



**BUREAU OF ADMINISTRATIVE ADJUDICATION
TOWN OF BABYLON
456 ALBANY AVENUE
NORTH AMITYVILLE, NY 11701**

NOTICE OF RIGHT TO APPEAL & INSTRUCTIONS

- You may appeal the adverse decision against you on the law and/or the facts, within 30 days of the date of the decision from which you are appealing. When filing your appeal, you must include the following documents, in addition to this Notice of Appeal.
- Proof that the monetary penalty and surcharge for administrative costs have been paid in full or that a cash or surety bond has been posted. If you are exempt from this requirement as a license or permit holder, or if you are seeking a hardship waiver, you must submit a written request for an exemption or application for a waiver (as set forth in the Notice of Adverse Decision and Judgment) together with supporting documentation.
- A copy of the decision you are appealing from, a copy of the transcript from any hearing/trial/oral record, supporting memorandum containing a concise statement of the issues presented and written arguments clearly presenting the points of law and the facts relied on in support of the position taken on each issue and the basis of the appeal and any supporting documents/evidence.
- A date-stamped receipt or affidavit of service showing that copies of the Notice of Appeal, the supporting memorandum of the appeal and documents/evidence, have been served upon the Babylon Town Attorney's office, at 200 E. Sunrise Highway, Lindenhurst, NY 11757, either personally or by regular mail or overnight delivery service.

Who can serve/How to serve:

- New York Civil Practice Law and Rules:
 - Rule 306. Proof of service. (a) Generally. Proof of service shall specify the papers served, the person who was served and the date, time, address, or, in the event there is no address, place and manner of service, and set forth facts showing that the service was made by an authorized person and in an authorized manner. A non-party, over 18 years of age, must serve the notice of appeal, supporting memorandum and documents/evidence.
- The Respondent may not serve the Town Attorney.
 - A person who is not the respondent or party to this matter and is over 18 years of age can generally serve papers in New York State.
- You may file the documents by certified mail or overnight delivery service or in person by visiting the Bureau of Administrative Adjudication at 456 Albany Avenue, North Amityville, NY 11701. Documents must be received within 30 days of the date of the decision from which you are appealing and must include a proper affidavit of service.
- If you are attempting to file the Notice of Appeal and documents specified in this notice after 30 days of the date of the decision from which you are appealing, you must request an application to file a late notice of appeal at the Bureau.
- A determination by the appeals panel is the final determination of the bureau for the purposes of review pursuant to article seventy-eight of the civil practice law and rules.



**BUREAU OF ADMINISTRATIVE ADJUDICATION
TOWN OF BABYLON
456 ALBANY AVENUE
NORTH AMITYVILLE, NY 11701**

NOTICE OF APPEAL

RESPONDENT: _____ **MAILING ADDRESS:**

PLACE OF OCCURRENCE: _____

DATE OF HEARING: _____

DATE OF DECISION: _____

ADMINISTRATIVE LAW JUDGE: _____

THE RESPONDENT HEREBY APPEALS FROM THE DECISION AND ORDER IN THE ABOVE-REFERENCED MATTER DATED, BY A.L.J. _____:

BY RESPONDENT:

NAME: _____ Phone: _____

SIGNATURE: _____ DATE: _____

BY ATTORNEY

LAW FIRM: _____ ATTORNEY _____

FIRM ADDRESS: _____ PHONE: _____

SIGNATURE: _____ DATE: _____

BY TOWN ATTORNEY

TOWN ATTORNEY, JOSEPH WILSON, ESQ., by _____

200 East Sunrise Highway, Lindenhurst, NY 11757 PHONE: _____

SIGNATURE: _____ DATE: _____



BUREAU OF ADMINISTRATIVE ADJUDICATION

456 ALBANY AVENUE
NORTH AMITYVILLE, NY 11701

ADMINISTRATIVE APPELLATE RULES AND PROCEDURES

1. You may appeal the adverse decision against you:
 - I. Within 30 days of the date of the decision from which you are appealing
 - II. On the law and/or the facts
2. When filing your appeal, you must include the following documents, in addition to this Notice of Appeal:
 - I. Proof that the monetary penalty and surcharge for administrative costs have been paid in full or that a cash or surety bond has been posted. If you are exempt from this requirement as a license or permit holder, or if you are seeking a hardship waiver, you must submit a written request for an exemption or application for a waiver (as set forth in the Notice of Adverse Decision and Judgment) together with supporting documentation.
 - II. A date-stamped receipt or affidavit of service showing that copies of the Notice of Appeal, the supporting memorandum of the appeal and supporting documents/evidence, have been served upon the Babylon Town Attorney's office, at 200 E. Sunrise Highway, Lindenhurst, NY 11757, either personally or by regular mail or overnight delivery service.
3. Appeals must contain:
 - I. The complete record, including but not limited to, transcript of the proceeding, any motions filed, any evidence submitted.
 - II. Supporting memorandum containing a concise statement of the issues presented and written arguments presenting clearly the points of law and/or the facts relied on in support of the position taken on each issue/basis of appeal.
4. All appeals must be signed by respondent and attorney if represented.
5. Notice of Appeal and all supporting documentation must be served on the Town Attorney:
 - I. Who can serve/How to serve:
 - i. New York Civil Practice Law and Rules:
Rule 306. Proof of service. (a) Generally. Proof of service shall specify the papers served, the person who was served and the date, time, address, or, in the event there is no address, place and manner of service, and set forth facts showing that the service was made by an authorized person and in an authorized manner. A non-party, over 18 years of age, must serve the notice of appeal, supporting memorandum and documents/evidence.
 - ii. The Respondent may not serve the Town Attorney.
 - iii. A person who is not the respondent or party to this matter and is over 18 years of age can generally serve papers in New York State.

