



Appeal an Administrative Agency's Final Decision

An Informational Guide to a North Dakota State District Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in North Dakota State District Courts. The information provided in this informational guide isn't intended for legal advice but only as a general guide to a civil court process.

If you decide to represent yourself, you need to do additional research to prepare.

If you're unsure how to proceed, don't know if this informational guide suits your needs, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. For more information about finding a lawyer, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules can be found at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help/glossary.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

This information isn't a complete statement of the law. This covers basic information about appealing a final decision of a North Dakota administrative agency to a North Dakota state district court. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of a lawyer licensed in North Dakota. ***Use at your own risk.***

↻ Don't Delay! ↻

You have limited time (30 days) to both serve and file your appeal. Your deadline starts on the day you were served the notice of the administrative agency's final decision.

(See Page 15 for more information about calculating your deadline.)

Steps to Appeal an Administrative Agency Final Decision

- Step One:** You, the Appellant, Create the 1) Notice of Appeal and 2) Specifications of Error Documents
-
- Step Two:** Within 30 Days of the Service Date of the Administrative Agency Final Decision, You, the Appellant, Arrange for Service of Copies of the 1) Notice of Appeal and 2) Specifications of Error on the Administrative Agency
Failure to serve on time may result in dismissal.
-
- Step Three:** Within 30 Days of the Service Date of the Administrative Agency Final Decision, You, the Appellant, File the 1) Notice of Appeal, 2) Specifications of Error, and 3) Proof of Service with the North Dakota State District Court
Failure to file the documents & proof of service on time may result in dismissal.
-
- Step Four:** The Administrative Agency Prepares the Record; You, the Appellant, Pay the Estimated Cost of Preparing the Record
-
- Step Five:** The Administrative Agency Files the Record; the District Court Judge Issues a Scheduling Order
-
- Step Six:** If You, the Appellant, Want Oral Arguments, Request Oral Arguments On or Before the Due Date of your Appellant Brief
The District Court judge **isn't** required to grant oral arguments.
-
- Step Seven:** You, the Appellant, Prepare, Serve, and File your Appellant Brief
Failure to file your appellant brief and proof of service may result in dismissal.
-
- Step Eight:** The Administrative Agency Serves and Files their Appellee Brief
-
- Step Nine:** Prepare for Oral Arguments, If Requested and Granted
-
- Step Ten:** The District Court Judge Decides the Appeal of the Administrative Agency's Final Decision
Either side may appeal the District Court Judge's decision to the North Dakota Supreme Court
-

Warning! *Appealing the final decision of a North Dakota administrative agency can have serious legal consequences.*

If you can, [consult a lawyer](#) as early as possible in the process and carefully consider all of your options before you represent yourself.

This informational guide gives only the basics of the process. If you decide to represent yourself, you need to do additional research to prepare.

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Section One:

Information about Appeals of North Dakota Administrative Agency Final Decisions to North Dakota State District Court

Does the North Dakota Legal Self Help Center have Forms to Appeal an Administrative Agency's Final Decision?

Names and descriptions of the documents you need to create for your appeal of an administrative agency's final decision are found throughout this informational guide.

This informational guide includes **some** general-use forms to appeal an administrative agency's final decision to a North Dakota state district court. There's no guarantee that all judges and courts will accept forms available through the North Dakota Legal Self Help Center.

If a form you need **isn't** included in this informational guide, the form **isn't** available through the North Dakota Legal Self Help Center. You may need to create some of your own appeal documents.

If a form isn't available and you need to create your own appeal document, a variety of General-Use template forms are available at ndcourts.gov/legal-self-help. Scroll to the "District Court Civil" section. These may be used as a starting point for creating your own document.

Public Access to Administrative Appeal Documents Filed in North Dakota State District Court

If you want to see documents filed in other North Dakota state district court administrative agency appeals, you may review publically available court records.

You can find individual court cases and lists of the documents filed in each case by going to the North Dakota Court Records Inquiry at ndcourts.gov/public-access.

- Read the information, and then click "Click Here to Proceed."
- Select a location from the pull down menu. Select a county or the State of North Dakota.
- Click "Civil, Family & Probate Case Records."
- To search for a type of case within a date range:
 - Under "Search by:" click the button next to "Date Filed."
 - Enter a date range in the "Date Filed:" boxes. For example, 01/01/2024 and 12/31/2024.
 - Select "Administrative Appeal" in the "Case Types:" box.
 - Click the "Search" box.

