



**CITY OF YPSILANTI  
RULES AND PROCEDURES OF THE  
ADMINISTRATIVE HEARINGS BUREAU**

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RULES AND PROCEDURES  
City of Ypsilanti  
Administrative Hearings Bureau

PART 1. GENERAL PROVISIONS.

- 1.1 **Issuing Body and Title.** These *Administrative Hearings Bureau Rules and Procedures* have been promulgated by the Administrative Hearings Bureau pursuant to Section 71-35 of the Ypsilanti City Code.
- 1.2 **Effective Date and Publication.** In accordance with Section 71-35 of the Ypsilanti City Code, these Rules and Procedures, and any subsequent amendments, shall become effective upon approval by the Chief Administrative Hearings Officer and shall be made available to the public on the City's website or in printed format at the offices of the City Clerk and each City Department that issues blight violation notices.
- 1.3 **Scope of Rules and Procedures.** These Rules and Procedures shall apply to the conduct of all blight violation proceedings before the Administrative Hearings Bureau. In the absence of a specific rule governing the conduct of any aspect of a blight violation case, the administrative hearing officer shall decide upon the issue in a manner that does not prejudice or affect the substantial rights of the parties, and may refer to relevant provisions of the Michigan Court Rules for guidance in deciding the issue.
- 1.4 **Amendment of Rules and Procedures.** These Rules and Procedures shall be subject to amendment by the City Clerk upon approval of the Chief Administrative Hearings Officer pursuant to Section 71-35 of the Ypsilanti City Code.
- 1.5 **Supremacy of Michigan Law, the City Charter and the City Code.** To the extent any of these Rules and Procedures shall conflict or be inconsistent with any applicable provision of Michigan law, the Ypsilanti City Charter, or the Ypsilanti City Code, the applicable statute, Charter provision, or ordinance shall control in that order.
- 1.6 **Numbering and Plural.** Words used in the singular also apply to the plural, where appropriate.
- 1.7 **Computation of Time.** In computing a time period of time under these Rules and Procedures, the day of the act, event, or default is not included. Where the last day of the period falls on a Saturday, Sunday, legal holiday, or on a day that the Department of Appeals and Hearings is officially closed, the period runs until the end of the next day that is not a Saturday, Sunday, legal holiday, or day that the City Clerk's Office is officially closed.

PART 2. OPERATIONAL PROVISIONS

- 2.1 **Security.** All persons entering the Administrative Hearings Bureau may be subject to inspection.
- 2.2 **Prohibited Items.** Any item that creates or could create a disruption to the proceedings, including an unmuted personal electronic device, is prohibited and subject to confiscation by the hearing officer. Food or beverages are prohibited, except by employees and agents of the City of Ypsilanti performing work-related assignments or by express permission of the hearing officer.

- 2.3 **Disruptive Behavior.** Law enforcement personnel, the Bureau Clerk, or the hearing officer may direct removal of any person who is causing or contributing, or has caused or contributed to, a disruption, including during any administrative hearing. Any noise from cell phones or other electric devices, shall be considered disruptive behavior by the person using or having the electronic device.
- 2.4 **Accessibility.** The Administrative Hearings Bureau shall to the extent required, comply with the requirements of the Americans with Disabilities Act of 1990, and any applicable state law or City ordinance governing accessibility to the location and the services provided.

### PART 3. PRE-HEARING MATTERS.

- 3.1 **Appearance by Attorneys.** Upon request of an attorney filing an appearance within five (5) days of a scheduled hearing and payment of an adjournment fee established by City Council, the hearing officer may adjourn the hearing date to the next scheduled formal hearing date. The Bureau Clerk shall provide notice to counsel of the new hearing date, such notice being deemed given on the date of mailing.
- 3.2 **Pre-Hearing Settlement Proposals.** The parties, or their attorneys, may enter a settlement of the case, and/or stipulation of the issue(s), and present the same to the administrative hearing officer when the case is called. The administrative hearing officer shall have the discretion to approve or reject a settlement proposal presented by the parties.
- 3.3 **Pre-Hearing Motions and Requests.** Pre-Hearing matters should be limited to motions for adjournments and requests for subpoenas under these Rules and Procedures.

