

ADMINISTRATIVE REVIEW BOARD OF APPEALS

RULES OF PROCEDURE

Section 1. General Governing Rules.

The Administrative Review Board of Appeals (the “Board”) of the City of Milwaukee, Wisconsin shall be governed by ch. 68, Wis. Statutes as amended, s. 320-11, Milwaukee Code of Ordinances as amended, and by the rules of procedure hereinafter set forth. Whenever any conflict shall exist between these rules and the laws of the State or ordinances of the City, the Wisconsin Statutes and Milwaukee Code of Ordinances shall prevail.

Section 2. Officers and Duties.

- A. Selection of Officers. The Chair and Vice-Chair of the Board shall be elected by the Board in a duly-noticed public meeting in even-numbered years.
- B. Duties of the Chair. The duties of the Chair shall be:
 - 1. To preside at all meetings of the Board.
 - 2. To decide all points of procedure, unless otherwise directed by a majority vote of the Board.
 - 3. To request legal opinions related to appeals heard by the Board.
 - 4. To consult with City Clerk’s staff related to administrative matters of the Board
 - 5. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.
- C. Duties of the Vice-Chair
 - 1. The Vice-Chair shall assume the duties of the Chair in the Chair’s absence.

Section 3. Appeals

- A. Who May Appeal. Appeals may be filed by any person having constitutionally protected rights which are entitled to due process protection under the 14th amendment of the U.S. constitution and having a substantial interest which is adversely affected by an administrative decision of a governing body, board, commission, committee, agency, officer or employee of the City of Milwaukee or agent acting on behalf of the City of Milwaukee. Any individual whose name is listed on the department notice of the determination or decision appealed from shall be presumed to have a substantial interest. If the person attempting the appeal is not listed on the department notice of the determination or decision appealed from, and is not otherwise authorized to file an appeal on behalf of a property owner as set forth Section 3, A.2., the Board will decide whether or not the person possesses a substantial interest at the time of the hearing.
 - 1. Appeals affecting property owners will not be accepted from their tenants.

2. Appeals affecting property owners will be accepted from the agent of a corporation owning property, or from a property manager who provides a notarized statement along with the appeal granting authority for the person to appear on behalf of the owner, attorney, spouse, or personal representative of the property owner. The notarized statement must be provided at the time of the hearing or before, but is not required to file the appeal itself.
 3. Appeals will also be accepted from persons providing written proof of Power of Attorney for the individual whose name is listed on the department notice of the determination or decision being appealed. The written Power of Attorney must note that the individual has authority to speak on all aspects of the appeal and must be provided at the hearing or before, but it is not required to file the appeal itself.
- B. Appeals must include both a written statement as to what determination or charge is being appealed and the reason/s why the determination or charge is being appealed, as well as a check or cash for the filing fee to appeal within the deadline set to file an appeal. If either the statement or the check/cash is not included, the appeal shall not be accepted.
- C. If an appeal involves multiple determinations or charges for which separate written statements or filing fees are required, but only one appeal with one written statement and/or one filing fee was paid, the charge or determination in the highest monetary amount shall be the one presumed to be being appealed. If the two highest amounts are equal, the earliest determination or charge which is still appealable shall be accepted. All unaccepted notices of charges or determinations for which an appeal was not perfected shall be returned to the appellant noting that these charges or determinations were not accepted for appeal and stating how they can be appealed.
- D. Testimony at hearings must be limited to those matters included in the filed appeal.
- E. All documents to be considered by the Board shall be submitted a minimum of one week prior to the meeting date by both the department and the appellant. Documents shall not be accepted at the meeting itself from either party.

Section 4. Meetings.

1. Voting. If three disinterested Board members are not available to transact business, the business shall be adjourned until such time as three disinterested Board members are available. Any issue of a potential conflict of interest shall be brought to the attention of the Chair prior to the hearing of the appeal in question. In the event a Board member has an issue of a possible conflict, the Chair shall be asked to make a determination. If the Chair has an issue of a possible conflict, it shall be referred to the Vice-Chair.
2. Record of Votes. The City Clerk's staff present at the meeting shall record the votes for each appeal.

Section 5. Hearings.

- A. **Appearances.** The appellant may appear in person at the hearing, or may be represented by an attorney, by a duly authorized agent having a power of attorney, by a personal representative of the estate, by an agent of a corporation or the property manager for a property who had provided a notarized statement when the appeal was filed, or by the spouse, adult child or adult stepchild of the property owner. Appellants who are unable to appear in person due to hardship may make a written request of the chair to appear via teleconference. This request must be submitted no later than 5 business days before the date of the scheduled hearing. Requests to appear via teleconference will be approved or disallowed by the chair, in the chair's sole discretion, and be based upon travel distance and disability.
- B. **Adjournment.** The Board may choose, at the request of the appellant, to adjourn an appeal one time, to be heard at the meeting date of the Board's choice. The Board is not required to grant an adjournment. Requests for adjournment must be submitted prior to the start of the meeting.
- C. Appellants who fail to appear for their hearing may submit a written request for a new date within 30 days of the original hearing date. If the Chair finds that the failure to appear was due to excusable neglect, the Chair may schedule a second hearing date.

Section 6. Decision of the Board.

- A. **Time of Decision.** The Board shall render its decision at the conclusion of its deliberation prior to the adjournment of the meeting at which the appeal is heard.
- B. The Board shall notify the appellant in writing within five working days of the meeting.

Section 7. Amendments to the Rules.

- A. **Amendments.** These rules may be amended by a majority vote of the Board at any meeting, provided written notice of the proposed amendment or revocation is given to each member at least ten days prior to such meeting.

Adopted: 12/11/20