

**ADMINISTRATIVE FINE HEARING BOARD  
PAYNESVILLE CITY HALL COUNCIL CHAMBERS  
JANUARY 14, 2014  
6:00 P.M.**

**AGENDA**

- I. CALL TO ORDER – this hearing will be audio/video tapped.
- II. CONSENT AGENDA
  - A. Minutes (no previous minutes)
- III. NEW BUSINESS
  - A. Election of Officers (page 1)
  - B. Appeal of Administrative Citation – \$10.00 Parking Ticket (page 2)
- IV. OLD BUSINESS
- V. INFORMATIONAL
- VI. ADJOURN

**The Board consists of: Gene Beavers, Kay McDaniel, and Renee Eckerly.**

This agenda has been prepared to provide information regarding an upcoming meeting of the Paynesville Administrative Fine Hearing Board. This document does not claim to be complete and is subject to change.

**BARRIER FREE:** All Paynesville Administrative Fine Hearing Board meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall 320-243-3714 early so that necessary arrangements can be made.

**REQUEST FOR COMMITTEE/COUNCIL ACTION**

---

**COMMITTEE/COUNCIL NAME:** Administrative Fine Hearing Board

Committee/Council Meeting Date: January 14, 2014

Agenda Section: New Business

Originating Department:

Item Number: III - A

**ITEM DESCRIPTION:** Election of Officers

Prepared by: Staff

**COMMENTS:**

Nominations for Chairperson.

Nominations for Vice Chairperson.

Nominations for Secretary.

**ADMINISTRATOR COMMENTS:**

**COMMITTEE/COUNCIL ACTION:**

Motion to appoint \_\_\_\_\_ as Chairperson.

Motion to appoint \_\_\_\_\_ as Vice Chairperson.

Motion to appoint \_\_\_\_\_ as Secretary.

## REQUEST FOR COMMITTEE/COUNCIL ACTION

**COMMITTEE/COUNCIL NAME: Administrative Fine Hearing Board**

Committee/Council Meeting Date: January 14, 2014

Agenda Section: New Business

Originating Department:

Item Number: III - B

**ITEM DESCRIPTION: Appeal of Administrative Citation – \$10.00 Parking Ticket**

Prepared by: Staff

**COMMENTS:**

Please review the attached documents regarding the Administrative Citation – \$10.00 Parking Ticket issued to Mr. Easterday on December 25, 2013.

**ADMINISTRATOR COMMENTS:**

**COMMITTEE/COUNCIL ACTION:**

Determine if Mr. Easterday should pay the \$10.00 Administrative Fine or not.

## Renee Eckerly

---

**From:** Jennifer Welling  
**Sent:** Thursday, January 02, 2014 1:03 PM  
**To:** Renee Eckerly  
**Cc:** Paul Wegner (paul.wegner@co.stearns.mn.us)  
**Subject:** RE: Administrative Hearing

As you requested. Thanks.

### SEC. 2.50. PROCEDURES FOR ENFORCING ADMINISTRATIVE OFFENSES.

**Subd. 1. Purpose and Intent.** Purpose: Administrative offense procedures established pursuant to this Section are intended to provide the public and the City of Paynesville with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain City Code provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for thereafter, the individual may withdrawn from participation in the procedures, in which event the City may bring criminal charges in accordance to law. Likewise, the City of Paynesville in its discretion may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty, which may be imposed, the City of Paynesville will seek to collect the costs of administrative offense procedures as part of a subsequent criminal sentence, in the event the party is charged and is adjudicated guilty of the criminal violation.

**Subd. 2. Administrative Offense Defined.** An administrative offense is a violation of a provision of the City Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 9, entitled "Offenses and Penalties", hereinafter.

**Subd. 3. Notices.** Any officer of the City of Paynesville Police Department or any other person employed by the City, authorized in writing by the Mayor of Paynesville, and having authority to enforce the City Code, shall upon determining that there has been a violation, notify the violator, or in the case of a non-moving vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

**Subd. 4. Payment.** Once such notice is given, the alleged violator may, within fifteen (15) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or within seven (7) days may request a hearing in writing, as is provided hereinafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

**Subd. 5. Hearing.** Any person contesting an administrative offense pursuant to this Section may, within seven (7) days of the time of issuance of the notice, request a hearing by the Hearing Board who shall forthwith conduct an informal hearing to determine if a violation has occurred. The Hearing Board shall have the authority to dismiss the violation or reduce or waive the penalty imposed. If the violation is sustained by the Hearing Board, the violator shall pay the penalty imposed within seven (7) days.