### PART 4. THE ADMINISTRATIVE HEARING PROCESS.

- 4.1 **Jurisdiction.** Pursuant to Section 4q(1) of the Michigan Home Rule City Act, being MCL 117.4q(1) and Chapter 71 of the Ypsilanti City Code, the Administrative Hearings Bureau shall have exclusive jurisdiction to make blight violation determinations, including providing for adjudicatory hearings by administrative hearing officers, to impose fines, costs, fees, and other sanctions for violations of provisions of the City Code designated as blight violations in accordance with Section 4l(4) of the Michigan Home Rule City Act, being MCL 117.4l(4).
- 4.2 **Commencement of Administrative Adjudication Proceedings.** A Proceeding shall commence upon the issuance of a blight violation notice by an authorized local official and the filing of a copy of the notice with the Clerk of the Administrative Hearings Bureau in a manner permitted by Section 71-36 of the Ypsilanti City Code. A blight violation notice must contain a notice of hearing and be served upon the alleged violator in accordance with Section 71-36(a) of the Ypsilanti City Code. In blight violation proceedings where service is by means other than by personal service, the City department or agency issuing the blight violation notice shall also submit proof of service of the notice to the Clerk of the Administrative Hearings Bureau. In cases where a re-inspection of the subject matter of the proceeding has occurred, the City department or agency responsible shall submit a copy of the re-inspection report to the Clerk of the Administrative Hearings Bureau as soon as is practicable.
- 4.3 **Presentation of the City's Case.** The City bears the responsibility for presenting its case. It also bears the burden of proof by a preponderance of the evidence in the case and, therefore, must proceed first. In general, the case may be presented by a City of Ypsilanti employee or representative through live sworn testimony of witnesses, and any documentary evidence. The

alleged violator may cross-examine any witness. The City may call, as witnesses, any members of the public who have been impacted by an alleged blight violation.

- 4.4 **Presentation of the Respondent's Defenses.** The person alleged to be responsible for a blight violation shall be afforded an opportunity to contest the City's case and present defenses. The defenses available to the Respondent and the manner in which they may be presented are governed by the City of Ypsilanti ordinance cited in the blight violation notice and Section 4.15 of these Rules and Procedures, which governs the admissibility of evidence at the administrative hearing.
- 4.5 **Opening and Closing Statements.** The administrative hearing officer may afford, at his or her discretion, each party an opportunity to make a brief opening and closing statement concerning any contested case.
- 4.6 **Questions by the Administrative Hearing Officer.** An administrative hearing officer may ask questions of the parties and witnesses, if necessary, to ensure the clarity and completeness of the record for the proceeding.
- 4.7 **Return for Re-Noticing.** In cases where service was by means other than personal service and the Respondent or their representative failed to appear for a scheduled hearing, the administrative hearing officer shall examine the Administrative Hearings Bureau file to determine if the City has filed proof of service. Where no proof of service is in file, the administrative hearing officer may adjourn the hearing with a re-notice of hearing served on all parties.
- 4.8 **Dismissal for Lack of Progress.** Where, at the adjourned date afforded under Section 4.18, the City has not provided proof of service, the administrative hearing officer shall administratively dismiss the matter without prejudice for lack of progress.
- 4.9 **Representation and Appearances.** Parties may represent themselves, or may be represented by an attorney at their own expense. Any attorney appearing on behalf of an alleged violator in proceedings before the Administrative Hearings Bureau must file a written and signed appearance with the Administrative Hearings Bureau. The filing of an appearance prior to a hearing is subject to Section 3.1 of these Rules and Procedures which governs the timely appearance of attorneys. The filing of an appearance shall constitute an affirmative representation, under penalty of law, by the attorney signing the appearance that he or she has been duly authorized by the Respondent in the proceedings to act on their behalf and bind them in all respects to any admissions, settlements, and stipulations presented in connection therewith. "Proceedings" in this section include the hearing and all pre- and post-hearing matters.
- 4.10 **Witnesses, Documents, and Exhibits.** Parties are expected to have their witnesses, documents and exhibits available and with them at the time of the hearing. An additional copy, for the administrative hearing officer and each party, of any of the documents intended to be offered into evidence is required. Parties wishing to offer electronic evidence must provide the proper equipment. The admission of any evidence is at the discretion of the administrative hearing officer in accordance with Section 4.15 of these Rules and Procedures.
- 4.11 **Constitutional Challenges.** Administrative hearing officers do not have the authority to rule upon the constitutionality of a statute, ordinance, rule or procedure.
- 4.12 **Order of the Docket.** The administrative hearing officer shall call the case by name and by number, dispose of any preliminary matters concerning the case, and place witness(es) under oath. Cases should be called in a manner to achieve timely and efficient management of the docket.