- The screen lists publically accessible court cases based on your search.
 - Cases listed in this search are for all administrative agency appeals. You need to identify the case numbers for appeals from the administrative agency whose final decision you want to appeal.
- To review an individual case and see the list of documents filed in the case, click on the case number.
 - Case numbers are listed on the left-hand side of the page. You can't view the documents themselves.
- Each filed document is assigned an Index Number. The Index Number is listed to the right of the name of the document. For example, "Index # 1."

If you want to view and/or get copies of any of the documents listed in a case, contact the [clerk of court](#) of the county where the case was filed.

Give the clerk of court the case number **and** Index Number of each document you want to view/copy. Ask the clerk of court for the amount of the fee for copying documents.

Is Help Available for Creating Appeal Documents?

If you need help creating your appeal documents, consult a lawyer licensed to practice in North Dakota. Ask the lawyer about Limited Legal Representation.

Lawyers licensed to practice in North Dakota may agree to help you with part of your appeal, such as preparing appeal documents, while you handle the rest of the appeal. You and the lawyer must agree in writing to Limited Legal Representation.

What is a North Dakota Administrative Agency?

A North Dakota administrative agency is each board, bureau, commission, department, or other administrative unit of the executive branch of North Dakota state government.

Administrative agencies include one or more officers, employees, or other persons directly or indirectly claiming to act on behalf or under authority of the agency.

Some examples of North Dakota administrative agencies include the North Dakota Department of Health and Human Services, the North Dakota Department of Labor and Human Rights, and the North Dakota Department of Transportation.

When the North Dakota State Legislature creates an administrative agency, the agency has the authority to carry out the North Dakota laws assigned by the Legislature. For example, certain administrative agencies may issue licenses or permits; others may create regulations that individuals, public utilities, financial institutions, businesses, etc. must follow.

What is the Office of Administrative Hearings (OAH)?

If you make a request of an administrative agency and you disagree with the agency's decision, you may request a hearing. Whether you can request a hearing depends on the administrative agency and the type of application or request you made. **The administrative agency hearing process is also called an administrative agency adjudicative proceeding.**

If you're allowed to request a hearing, either the administrative agency or the [Office of Administrative Hearings \(OAH\)](#) conducts the administrative agency adjudicative proceeding. Administrative agency hearings **aren't** handled by the North Dakota state court system.

If you **can't** request a hearing, [consult a lawyer](#) licensed to practice in North Dakota for advice.

The Office of Administrative Hearings (OAH) is North Dakota's panel of administrative law judges (ALJ's) who conduct administrative agency adjudicative proceedings (hearings). The ALJ's employed or contracted by OAH are independent of the administrative agency.

Administrative agency adjudicative proceedings (hearings) are similar to a trial in court, with witnesses, exhibits, and rules of evidence.

What is an Appeal of an Administrative Agency's Final Decision to a North Dakota State District Court?

If you're a party in an administrative agency adjudicative proceeding (hearing), and you disagree with the administrative agency's or the Administrative Law Judge's (ALJ's) final decision, you may appeal the final decision to a North Dakota state district court.

When you appeal the final decision of an administrative agency, you argue that all or part of the final decision should be overturned, or reversed. You make your argument by proving, in writing, exactly how the decision was wrongly decided, based on the evidence and facts presented during the administrative agency adjudicative proceeding (hearing).

The District Court Judge reviews your argument and the administrative agency's argument to decide if the final decision was wrong. If the Judge decides the administrative agency's final decision was wrongly decided, they overturn, or reverse, the decision. Otherwise, the final decision stays in place.

[Chapter 28-32 of the North Dakota Century Code](#) gives the basic requirements for appealing a final decision of a North Dakota administrative agency to a North Dakota state district court.

Can I Use This Informational Guide to Appeal the Final Decision of Any North Dakota Administrative Agency?

No. This informational guide includes the basic requirements to appeal a final decision of an administrative agency under [Chapter 28-32 of the North Dakota Century Code](#). **Chapter 28-32 doesn't apply to every North Dakota administrative agency.**

Review Chapter 28-32 of the North Dakota Century Code to decide if the requirements apply to the administrative agency whose final decision you want to appeal.

- Go to [Section 28-32-01](#) and review the definition of “Administrative Agency.” The definition includes a list of North Dakota administrative agencies.
- If the administrative agency **isn't included** on the list, the requirements of **Chapter 28-32 apply** to the agency.
- If the administrative agency **is included** on the list, the requirements of **Chapter 28-32 don't apply** to the agency. The North Dakota Legal Self Help Center can help you find legal research starting points for agencies included on the list.

