

**RESOLUTION NO. 18-VAB-7**  
**RESOLUTION OF 2018 MARION COUNTY VALUE ADJUSTMENT BOARD**

**WHEREAS**, Florida Administrative Code Rule 12D-9.026 contemplates procedures for conducting a hearing by electronic media.

**WHEREAS**, Resolution 18-VAB-6 of the 2018 Marion County Value Adjustment Board allowed and approved of the conduction of Value Adjustment Board and Special Magistrate hearings by telephonic means.

**WHEREAS**, Florida Administrative Code, Rule 12D-9.013(h) contemplates the establishment of local rules by the Value Adjustment Board to assist in the orderly maintenance and conduction of hearings.

**NOW THEREFORE** be it resolved by the 2018 Marion County Value Adjustment Board that absent a written agreement signed by the parties as to the methods of swearing witnesses, presenting evidence and placing testimony on the record including an agreement of which parties must appear by telephonic media and which parties will be present in the hearing room and providing that all such agreements and methods must comply with the provisions of the Florida Administrative Code, the following rules shall apply:

1. All witnesses or parties appearing telephonically shall be sworn in by the Special Magistrate via the telephone.

2. All written and other physical evidence must be present in the hearing room, and copies of such written and physical evidence to be presented shall be made available to the witness or party appearing telephonically. The location of where to provide copies of any written or physical evidence to be presented to, or testified about, by the witness or party appearing telephonically must be given in writing to the Clerk of the Value Adjustment Board and all other parties no less than three (3) days prior to the hearing date. It is the burden of a party who wishes to use such evidence to have a copy of the evidence available to the witness or party at the telephonic site from which the testimony is originating, and the hearing site. It is the burden of the party requesting a telephonic appearance to provide to the Clerk and all other parties the physical location of where other parties may forward copies of any written or physical evidence that the other parties desire to inquire of such telephonic witness or party about. Failure to provide the physical location of where to forward copies shall bar a witness or party appearing telephonically from placing testimony on the record telephonically. Failure to provide copies of the proposed written or physical evidence shall disqualify such evidence or its contents as being able to be testified about by the witness or party appearing telephonically. Said bar will

not apply to the presentation of such evidence or its contents to be testified about by other parties or witnesses present in the hearing room.

3. Any testimony given by a witness on or party via telephone shall be deemed a part of the record.

4. Only the witness or party approved by the Special Magistrate to appear via telephonic media shall be allowed to appear by telephonic media. All other witnesses and parties must be present in the hearing room.

5. The person wishing to appear telephonically shall dial in on the number provided by the Clerk of the Value Adjustment Board. Failure to dial in at the appropriate hearing day and time, shall constitute a non-appearance by a party, unless such party appears in person in the hearing chamber instead. Persons dialing in telephonically shall abide by any instructions of the Clerk or Magistrate of the Value Adjustment Board regarding telephonic conduct (i.e., background noise, etc.) to provide for an orderly telephonic hearing.

Duly adopted this 8<sup>th</sup> day of August 2018 by the 2018 Marion County Value Adjustment Board.

ATTEST: CLERK, 2018 MARION COUNTY  
VALUE ADJUSTMENT BOARD


By:   
David R. Ellspermann

2018 MARION COUNTY VALUE  
ADJUSTMENT BOARD

By:   
David Moore, Chair

APPROVED AS TO FORM

TROW, DOBBINS & PISANI, P.A.,  
VALUE ADJUSTMENT BOARD  
ATTORNEY

By:   
Thomas J. Dobbins, Esquire