**Subd. 6. Hearing Board.** The Council shall appoint a Hearing Board consisting of three (3) members, two (2) members of the City Council and the City Administrator. The Hearing Board is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section. If, following a hearing the Hearing Board is divided, then the majority of the Hearing Board shall rule. If the majority finds that the violation has occurred, the violation is sustained. If a majority finds that the violation has not occurred, the violation has not been sustained.

**Subd. 7. Failure to Pay.** In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the Hearing Board, no such charge may be brought by the City of Paynesville for the same violation.

~~**Subd. 8. Disposition of Penalties.** All penalties collected pursuant to this Section shall be paid to the City of Paynesville and deposited in the General Fund.~~

**Subd. 9. Offenses & Penalties.** Offenses which may be charged as administrative offenses and the penalties for such offenses, shall be established by resolution of the City Council from time to time. Copies of such resolution shall be maintained in the Office of the City Administrator.

**Subd. 10. Subsequent Offenses.** In the event a party is charged with a subsequent administrative offense within a twelve (12) month period after paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty.

**Subd. 11.** This Ordinance shall supersede and repeal all prior inconsistent ordinances. This ordinance shall be effective upon its passage and publication as required by law.

Source: Ordinance No. 57, 2<sup>nd</sup> Series  
Effective Date: 8-21-2003

---

**From:** Renee Eckerly  
**Sent:** Thursday, January 02, 2014 12:07 PM  
**To:** Jennifer Welling  
**Cc:** Paul Wegner (paul.wegner@co.stearns.mn.us)  
**Subject:** Administrative Hearing

Jennifer,  
Could you please give me the procedure for an administrative hearing. Mr. Easterday would like a hearing on his \$10.00 parking ticket.  
Thank you

Renee Eckerly  
City Administrator  
City of Paynesville  
(320) 243-3714 ext. 227  
Fax (320) 243-3713

12-30-13

Re: CITATION # 02629

I HEREBY REQUEST AN ADMINISTRATIVE HEARING  
TO CONTEST THE ABOVE REFERENCED CITATION, ISSUED  
12/25/13.

*David Easterday*

DAVID EASTERDAY

320-260-4937

387 ~~WESLEY~~ STEARNS RD

PAYNESVILLE MD 58362

**INCIDENT/ARREST REPORT  
PAYNESVILLE POLICE DEPARTMENT**

REPORT NUMBER: \* 1330 1481 \*

ORI# MN0730300

DATE FROM: 12-25-2013 TIME: 01:30 AM

DATE TO: 12-25-2013 TIME: 01:36 AM

REPORT DATE: 12-25-2013 Wed TIME: 01:30 AM



<b>ADMIN</b>	LOCATION: STEARNS AV // WENDELL ST PAYNESVILLE MN 56362		TYPE OF INCIDENT PARKV - PARKING VIOLATION		OFFENSE TRACT 200	
	CASE STATUS: ARREST OF ADULT/ADULT AND		DISPOSITION CLEARED BY ARREST		EXCEPTIONAL CLEARANCE CODE	
	HOW RECEIVED: RADIO		TIME ASSIGNED 0130	TIME ARRIVED 0130	TIME CLEARED 0136	RELATED TO OCA
	REPORTING OFFICER 71KKTHOMI THOMPSON, KELSEY K		ASSISTING OFFICER		REVIEWING OFFICER	

<b>OFFENSE</b>	ISN 1	MOC 09110	OFFENSE DESCRIPTION PARKING - WINTER		MOC STATUS ARREST OF	COUNTS 1	F/M	
	BIAS MOTIVATION			PREMISE TYPE	ATTEMPTED	ALCOHOL	DRUGS	COMPUTER
	FORCED ENTRY <input type="checkbox"/>	UNITS ENTERED	CRIMINAL ACTIVITY 1. 2. 3.					
	IMPLEMENT USED 1. 2. 3.		TYPE ENTRY		METHOD OF ENTRY	TYPE EXIT		
	WEAPON USED 1. 2. 3.							

VEHICLE WAS PARKED ON SIDE OF ROAD DURING WINTER PARKING AFTER SNOWING. CITED OWNER AND TOWED VEHICLE TO PLOW TRUCKS COULD PLOW ROAD.