If the administrative agency **isn't** included on the list in the definition of “Administrative Agency,” [Continue Reading](#).

Do I Have a Final Administrative Agency Decision that I can Appeal to a North Dakota State District Court?

Review the most recent decision. Usually the administrative agency sends you the final decision, along with a written notice of your appeal rights. As a general rule, you have thirty (30 days) from the date you're served the final decision to appeal the final decision.

If you aren't sure if the decision is the final decision, the administrative agency may be able to tell you. If a letter came with the decision, contact information for the administrative agency may be included in the letter.

See [Section 28-32-39 of the North Dakota Century Code](#) for more information on when an administrative agency decision is final.

The North Dakota Legal Self Help Center **can't tell you whether you have a final decision of an administrative agency.**

What is the Difference Between an Administrative Agency Adjudicative Proceeding (Hearing) and an Appeal to North Dakota State District Court?

The main difference between an administrative agency adjudicative proceeding (hearing) and an appeal is that an appeal **isn't** a brand new hearing. An appeal **isn't** a do-over. The District Court Judge can **only** review the record of what happened during the administrative agency adjudicative proceeding (hearing).

During the administrative agency adjudicative proceeding (hearing), all of the facts and evidence are introduced and decided by either the administrative agency or the Administrative Law Judge (ALJ). The adjudicative proceeding (hearing) is the trial.

When you appeal a final decision, the District Court Judge reviews what happened during the administrative agency adjudicative proceeding (hearing). Then the Judge decides if any legal mistakes were made. If the Judge decides legal mistakes happened, the Judge decides whether to overturn, or reverse, all or part of the administrative agency's final decision.

When you appeal the final decision of an administrative agency, you argue that the final decision should be overturned, or reversed. You make your argument by proving, in writing, exactly how legal mistakes were made, resulting in a wrongly decided final decision. Your proof must be based on the evidence and facts presented during the adjudicative proceeding.

Who are the Parties in an Appeal of an Administrative Agency's Final Decision?

Generally, parties in appeals of administrative agency final decisions under [Section 28-32-42 of Chapter 28-32 of the North Dakota Century Code](#) are as follows:

Appellant – The individual appealing the administrative agency's final decision to a North Dakota state district court. **You're the appellant.**

Appellees – The persons who respond to the Appellant's appeal of the final decision. Appellees include:

- The administrative agency;
- The attorney general or an assistant attorney general; and
- Any other parties in the adjudicative proceeding (hearing) at the administrative agency.
 - Review your documents from the administrative agency adjudicative proceeding (hearing) to figure out if there are any other parties.
- **Additional Appellees may be added by the North Dakota laws and rules that specifically apply to the administrative agency.** Review the laws and rules to find out.

What are the Definitions of Some Commonly Used Terms?

*****The following definitions are intended to be helpful, but they're not intended to constitute legal advice or address every possible meaning of the terms in this section.*****

Adjudicative Proceeding (Hearing) – an administrative matter resulting in an agency issuing an order after an opportunity for hearing is provided or required. An adjudicative proceeding includes administrative matters involving a hearing on a complaint against a specific-named respondent; a hearing on an application seeking a right, privilege, or an authorization from an agency, such as a ratemaking or licensing hearing; or a hearing on an appeal to an agency. An adjudicative proceeding includes reconsideration, rehearing, or reopening.

Administrative Agency – see “What is a North Dakota Administrative Agency?” on Page 6.

Administrative Law Judge – an independent hearing officer provided by the North Dakota Office of Administrative Hearings (OAH) to state agencies, boards, and commissions that either are required to use, or may use independent hearing officers to conduct their hearings. (See also, “Hearing Officer.”)

Agency Head – an individual or body of individuals in whom North Dakota law gives the ultimate legal authority of the agency.

Appellant Brief – the Appellant brief contains **all** of the Appellant’s arguments. The brief is a written document explaining why the Appellant appeals the administrative agency’s final decision and the legal mistakes with the decision. (See also, “Appellee Brief.”)

Appellee Brief – the brief contains **all** of the Appellee’s arguments. The Appellee’s brief is a written response to the Appellant’s brief and explains why the administrative agency’s final decision is legally correct. (See also, “Appellant Brief.”)

