

## **Rules and Regulations of the Bureau of Administrative Adjudication**

**The following Rules and Regulations are hereby adopted by the Director of the Bureau of Administrative Adjudication pursuant to East Hampton Town Code §62-5.**

### **A. Jurisdiction of the Bureau**

1. The Bureau of Administrative Adjudication (hereinafter referred to as the "Bureau") has been created and is governed by Chapter 62 of the Town of East Hampton (hereinafter referred to as "Town Code") and New York State General Municipal Law §380, which are incorporated herein and made a part hereof by reference.
2. The jurisdiction of the Bureau is limited to violations of the Town Code which constitute a threat or danger to the public health, safety or welfare except for violations of Chapter 255 of the Town Code which relate to the Building Code of the Town of East Hampton.
3. Such violations are civil in nature, as opposed to criminal. The Bureau is authorized to accept admissions of violations and the payment of fines therefor, to accept admissions of violations with negotiated fines as may be recommended by the Town Attorney's Office and to dismiss summonses charging violations as may be recommended by the Town Attorney's Office, all without the necessity of the Respondent appearing before an Administrative Law Judge. The Bureau is also authorized to conduct settlement conferences and adjudicatory hearings and to otherwise render decisions and orders and to impose monetary penalties as provided by law for such violations.
4. The Bureau shall not have the power to impose criminal penalties or to sentence a person found to have violated any Town Code violation within its jurisdiction to a term of imprisonment.
5. Violations before the Bureau shall be prosecuted by the East Hampton Town Attorney's Office.

### **B. Commencement of proceedings**

1. Proceedings before the Bureau shall be commenced in accordance with East Hampton Town Code §62-7.
2. The Notice of Violation shall be contained in a pre-printed form summons prescribed by the Director and which may be modified from time to time.

### **C. Admitting the Violation**

1. The Respondent may admit the violation and pay the monetary penalty by completing that portion of the summons in lieu of appearing before the Bureau.

## **D. Contesting the Violation**

1. Upon receiving a summons as may be issued by any agency of the Town of East Hampton authorized to do so, and upon the Respondent (or attorney) returning the summons to the Bureau not admitting the violation, the Bureau will send a letter or email to the Respondent (or attorney) advising of three (3) available options:

a. Conference with the Town Attorney's Office by email sent to [BAA@ehamptonny.gov](mailto:BAA@ehamptonny.gov), by providing the summons number, mailing address, email address and telephone mail, offering any explanation as to the circumstances which resulted in the issuance of the summons and why the Respondent believes that he or she should not be found to have committed the charged violation. Any photographs or other documentary evidence may be attached to the email; or

b. Conference with the Town Attorney's Office by telephone at 631 324 8787 and provide the same information as in subparagraph (a) hereinabove; or

c. Request a conference with the Town Attorney's Office and before an Administrative Law Judge.

## **E. Administrative Law Judges**

1. Powers and Authority. Administrative Law Judges shall have the powers, authority and limitations as specified in East Hampton Town Code §62-6.

2. A party may, for good cause shown, request that the Administrative Law Judge recuse him or herself, and the Administrative Law Judge shall rule on said motion. If granted, the Administrative Law Judge will recuse him or herself. If said motion is denied, the party may appeal the decision pursuant to East Hampton Town Code §62-11.

## **F. Adjudicatory Hearings**

1. Adjudicatory hearings shall be conducted in accordance with the provisions of East Hampton Town Code §62-8.

2. Conferences and adjudicatory hearings may be conducted virtually by use of Microsoft Teams or similar internet technology.

3. The Town Attorney has the burden of proving any charge by a preponderance of the credible evidence.

4. Each party has the right to present evidence and to examine and cross-examine witnesses.

5. When required, language assistance services shall be provided by a qualified interpreter through the Bureau.

6. Final decisions and judgments shall be reached in accordance with the provisions of East Hampton Town Code §62-9.

7. Default Judgments shall be governed by East Hampton Town Code §62-10.

8. To the extent that a judgment cannot be properly entered in the East Hampton Town Justice Court, said judgment shall be entered in the Office of the Suffolk County Clerk.

### **G. Administrative Appeals**

1. Administrative appeals shall be governed by East Hampton Town Code §62-11.