- 4.13       **Subpoenas.** Pursuant to Section 4q of the Michigan Home Rule City Act, being MCL 117.4q, and Section 71-41 of the Ypsilanti City Code, the administrative hearing officer may, upon the request of a party, issue subpoenas: 1) to direct witnesses to appear and give relevant testimony at the hearing upon the request of a party, and 2) for the production of relevant documents. The Administrative Hearings Bureau shall provide a form to request the issuance of a subpoena. The party requesting the subpoena of a witness and/or documents is responsible for the payment of the witness fee and mileage, and/or any document copying fees. All requests for subpoenas must be filed with the Administrative Hearings Bureau at least ten (10) days prior to the original scheduled hearing date. Fees for subpoenas must be paid in accordance with the Fee Schedule established by City Council.
- 4.14       **Discovery.** No discovery is allowed in proceedings before the Administrative Hearings Bureau.
- 4.15       **Evidence.** Pursuant to Section 4q(15) of the Michigan Home Rule City Act, being MCL 117.4q(15) and Section 71-39 of the Ypsilanti City Code, the formal rules of evidence as applied to a non-jury civil case in Circuit Court shall be followed as far as is practicable. Pursuant to Section 4q(15) of the Act, the hearing officer may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Admission of any evidence where the admission would be contrary to due process of law is prohibited. Further, for the purpose of expediting hearings and when the interest of the parties will not be substantially prejudiced, (i) all or part of the evidence in a proceeding may be submitted in written form, and (ii) where multiple proceedings alleging violations affecting the same Respondent are before the Administrative Hearings Bureau, the hearing officer may call all matters contemporaneously for the purpose of hearing and receiving evidence applicable to each proceeding.
- 4.16       **Standard of Proof.** Pursuant to Section 4q(12)(d) of the Michigan Home Rule City Act, being MCL 117.4(q)(12)(d), a blight violation shall be established, upon proof, by a preponderance of the evidence.
- 4.17       **Ruling and Orders.** The administrative hearing officer shall make a blight violation determination for each blight violation alleged in the notice based upon the evidence presented and shall issue a written decision and order.
- 4.18       **Adjournments.** One (1) adjournment may be granted upon a finding of good cause by the administrative hearing officer. Lack of preparation shall not be grounds for an adjournment. Fees for adjournments shall be paid in accordance with the fee schedule established by the City Council.
- 4.19       **Defaults.** If an alleged violator, or his or her attorney of record at the Administrative Hearings Bureau, fails to appear for a scheduled hearing, and the administrative hearing officer determines that proper notice was given, the administrative hearing officer shall find the alleged violator in default and issue a decision and order of default finding the alleged violator responsible for the violation, specifying the amount of the fine, costs, and fees as supported by the record.
- 4.20       **Interpreters.** The Administrative Hearings Bureau shall provide interpreter services upon request by a respondent. The request for interpreter services shall be made to the City Clerk's office no later than seven (7) days before the scheduled hearing. Interpreters shall be placed under oath and shall affirm that he or she will provide an accurate translation of the proceedings.