Burden of Proof – the party in the appeal who has the responsibility to give more evidence than the other party to convince the District Court Judge to reverse, or overrule, the administrative agency’s final decision.

District Court Judge – an individual chosen by the North Dakota Governor or elected by the people of North Dakota to serve as judge of a North Dakota state district court. The Judge is authorized by North Dakota law to review what happened in the administrative agency adjudicative proceeding (hearing) to determine whether any legal mistakes happened. If the Judge determines legal mistakes happened, the Judge decides whether to overturn, or reverse, all or part of the administrative agency’s final decision.

Ex-Parte Communication – contact with the ALJ, Hearing Officer, or District Court Judge without notice to the other parties and without the other parties present.

Final Decision of an Administrative Agency – to finalize an administrative agency adjudicative proceeding, the agency issues a written document called the findings of fact, conclusions of law and the order of the administrative agency.

If the agency head, or another person authorized by the agency head or by law to issue a final order, presided over the adjudicative proceeding, the findings of fact, conclusions of law and order issued is the final order.

If person presiding over the adjudicative proceeding **isn't** the agency head, or another person authorized by the agency head or by law to issue a final order, that person issues recommended findings of fact and conclusions of law and order within thirty days after the evidence has been received, briefs filed, and arguments closed. The recommended findings of fact and conclusions of law and the recommended order become final unless specifically amended or rejected by the agency head.

Hearing Officer – any agency head or one or more members of the agency head when presiding in an administrative proceeding, or, unless prohibited by law, one or more other persons designated by the agency head to preside in an administrative proceeding, an administrative law judge from the office of administrative hearings, or any other person duly assigned, appointed, or designated to preside in an administrative proceeding under statute or rule. (See also “Administrative Law Judge”)

Notice of Appeal – written notification to the administrative agency, all parties to the adjudicative proceeding before the administrative agency, and the North Dakota State District Court that a final decision is being appealed. (See also “Specifications of Error”)

Office of Administrative Hearings (OAH) – see “What is the Office of Administrative Hearings?” on Page 7.

Oral Argument – statements that are spoken by a lawyer or a self-represented individual, either to defend their legal position, or to disprove the opposing party’s legal position. An oral argument in an appeal of an administrative agency’s final decision gives the Appellant and each Appellee an opportunity to explain the legal reasons why they should win the appeal. Oral argument is limited to the legal reasons each Appellant and Appellee included in their briefs.

Order – any administrative agency action of particular applicability which determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons. The term doesn’t include an executive order issued by the governor.

Specifications of Error – list of the grounds or reasons for the appeal and a brief explanation of why each ground or reason applies. (See also “Notice of Appeal”)

North Dakota Laws and Rules Related to Appeals of Administrative Agency's Final Decisions

Legal research is how you, the Appellant, identify what was **legally wrong with the administrative agency's final decision.**

You must support each and every legal wrong with specific statutes, administrative agency rules, case law, and/or court rules.

Be aware that while you may be unhappy with the final decision, or think that it contains some minor mistakes, this may not mean the decision is legally wrong. Moral and ethical wrongs may not be legally wrong.

Laws constantly change through legislation, administrative rules and regulations, and court decisions. To figure out how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions.

Interpreting what the law means for a specific set of circumstances is a fundamental part of legal representation. North Dakota Legal Self Help Center staff can't give you legal representation of any kind under any circumstances. **Only a lawyer who agrees to represent you can give you legal representation.**

The North Dakota Century Code contains the laws, also called statutes, enacted by the North Dakota State Legislature and signed by the Governor. The North Dakota Century Code is available at ndlegis.gov/general-information/north-dakota-century-code.

Find the laws that specifically apply to the administrative agency whose final decision you want to appeal.

Review the laws to figure out if there are any additional requirements when appealing that administrative agency's final decision to a North Dakota state district court.

[Chapter 28-32 of the North Dakota Century Code](#) contains the general requirements and process for appeals of a North Dakota administrative agency final decision to a North Dakota state district court.

At minimum, review the following sections of Chapter 28-32:

- [Sections 28-32-21 through 28-32-41](#). Administrative agency adjudicative proceedings.

- [Sections 28-32-42 through 28-32-49](#). Appeal from administrative agency determinations.
 - In the documents you file with the District Court, you must give the grounds, or reasons, for your appeal. Review [Section 28-32-46](#) for reasons, or grounds, for appeal.
 - There are only eight (8) grounds, or reasons, you can appeal a final decision of an administrative agency.