6. Appeals may not contain extraneous evidence not in the record.
 - I. A notice of appeal with supporting documentation and the affidavit of service must be filed with the Bureau within 30 days of the date of the decision from which you are appealing.
 - II. You may file the documents by certified mail or overnight delivery service or in person by visiting the Bureau of Administrative Adjudication at 456 Albany Avenue, North Amityville, NY 11701. Documents must be received within 30 days of the date of the decision from which you are appealing and must include a proper affidavit of service.
7. If you are attempting to file the Notice of Appeal and documents specified in this notice after 30 days of the date of the decision from which you are appealing, you must request an application to file a late notice of appeal at the Bureau.
8. Motions to reargue or renew appeals are not permitted.
9. A determination by the appeals panel is the final determination of the bureau for the purposes of review pursuant to article seventy-eight of the civil practice law and rules.



BUREAU OF ADMINISTRATIVE ADJUDICATION

TOWN OF BABYLON
County of Suffolk, State of New York

APPLICATION FOR WAIVER OF PRIOR PAYMENT ON APPEAL DUE TO FINANCIAL HARDSHIP APPLICATION MUST BE NOTARIZED

RESPONDENT: [add name]

MAILING ADDRESS: [add address]

PLACE OF OCCURRENCE: [add address]

DATE OF HEARING: [add date]

DATE OF DECISION: [add date]

**THE RESPONDENT HEREBY APPLIES FOR WAIVER OF PAYMENT OF
FINES/ADMINISTRATION COSTS, PRIOR TO FILING NOTICE OF APPEAL IN THE ABOVE-
REFERENCED MATTER.**

I, _____, the respondent in this matter, being duly sworn, affirms and attests that the following is true under penalty of perjury.

I hereby request waiver of the requirement, pursuant to §385 of the New York State General Municipal Law, to pay the fine and administrative fee(s) prior to or simultaneously with, filing an administrative appeal. The basis of this request is limited to “financial hardship”.

Explain Financial Hardship in Detail: _____

(add additional pages as needed)

THE FOLLOWING DOCUMENTS MUST BE PROVIDED FOR YOUR APPLICATION TO BE CONSIDERED:

Please provide the following: 1) the previous years tax return; 2) a current W2 form from your employer; 3) any bankruptcy documents if applicable; 4) status of your relationship to the property (owner, renter, etc.); 5) any other document(s) you would like the Administrative Law Judge(s) to consider.

SIGNATURE: _____ **DATE:** _____

Sworn to before me this ____
Day of _____, 20__

(notary public)



BUREAU OF ADMINISTRATIVE ADJUDICATION

456 ALBANY AVENUE
NORTH AMITYVILLE, NY 11701

APPLICATION TO FILE LATE NOTICE OF APPEAL

RESPONDENT: [add name]

MAILING ADDRESS: [add address]

PLACE OF OCCURRENCE: [add address]

DATE OF HEARING: [add date]

DATE OF DECISION: [add date]

THE RESPONDENT HEREBY APPLIES FOR PERMISSION TO FILE A LATE NOTICE OF APPEAL FROM THE DECISION AND ORDER IN THE ABOVE-REFERENCED MATTER:

_____, respondent in this matter, hereby requests permission to file a notice of appeal beyond 35 days from the date of decision and order appealed from.

Reason for Late Appeal: _____

(add additional pages as needed)

Basis (reason) of Appeal: _____

SIGNATURE: _____ **DATE:** _____

Index No. _____

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS:
COUNTY OF SUFFOLK)

_____, being duly sworn, deposes and says the following is true under penalty of perjury. I reside at _____, I am not the Respondent in this matter and I am over 18 years of age.

On _____, 20__, I served (initial all items served):

___ A copy of the decision being appealed.

___ A supporting memorandum.

___ Supporting documents/evidence.

on the Babylon Town Attorney, by delivering copies of such documents

___ in person to _____, an employee at the Town Attorney's Office;

___ by first class mail;

___ by overnight;

___ by certified mail;

at/to 200 East Sunrise Highway, Lindenhurst, NY 11757.

Name:

Sworn to before me this _____ day
of _____, 20__.

Notary Public