- 4.21 **Public.** Unless otherwise provided by law, all administrative hearings shall be open to the public. In the event of overcrowding, an administrative hearing officer may limit the number of persons allowed in a hearing room in the interest of due process and safety of the parties. In the event of overcrowding, parties to the case shall be afforded priority to the hearing room over persons not party to the case. While welcome to observe, a member of the public may not testify at a hearing unless formally called as a witness by a party to the case then pending.
- 4.22 **Decorum.** Persons appearing at a hearing before the Administrative Hearings Bureau shall always conduct themselves in a dignified, orderly, and appropriate manner. During the hearing, all testimony shall be directed to the administrative hearing officer. Direct debate and argument between parties and/or witnesses is not allowed. Persons who fail to conduct themselves with proper decorum shall and professionalism be subject to appropriate sanctions, including but not limited to, removal from the proceedings and entry of a default judgment.
- 4.23 **Fines, Costs, and Fees.** All fines, costs, and fees imposed upon a respondent by the Administrative Hearings Bureau are due and payable at the time of imposition. Indigent persons meeting the standards set forth in Michigan Court Rule 2.003 may submit a written request to the administrative hearing officer for waiver of certain fines and costs be waived. The provisions of Section 71-33(1) apply to such requests, which shall be submitted within seven (7) days of adjudication of responsibility.

#### PART 5. RECORDING OF PROCEEDINGS.

- 5.1 **Official Recording.** All proceedings shall be recorded by the Administrative Hearings Bureau by approved means. All other video or audio recording of proceedings at the Administrative Hearings Bureau is prohibited. The photographing, broadcasting or televising of Administrative Hearings Bureau proceedings is prohibited except with the express permission of the City Clerk or his or her designee.

#### PART 6. POST-HEARING MATTERS.

- 6.1 **Motion to Set Aside a Decision and Order of Default.** A party, or their attorney, may file a written motion to set aside a decision and order of default. The motion must: 1) be filed within twenty-one (21) days after the issuance of the decision and order; 2) present a good cause reason for the movant's failure to appear for the hearing; and 3) present a meritorious defense to the alleged violation supported by an affidavit. All motions to set aside a decision and order of default submitted by a respondent must be accompanied by a bond equal to the fine, fees, and costs assessed in the decision and order of default and any applicable motion fee. If the motion is granted, the movant must also be prepared to proceed with an immediate hearing on the violation. The administrative hearing officer may rule on the motion without a hearing. Fees for motions shall be paid in accordance with the fee schedule established by the City Council.

#### PART 7. APPEALS.

- 7.1 **Appeal of Final Decisions and Orders to the Circuit Court; Posting of Bond for Fine and Costs; Payment for Transcript.** In accordance with Section 4q(17) of the Michigan Home Rule City Act, being MCL 117.4q(17), and Section 71-45 of the Ypsilanti City Code, upon becoming final, an order of an administrative hearing officer is subject to review in the Washtenaw County Circuit Court, which allows either party twenty-eight (28) days to appeal after entry of a decision and order by the administrative hearing officer. Pursuant to Section 4q(18) of the Michigan Home Rule City Act, being MCL 117.4q(18), a Respondent who appeals a final decision and order to the

Circuit Court shall post with the Administrative Hearings Bureau, at the time the appeal is filed, a bond equal to the fine and costs imposed by the administrative hearing officer and an appeal fee. A party who has paid the fine and costs is not required to post a bond. The party filing an appeal with the Circuit Court shall be responsible for requesting and for paying for the hearing transcript. Fees for appeals must be paid in accordance with the fee schedule established by City Council.

#### PART 8. MISCELLANEOUS MATTERS.

- 8.1 **Reviewing and Copying of Case Files.** Upon request, public portions of case files maintained by the Administrative Hearings Bureau may be viewed during normal business hours, which are Monday through Friday 8:30 a.m. to 4:30 p.m. No file item may be removed from the premises. The Administrative Hearings Bureau may require that the request be made in writing. Fees for copies of case files must be paid in accordance with the fee schedule established by City Council.
- 8.2 **Forms.** The Clerk of the Administrative Hearings Bureau shall create and make available forms for the use by the parties in the processing and adjudication of all blight violation notices by the Administrative Hearings Bureau. The use of such forms is required unless otherwise permitted by the Clerk of the Administrative Hearings Bureau.