The North Dakota Administrative Code contains the rules and regulations enacted by North Dakota administrative agencies about the agency's organization or procedures. When the North Dakota State Legislature creates an agency, the statute that creates the agency gives the broad boundaries of what the agency can do. The agency enacts rules and regulations to pin down the specifics.

The North Dakota Administrative Code is available at ndlegis.gov/prod/agency-rules/north-dakota-administrative-code.

Find the rules or regulations that specifically apply to the administrative agency whose final decision you want to appeal.

Review the rules or regulations to figure out if there are any additional requirements when appealing that administrative agency's final decision to a North Dakota state district court.

[Title 98 of the North Dakota Administrative Code](#) contains the administrative rules enacted by the Office of Administrative Hearings.

North Dakota Case Law

When the decision of a case is appealed from a North Dakota state district court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.

Case law is available at ndcourts.gov/supreme-court/opinions. Use the "Topic" drop-down menu to select an administrative appeal case law topic.

Snapshots of case law related to appeals of administrative agency final decisions to District Court may be found in the print versions of the North Dakota Century Code.

Short summaries of case law related to each section of the North Dakota Century Code are located directly following the text of the section of the code.

The full text of the opinion is available at ndcourts.gov/supreme-court/opinions.

The North Dakota Court Rules contains the rules enacted by the North Dakota Supreme Court that govern how disputes make their way to a North Dakota state district court and how the dispute is conducted.

All of the North Dakota court rules are available at ndcourts.gov/legal-resources/rules.

At minimum, review the following sets of court rules:

The [North Dakota Rules of Court](#) apply to civil matters in North Dakota State District Courts.

- [Rule 9.1 of the North Dakota Rules of Court](#) includes additional requirements and procedures for appealing the final decision of an administrative agency.

The [North Dakota Rules of Civil Procedure](#) **only apply** to appeals of administrative agency final decisions **when the rules are consistent with Chapter 28-32**.

The [North Dakota Rules of Evidence](#) govern the type of evidence presented and admitted; how evidence is presented and admitted, and how to object to evidence presented by the other party for admission.

- The [Evidence Research Guide](#) is a starting point for legal research into the North Dakota Rules of Evidence.

Library Resources *(not all legal resources are available online)*

ODIN is a shared library database of many North Dakota academic, public, state agency, and special libraries. Search ODIN for resources that may be available in a North Dakota library near you. (polaris.odinlibrary.org)

If the book is available for interlibrary loan through ODIN, ask the librarian or library staff of your local North Dakota library how to request the book.

Where Do I File My Appeal of an Administrative Agency's Final Decision?

Review the laws and administrative rules that specifically apply to the administrative agency whose final decision you want to appeal. You need to figure out if the specific laws and administrative rules that apply to the agency give requirements for where to file an appeal.

If the laws that apply to the administrative agency give requirements for where to file the appeal, follow those requirements.

If the laws and administrative rules that apply specifically to the administrative agency don't give requirements for where to file, the appeal is filed in the district court of the North Dakota county in which the administrative agency adjudicative proceeding (hearing) or a part of the proceeding (hearing) was held.

If the administrative agency adjudicative proceeding is decided informally, or no hearing is held, an appeal may be filed in Burleigh County District Court, North Dakota.

What is My Deadline to Appeal an Administrative Agency's Final Decision?

Warning! You have limited time to serve and file your appeal document(s).

If you miss your deadline to serve and file your appeal document(s), the District Court Judge assigned to the appeal may dismiss your appeal.

The general rule is you have thirty (30) days to appeal the administrative agency's final decision. The specific requirements for meeting the thirty (30) day deadline depends on which administrative agency's final decision you're appealing.

Carefully review the laws and administrative rules that apply specifically to the administrative agency whose final decision you want to appeal. You need to figure out if the specific laws and administrative rules that apply to the administrative agency give requirements for how you meet the thirty (30) day deadline.

If the laws that apply to the administrative agency give requirements for how you meet the thirty (30) day deadline for appealing a final decision, follow those requirements.

If the laws and administrative rules that apply specifically to the administrative agency don't give requirements for how you meet the deadline, the [Section 28-32-42](#) thirty (30) day deadline requirements apply to your appeal. The requirements are as follows:

- Your thirty (30) day deadline starts the day after you were served the notice of the administrative agency's final decision.
 - If you were handed the final decision (personal service), that is the date you were served.
 - If the final decision was mailed to you by regular, first class mail, the postmark on the envelope is the date you were served.
- Within thirty (30) days after the date you were served the final decision, you must serve two (2) separate documents:
 - 1) The Notice of Appeal; **and**
 - 2) The Specifications of Error.