<b>SUSPECT</b>	NAME				HOME	CELL			
	ADDRESS				WORK	EMAIL			
	DOB	AGE	TO AGE	Juvenile <input type="checkbox"/>	RACE	SEX	RESIDENT	ETHNICITY	SSN
	HEIGHT	WEIGHT	EYE COLOR	HAIR COLOR	HAIR LENGTH	HAIR STYLE	DLN	STATE	
	CLOTHING				AFFILIATION				
	SMTS								
	EMPLOYER			EMPLOYER ADDRESS					
	RELATED OFFENSES: 1. 2. 3. 4. 5. 6. 7. 8.								

<b>ARREST</b>	SUSPECT ARRESTED <input type="checkbox"/>	ARREST DATE/TIME	DISPOSITION	JUVENILE DISPOSITION	
	LOCATION SAME AS INCIDENT <input type="checkbox"/>	ARREST LOCATION	COUNTY	AREA	
	LOCATION NAME	CHARGES 1. 2. 3. 4. 5. 6. 7. 8.			
	ARRESTING OFFICER		ASSISTING OFFICER		

6

<b>PROPERTY/VEHICLE/DRUGS</b>	REPORT NUMBER: 13301481
<b>PAYNESVILLE POLICE DEPARTMENT</b>	ORI# MN0730300

<b>PROPERTY</b>	ICN/MOC	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION		

<b>PROPERTY</b>	ICN/MOC	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION		

<b>PROPERTY</b>	ICN/MOC	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION		

<b>PROPERTY</b>	ICN/MOC	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION		

<b>PROPERTY</b>	ICN/MOC	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION		

<b>VEHICLE</b>	LICENSE PLATE	STATE	TYPE	MAKE	MODEL	VIN
	601KBW	MN		CHRYSLER	TOWN + COUNTRY, SPRT	2C4GP44R45R421615
	YEAR	STYLE	COLOR	SERIAL	TAB	TAB YEAR
	2005		TAN			
OWNER	OWNER ADDRESS		VALUE	RELATED TO		
EASTERDAY DAVID WAYNE	643 HUDSON DR PAYNESVILLE MN 56362-					

<b>VEHICLE</b>	LICENSE PLATE	STATE	TYPE	MAKE	MODEL	VIN
	YEAR	STYLE	COLOR	SERIAL	TAB	TAB YEAR
	OWNER	OWNER ADDRESS		VALUE	RELATED TO	

<b>DRUG</b>	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE
	DRUG ACTIVITY A		DRUG ACTIVITY B	DRUG ACTIVITY C	

<b>DRUG</b>	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE
	DRUG ACTIVITY A		DRUG ACTIVITY B	DRUG ACTIVITY C	

<b>DRUG</b>	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE
	DRUG ACTIVITY A		DRUG ACTIVITY B	DRUG ACTIVITY C	

<b>DRUG</b>	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE
	DRUG ACTIVITY A		DRUG ACTIVITY B	DRUG ACTIVITY C	

<b>DRUG</b>	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE
	DRUG ACTIVITY A		DRUG ACTIVITY B	DRUG ACTIVITY C	

7

**ADDITIONAL/CONTINUATION NARRATIVE**

REPORT NUMBER: 13301481

**PAYNESVILLE POLICE DEPARTMENT**

ORI# MN0730300

**NARRATIVE TITLE**

Incident Report 7103

PAYNESVILLE POLICE DEPARTMENT

**INCIDENT REPORT**

ICR#: 13301481

OFFENSE: WINTER PARKING VIOLATION

DATE RECEIVED: DECEMBER 25, 2013      TIME RECEIVED: 0130 HOURS

DATE OCCURRED: DECEMBER 25, 2013      TIME OCCURRED: 0130 HOURS

LOCATION OF OFFENSE: STEARNS AVE AND WENDELL ST

CITY: PAYNESVILLE      STATE: MN      ZIP CODE: 56362

REPORTING OFFICER: OFFICER KELSEY THOMPSON #7103

**NARRATIVE:**

On December 25, 2013, at 0130 hours, I noticed a vehicle parked on the side of the road on Stearns Avenue. The vehicle, MN license plate 601KBW, came back registered to David Wayne Easterday,

As I approached the vehicle, I recognized it as one of which was warned earlier to be moved. Due to winter parking regulation and the recent snowfall, vehicles are required to be towed so the snowplows could plow the roads. At approximately 0000 hours I had made contact with a male individual outside of Easterday's home. I asked the male if he was the owner of the vehicle and he stated that he was not, but that it belonged to another person inside the home. I advised the individual to let that person know that the vehicle needed to be moved or it would be towed. The individual acknowledged that he would let the owner know.

Due to the vehicle not having been moved, I called J&M Towing at 0130 hours to tow the vehicle. I issued the vehicle Administration Citation number 02629 for winter parking violation. After J&M Towing removed the vehicle, I cleared the scene.

