - d. Other information (letters, maps, photographs, etc.) you have received and made part of the record
18. Findings of Fact - [The MHO’s conclusions as to all relevant factual matters addressed at the hearing, citing the basis in the evidence for each such finding of fact. Remember, what’s important here is what you think, not what the witnesses think or said. (*“On the basis of the testimony of the Code Enforcement Officer and the materials she submitted in support thereof, I find that the faucet is a water source, and that the distance between the faucet and the outlet is 6 inches. Mr. Bounder offered no evidence to support his*

*testimony that the faucet is not a water source or that it is at the distance he claims.”)]*

19. Conclusions of Law - [Here the MHO ties the findings just made with the elements of the code provision whose violation brings the matter before you. If your findings support the Code Enforcement Officer, you will conclude that Mr. Bounder is responsible; otherwise, you will find that Mr. Bounder is not responsible] (*“I conclude that Mr. Bounder is in violation of Code Provision 123.45 by having installed and used an electrical outlet within distances shorter than that those prescribed by the Code.”*)]
20. Right of Appeal - [*“If aggrieved by this decision, the Requester may, within 10 days of receiving notice of this decision, file with the Gotham County Housing Court an appeal from this decision and shall be entitled to a hearing before a clerk magistrate of the court, as provided in G.L. c. 148A, § 2(d).”*]
21. ATTACHMENTS and EXHIBITS:
  - a. Notice of Code Violation
  - b. Hearing Notice
  - c. List of witnesses who testified at the hearing
  - d. Exhibit List - a list of all documents, photographs, maps, and other exhibits introduced into the record at the hearing.
22. Date of this Decision - [*“Decision dated September 3, 2005.”* (Note: while there is no statutory deadline for this, the decision should be rendered as soon as practicable after the conclusion of the hearing.)]
23. Signature of the MHO.