- The people who must be served the two (2) documents within thirty (30) days are:
 - The administrative agency;
 - The attorney general or an assistant attorney general; **and**
 - All other the parties to the administrative agency proceeding.
- Your Notice of Appeal and Specifications of Error documents **must also be filed**, with proof of service, **within the same thirty day deadline**, with the clerk of the district court.

To calculate your [Section 28-32-42](#) thirty (30) day deadline to serve and file:

- Count your thirty (30) day deadline by calendar days, including Saturdays, Sundays, and North Dakota state holidays.
- The first day is the day **after** the date you were served the notice of the administrative agency's final decision.
 - If you were handed the final decision (personal service), that is the date you were served.
 - If the final decision was mailed to you by regular, first class mail, the postmark on the envelope is the date you were served.
- If the thirtieth (30th) day lands on a Saturday, Sunday, or North Dakota state holiday, move forward to the next day that **isn't** a Saturday, Sunday, or North Dakota state holiday.

Important! If you're served the Administrative Agency's Final Decision by regular mail, your appeal deadline is still thirty (30) days.

You **Don't** get any additional days to serve and file your appeal documents.

What Do I, the Appellant, Need to Prove?

You, the Appellant, have the burden of proof in an appeal of an administrative agency's final decision to a North Dakota state district court. You must prove your grounds, or reasons, for your appeal by a preponderance of the evidence.

Preponderance of the evidence is evidence more worthy of belief, the greater weight of the evidence, testimony that brings great conviction of the truth, evidence which is more convincing, or evidence that has the probability of truth.

There are only eight (8) grounds, or reasons, you can appeal an administrative agency's final decision to a North Dakota state district court:

1. The order of the administrative agency isn't in accordance, or conflicts, with the law;
2. The order of the administrative agency violates your constitutional rights;
3. The provisions of [Chapter 28-32 of the North Dakota Century Code](#) weren't complied with in the proceedings before the administrative agency;
4. The rules or procedure of the administrative agency didn't afford you, the Appellant, a fair hearing;
5. The findings of fact made by the administrative agency aren't supported by a preponderance of the evidence;
6. The conclusions of law and order of the administrative agency are not supported by the agency's findings of fact;
7. The findings of fact made by the administrative agency don't sufficiently address the evidence presented to the agency by you, the Appellant;
8. The conclusions of law and order of the administrative agency don't sufficiently explain the agency's rationale for not adopting any different recommendations by a hearing officer or an Administrative Law Judge (ALJ).

You must have at least one (1) ground, or reason, in your Specifications of Error document.

You can have more than one.

If the District Court Judge decides you didn't prove the grounds, or reasons, that you list in your Specifications of Error document, the Judge must leave the administrative agency's final decision in place.

What Can the District Court Judge Consider When Deciding if I, the Appellant, Proved My Grounds (Reasons) for Appeal?

When you appeal an administrative agency's final decision, the District Court Judge can **only** review the record of what happened during the administrative agency adjudicative proceeding (hearing).

The District Court Judge **doesn't re-do the hearing, take new evidence, or re-weigh the credibility of witnesses.**

When reviewing the administrative agency's findings of fact, the District Court Judge decides whether a reasonable person could have reached the same conclusion as the administrative agency. The Judge makes their decision based **only** on the evidence presented in the entire record created during the agency's adjudicative proceedings.

The conclusions of law in the administrative agency's final decision, however, are fully reviewable by the District Court Judge.

Lawyer Resources and Limited Legal Representation

You're not required to hire a lawyer to appeal an administrative agency final decision to a North Dakota state district court. If you decide to represent yourself, you must follow all of the rules, laws and procedures a lawyer is required to follow.

Go to <https://www.ndcourts.gov/legal-self-help/finding-a-lawyer> for more information about how to find a lawyer.

Lawyer Resources

If you want to find a lawyer to represent you, you may find the following options of interest.

