STRAC
March 23rd, 2017

Administrative Citation Process Update

Excise and Licenses
Often used for “common-nuisance” violations across the city.

Examples of agencies using administrative citations include Denver Parks, Animal Control, and Environmental Health.

Administrative Citation examples include:
- Off-leash dogs
- Common park citations such as alcohol, glass, etc.
- Animal Control violations (barking dogs, vaccinations, etc.)
STR Administrative Citation Process

- Majority of STR Admin Citations will be advertising / operating without a license.

- All Admin Citations sent via certified mail.

- Admin Citations are purely civil in nature, and non-payment of Admin Citations are sent to collections (different from General Violations, which can be criminal).

- Escalating fines:
  - $150 for the 1st incident
  - $500 for the 2nd incident
  - $999 for the 3rd incident or any thereafter.
Admin Citation Process Continued

NOV
- Simple warning letter
- 14 days to cure violation
- NOV sent to property address and owner address if different

Admin Citation
- Issued via certified mail to property/owner address if NOV isn’t cured
- 14 days to pay fine amount at City Cashier’s Office before 2nd/3rd fine is issued
- May also request hearing to appeal admin citation

Hearing
- Hearing conducted in-person in-front of hearing officer.
- Inspector brings evidence to hearing on behalf of EXL.
- Hearing officer makes recommended decision to Director of EXL.
- Director of EXL makes final decision on admin citation case.
Due-process needed for STR violators; existing EXL hearings may not be appropriate venue.

Need for separate hearing or court procedure solely for STR violations.

EXL has already trained and briefed 3 hearing officers on STR regulations and requirements, and can be dedicated to STR hearings.

Appeal form can be made available online for violators who wish to appeal citation.
Docket-style proceedings used for multiple hearings

Potential to schedule STR Court every other week for multiple violators at once

All hearings need to be audio recorded and result in recommended decision to EXL Director for final decision.
As of today, appx 17 identified operators may be subject to administrative citations. More expected to come as more NOVs to be sent in near future.

EXL currently in process of putting “finishing touches” on STR Court/Hearings before admin citations are finally issued – important to have due process system firmly in place:
- Revising outdated admin citation forms.
- Establishing tracking mechanism for admin citations through Cashier’s office.
- Creating scheduling orders and recommended decision templates for hearing officers.
- Ensuring inspectors and staff have appropriate documentation of violations and evidence for use during hearing process.
- Documenting procedure process into work manual for staff and inspectors.

Anticipate sending first round of admin citations within the next couple of weeks provided system is adequately set in place.

General Violations still a tool available in the event of more egregious operators who ignore admin citations.
Questions?