At approximately 0258 hours, I received notice from dispatch that a caller wanted to speak with me. Dispatch sent out a phone call from Easterday. Easterday asked why his vehicle was towed and I explained to him that I had attempted to warn him earlier and the vehicle was still there. I advised that due to the snowfall, the city maintenance workers needed to plow the streets and that they required the vehicles to be removed. I advised him to contact J&M Towing about getting his vehicle back and made sure he had the phone number. I then cleared the call.

**ADDITIONAL REPORTS/DOCUMENTS:**

Administration Citation 02629

Reporting Officer: Kelsey Tho #7103  
OFFICER KELSEY THOMPSON

Date: 1/5/2014

Supervisor Signature: [Signature]

Date: 1/7/14

NARRATIVE



# Paynesville Police Department

Chief Paul Wegner

January 9, 2014

Mr. David Easterday  
327 Stearns Ave  
Paynesville, MN 56362

Dear Mr. Easterday,

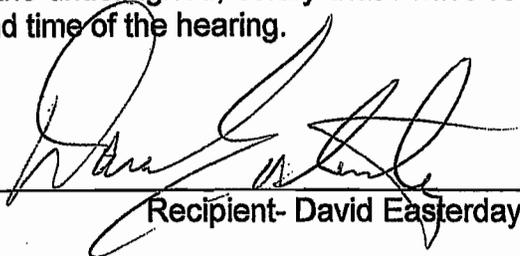
In response to your request for a hearing regarding Administrative Citation 02629 issued on 12/25/2013, the City of Paynesville has scheduled a hearing before the Administrative Fine Hearing Board for January 14<sup>th</sup>, 2014, at 6:00 pm at City Hall. You will have the opportunity to present your case before the board at that time. All witnesses, documents and other evidence you wish to present to the board on your behalf must be available at that time. If you fail to show for the hearing, the board will make a decision on the violation based on the evidence presented to them.

If you have any questions, please contact me at 320-243-7346.

Respectfully,

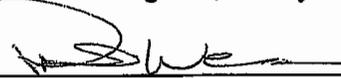
Chief Paul Wegner  
Paynesville Police Department

I, the undersigned, certify that I have received a copy of the above letter and understand the date and time of the hearing.

  
\_\_\_\_\_  
Recipient- David Easterday

1-9-14  
Date

I, the undersigned, certify that I have served the original letter above to the recipient.

  
\_\_\_\_\_  
Chief Paul Wegner

1/9/14  
Date

### Administrative Citation

City of Paynesville  
County of Stearns

ICR NUMBER  
13301481

DRIVER LICENSE NUMBER  
STATE  
MN

NAME FIRST / MIDDLE / MAIDEN  
David Wayne Easterday

STREET ADDRESS  
643 Hudson Dr

CITY STATE ZIP CODE  
Paynesville MN 56362

(DOB) DATE OF BIRTH EYES HEIGHT WEIGHT SEX JUVENILE PARENT/GUARDIAN  
1/11/51 BLU 511 250 M

VEHICLE LICENSE PLATE STATE MAKE MODEL COLOR  
601 KBW MN Chrysler Van Tan

DATE OF OFFENSE TIME  
12/05/13 0230

ENDANGER LIFE OR PROPERTY  
 HAZARDOUS MATERIAL  
 UNSAFE CONDITIONS (2 OR MORE)  
 COMMERCIAL VEHICLE  
 ACCIDENT TYPE  
 PD  
 INJURY  
 FATAL  
 PED

LOCATION & CITY (IF APPLICABLE)  
Stearns Ave & Wendell St Paynesville

OFFENSE DESCRIPTION NO. 1  
Winter Parking Violation - Towed

STATUTE/ORDINANCE  
Sect 9.03 sub 2B

SPEED OVER LIMIT  
mph in zone  
 DISOBEYED  
 STOP SIGN  
 SEMAPHORE

OFFENSE DESCRIPTION NO. 2  
STATUTE/ORDINANCE

OFFENSE DESCRIPTION NO. 3  
STATUTE/ORDINANCE

**City of Paynesville**  
221 Washburne Ave., Paynesville, MN 56362

MUST PAY BY DATE TELEPHONE  
1/9/2014 (320) 243-7346

FINE AMOUNT  
\$110.00

The Undersigned being duly sworn, deposes and says that the person named on this complaint did commit the above offense(s).

OFFICER BADGE  
Kelsey Jm 7103

NO 02629