

## **Appealing an Administrative Citation**

You have been issued an Administrative Citation. If you believe that the citation was issued incorrectly or that you did not violate an ordinance, you have the right to appeal. You may appeal by filing a petition for review with the Board of Public Health and Environment.

Here are some answers to frequently asked questions about appealing an Administrative Citation.

### **How do I file a petition for review?**

You must either mail or hand-deliver a *written* petition to:  
Board of Public Health and Environment  
200 West 14<sup>th</sup> Avenue, Suite 300  
Denver, Colorado 80204

Attn: Administrative Hearing Case Manager.

You must include payment of a filing fee, which is currently \$25.00.

### **Who do I make my check for the filing fee out to?**

The Manager of Finance.

### **Do I get my filing fee back if the citation is dismissed on appeal?**

No. The filing fee is non-refundable.

### **When must I file a petition for review?**

You must file a petition within thirty (30) days of the date the Administrative Citation was served.

### **What does being served mean?**

You are served with a citation on the date that it was either personally delivered to you by an enforcement official or the date on the Administrative Citation letter that you received in the mail.

### **What if I need more time to file?**

An appeal must be timely. No extensions of time will be granted. If you do not file a petition to review with the Board of Public Health and Environment within the thirty (30) days, your appeal will be denied. You will have forfeited your right to appeal and the civil penalty assessed in the Administrative Citation will become immediately due and payable.

**Is there a form I should use?**

No particular form is required, but a petition must:

1. Be in writing;
2. Include the information required under Section 7.0 of the Rules and Regulations Governing Administrative Citations for Violations of the Animal Code, Housing Code and Noise Control Ordinance; or for PHI citations, include the information required in the Board Rules and Regulations Governing Hearings.
3. Be accompanied by payment of the non-refundable filing fee as noted above.

**What is the required information? What must I include in a petition for review?**

You must include the following in your written petition:

1. A *copy* of the administrative citation. Do not include the original citation. Keep the original for yourself.
2. The administrative citation number. This number is located in the upper right hand corner of the citation and includes the letters "AC."
3. Your statement of any factual or procedural errors and/or legal deficiencies on which you are basing your appeal. This statement is your written explanation of why you don't think you violated the ordinance cited.
4. Your statement of the type of relief requested. This is your statement of what it is that you want the Board to do about your citation.
5. Your full name, address and telephone number.
6. Your signature.
7. If you have a lawyer representing you, include:
  - a. The name, address and telephone number of your legal representative authorized to represent you at the hearing; and
  - b. The signature of your legal representative.
8. Payment of a nonrefundable filing fee, as specified above. Cash, check, or money order will be accepted. If you pay by check, the check must be filled out correctly: in the correct amount; properly dated; made payable to the Manager of Finance; and signed by the authorized account holder. You may ONLY pay by credit card if payment is done in person.

**What if I don't include all that's required in a petition for review?**

If you don't include all the required information, your appeal will be denied. Board of Public Health and Environment will send you a denial letter noting the deficiencies in your petition.

If time is remaining in the thirty (30) day appeal period, you may reapply by correcting any deficiencies in your petition and filing again within the time remaining in the thirty (30) day period.

**What if I don't re-file with a corrected petition or within the time remaining?**

You will have forfeited your right to appeal and the civil penalty assessed in the Administrative Citation will become immediately due and payable.

**What happens after I file a petition for review?**

Once a correctly filed petition is timely received by Board of Public Health and Environment, the Board will assign the appeal to an Administrative Hearing Officer (AHO) to hear the matter. A hearing date will be set. You will be given notice of when to appear to present your appeal at this hearing.

**What if I need to reschedule a hearing?**

If you need to change the hearing date that has been sent to you, you must notify the Board in *writing* at least two (2) business days prior to your scheduled hearing date. Either mail or hand-deliver the written request to reschedule to the address noted above.

**Can my fine be reduced for complying with any cited violation?**

If your citation is issued by Public Health and Inspections (PHI), Air Quality, or Noise Control your fine will **NOT** be reduced for demonstrating compliance.

A reduction of a penalty is possible for compliance only with the *first* violation of any of the following three ordinances for Administrative Citations issued by the Animal Care and Control division:

1. Section 8-32, Rabies vaccination required;
2. Section 8-61, License required; or
3. Section 8-70/8-71, Spaying or neutering required.

Fines will not be reduced for compliance with any second, third or subsequent violation for any of these three ordinances, or for compliance with any other animal related ordinance for which you received a citation.

**Do I need to file a petition to review to demonstrate compliance and receive a reduced fine for an Administrative Citation issued by Animal Control?**

No.

**What do I need to do to comply when issued an Administrative Citation by Animal Control?**

You must:

1. Actually get your pet vaccinated for rabies, register and purchase a pet license from the Denver Municipal Animal Shelter, or spay or neuter your pet;
2. Provide the required documentation proving vaccination, licensing and spay/neuter to the Denver Municipal Animal Shelter; and,
3. Pay the reduced fine at the time of providing this documentation.

**Do I have to comply within a certain period of time?**

Yes. You must comply within the following time periods:

1. Vaccinate your pet for rabies and provide the required proof of vaccination within ten (10) calendar days of receiving the citation;
2. License your pet with the Denver Municipal Animal Shelter and provide proof of licensing within ten (10) calendar days of receiving the citation; or,
3. Spay or neuter your pet and provide proof of spay/neuter within thirty (30) days of receiving the citation.

**How do I prove compliance for an Administrative Citation issued by Animal Protection?**

The instructions for proving compliance are provided on the back side of your citation. You must, within the time periods noted above, bring or mail the required documentation of compliance to:

Denver Municipal Animal Shelter  
1241 W. Bayaud Ave.  
Denver, CO 80223.

**After I prove compliance, how much will my fine be reduced?**

If you comply in a timely manner and demonstrate the required proof of compliance, the fine for each applicable violation will be reduced by 50%.

**What if I have other questions that aren't addressed here?**

If you have any questions concerning the appeal process, please contact the Administrative Hearings Case Manager for Board of Public Health and Environment either by mail at: 200 W. 14<sup>th</sup>. Ave., Suite #300, Denver, CO 80204; or by calling Denver's Call Center at 311. Cell phone users or callers outside of Denver may call 720-913-1311.