

PROCEDURAL GUIDELINES FOR HEARINGS ON APPEALS

- I. Appeal Hearings
- II. Conduct During the Hearing
- III. Permissible Evidence
- IV. Hearing Procedure

I. Appeal Hearings

- A. A appeal hearing does not need to be elaborate.
- B. In appeal hearing, the party appealing the adjudication order, the “Applicant,” is entitled to:
 - 1. An opportunity to present his/her reasons why he/she is appealing the adjudication order.
 - 2. Present evidence in the form of testimony, photos, documents, or whatever the Board determines will be helpful in making a decision.
- C. The County, through the County Building Official or other appropriate individual, is entitled to:
 - 1. Explain the basis for issuing the adjudication order or violation.
 - 2. Present evidence in the form of testimony, photos, documents, or whatever the Board determines will be helpful in making a decision.
- D. The Board is obligated to determine whether there are reasonable grounds to overturn the order of the Clermont County Building Department.

II. Conduct During the Hearing

- A. All parties shall be respectful of the other parties and to the Board.
- B. The parties should not interrupt some else who is speaking.
- C. The Board should not hesitate to instruct a party or a witness to comply with the requirement of respect and orderliness.

III. Permissible Evidence

- A. All the information should be reliable and relevant to the matter to which the hearing relates.

IV. Hearing Procedure

(Read aloud the italicized language.)

A. Open the appeal hearing:

B. Explain the Process:

Each party will be given the opportunity to present its version of the facts and circumstances and any testimony and/or evidence relating to this appeal. The party appealing the order will present his/her version of the facts and circumstances first. The appealing party may present such witnesses and evidence as is necessary to present his/her case.

Next, the Clermont County Building Department will be given the opportunity to present its version of the facts and circumstances. It will also have the opportunity to present such witnesses and evidence as is necessary to present its case.

Members of the Board may ask questions of any witnesses to further its understanding of the facts and circumstances.

**If a court reporter is present to transcribe the hearing or if there is an audio electronic recording:

The hearing is being recorded. It is important that all participants:

- *speak clearly;*
- *speak one at a time/ not speak over each other;*
- *to avoid inaudible gestures or body gestures.*

C. Ask the parties if they have any questions about the process.

D. Swear in all witnesses.

F. Ask the appealing party to proceed with the presentation of his/her evidence and witnesses.

G. At the conclusion of the appealing party's presentation of evidence and witnesses, ask the Clermont County Building Department to proceed with its presentation of evidence and witnesses.

H. At the conclusion of the Clermont County Building Department's presentation of evidence and witnesses, ask the appealing party if he/she would like to make a closing statement.

- I. After the conclusion of the appealing party's closing statement or declination to give a closing statement, ask the Clermont County Building Department if it wishes to make a closing statement.
- J. (Read) *The Board will now discuss and consider all the testimony and evidence presented. At the conclusion of the Board's discussion a motion will be made to approve or deny the appeal and a vote of the Board on such motion will be taken.*
- K. Motion and vote for a brief adjournment to prepare minutes and make copies for Board approval.
- L. Reconvene.
- M. Approval of the Minutes.
- N. Motion and vote to adjourn.