

STATEMENT OF PROCEDURAL RIGHTS

1. In accordance with 18 V.S.A. § 4307, you may request a hearing before the Commissioner of Health within five (5) business days of this Abatement Order by contacting:

Vermont Department of Health
Food and Lodging Program
108 Cherry St., PO Box 70
Burlington, VT 05402-0070
Phone: 802-863-7221
800-439-8550 (toll-free)

2. You have the right to be represented by an attorney and to rebut these allegations.
3. If, upon a hearing, it appears that the provisions of Title 18, Chapter 85 of the Vermont Statutes and/or the Licensed Lodging Establishment Rule have not been violated, the Commissioner shall immediately vacate the order, but without prejudice.
4. If, however, it appears that the provisions have been violated and the Licensee fails to comply with an Abatement Order, the Commissioner shall revoke, modify, or suspend the Licensee's license or enforce a civil penalty.
5. Pursuant to 18 V.S.A. § 128(a), you have the right to appeal the Commissioner's decision after hearing to the Civil Division of Superior Court in the county where you reside or maintain a business.
6. Appeals to the Superior Court are governed by Vermont Rule of Civil Procedure 74.
7. Pursuant to V.R.C.P. 74(b), in order to appeal a decision, you must send a Notice of Appeal to the designated officer of the Vermont Department of Health within thirty (30) days of the decision:

Sarah Gregorek
Office of the Commissioner of Health
108 Cherry Street, PO Box 70
Burlington, Vermont 05401

8. Your Notice of Appeal must: specify who is taking the appeal, identify the decision being appealed, and name the court where you are taking the appeal.
9. Upon receipt of the Notice of Appeal, the Department of Health will provide you with a list of all interested parties and instructions to serve all interested parties, and the Civil Division of the Superior Court, with the Notice.
10. Pursuant to V.R.C.P. 74(c), an appeal to Superior Court does not stay enforcement of the Department of Health's decision. You are obligated to follow the decision unless you request, and the Court grants, a motion to stay the Department's decision pending the appeal.
11. The Superior Court will consider the matter de novo (anew) and all persons and parties in interest, as determined by court rule, may appear and be heard. You have the right to bring an attorney and witnesses.