



CIVIL PENALTY CHARGE SHEETS

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The “Details of the Violation” section should contain allegations addressing each element of the charged violation(s) and an explanation of how the charged party allegedly committed the charged violation(s). In addressing each element, the person preparing the Charge Sheet should reference the evidence in the case file that establishes that the element has been met. The Civil Penalty Case Guide, available on the Hearing Office web page, further explains what should be included in the Details of Violation section.

The *allegations* in the Details of the Violation section of the Charge sheet are assertions; they are *not evidence*. Every allegation should be supported by evidence elsewhere in the civil penalty case file. Statements or other material being offered as evidence do not belong in the Charge Sheet. Instead, such evidence should be made an exhibit in the case file. The Details of the Violation should provide a “roadmap” for the Hearing Officer to locate the specific exhibits related to each element. In a simple case, the signed “Narrative Overview” and the Boarding Report may contain all of the evidence needed to prove the case.

Hearing Officers do not treat statements included in the Details of the Violation as evidence. If a statement in the Details of Violation contains necessary information that is not supported by evidence elsewhere in the case file, the Hearing Officer will not give any weight to the statement. And without that necessary information, the charge will not be found proved.

The Details of the Violation section of the Charge Sheet is an important tool for both the person preparing a civil penalty case and the Hearing Officer. It provides a checklist of elements that must be met to prove the alleged violation. It is important to recognize, however, that allegations are not evidence and they have no evidentiary value. The Details of the Violation should only contain allegations and references to the evidence in the case file supporting those allegations. Evidence to be weighed by the Hearing Officer, and referred to in the charge sheet, must be included elsewhere in the case file.