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is lsnd.org.
- **Dakota Plains Legal Services** is a non-profit legal services organization providing free legal assistance to low-income individuals, older Americans and veterans. Dakota Plains Legal Services (DPLS) has eight offices and serves communities across South Dakota and North Dakota, including nine tribal nations. DPLS is committed to increasing access to justice with quality legal assistance. Contact information is available at dpls.org.
- **The State Bar Association of North Dakota** provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is sband.org. The cost is \$30.00 for a 30 minute consultation with a lawyer.
- **For a list of all lawyers who are licensed to practice in North Dakota**, go to the North Dakota Supreme Court website at ndcourts.gov/Lawyers.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (also called “unbundling”) is a way a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your legal documents, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

North Dakota Free Legal Answers

This civil legal program is a partnership of the American Bar Association and the State Bar Association of North Dakota.

The purpose of the program is to provide free answers to **specific** civil legal question to low-moderate income North Dakotans who submit their questions online. Anonymous volunteer attorneys answer your question, but can’t represent you.

Go to nd.freelegalanswers.org or information about the program, the online application, and, if you qualify, ask your civil legal question.

This program **doesn’t** provide any assistance with criminal legal questions.

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Section Two:

The Process to Appeal an Administrative Agency's Final Decision to a North Dakota State District Court

Warning! Don't Delay! You have limited time to serve and file your appeal document(s). **Don't wait** until the last day of your deadline to start this process. Review the "What is My Deadline to Appeal Administrative Agency's Final Decision" on Page 15. **If you miss your deadline to serve and file your appeal document(s), the District Court Judge assigned to the appeal may dismiss your appeal entirely.**

Section Two gives you the basic appeal process from [Chapter 28-32 of the North Dakota Century Code](#). This Section doesn't include requirements from the laws and administrative rules that specifically apply to individual administrative agencies. **The laws and rules that apply specifically to the administrative agency may change the appeal requirements for that agency.** Review the specific laws for the agency carefully! If the laws and rules that apply to the administrative agency change the requirements for appealing a final decision of that agency, follow those requirements. **If you have any questions or concerns about how the information in this guide applies to you, [consult a lawyer immediately!](#)**

Step One: The Appellant Creates 1) the Notice of Appeal and 2) the Specifications of Error

First, You, the Appellant, Figure Out Your Grounds, or Reasons, for Your Appeal:

Two (2) documents start the appeal process:

- The Notice of Appeal; and
- The Specifications of Error.

You must also include a brief explanation for each ground that applies to your appeal.

Before you start creating your documents, make sure you have a copy of the administrative agency's final decision that you can mark up. Also, make sure you have your notes from the administrative agency adjudicative proceeding (hearing).

Following are the **only** grounds, or reasons, you can appeal a final decision of an administrative agency:

1. The order of the administrative agency isn't in accordance, or conflicts, with the law;
 - You need to show **specifically** how the final decision doesn't follow the law or laws that apply to your request of the administrative agency, and/or the law or laws that apply to the administrative agency.
2. The order of the administrative agency violates your constitutional rights;
 - You need to show **specifically** how the final decision violates a specific right or rights in the North Dakota Constitution, and/or the United States Constitution.
3. The provisions of [Chapter 28-32 of the North Dakota Century Code](#) weren't complied with in the proceedings before the administrative agency;
 - You need to show **specifically** how the administrative agency didn't follow the requirements of [Sections 28-32-21 through 28-32-41](#) during the administrative agency adjudicative proceedings (hearing).
4. The rules or procedure of the administrative agency didn't afford you, the Appellant, a fair hearing;
 - You need to show **specifically** how the [administrative rules](#) that apply to the agency, and/or the agency's procedures didn't result in a fair hearing for you.
5. The findings of fact made by the administrative agency aren't supported by a preponderance of the evidence;
 - You need to show **specifically** how the evidence admitted during the administrative agency adjudicative proceedings (hearing) doesn't support the findings of fact in the agency's final decision.
6. The conclusions of law and order of the administrative agency aren't supported by the agency's findings of fact;
 - You need to show how **specific** findings in the findings of fact don't support the conclusions of law in the agency's final decision.
7. The findings of fact made by the administrative agency don't sufficiently address the evidence presented to the agency by you, the Appellant;
 - You need to show **specifically** how the evidence you presented to the agency isn't fully addressed by the findings of fact in the agency's final decision.

8. The conclusions of law and order of the administrative agency don't sufficiently explain the agency's rationale for not adopting any different recommendations by a hearing officer or an Administrative Law Judge (ALJ).
- Often, when an ALJ or hearing officer presides (acts as a judge) over an administrative agency adjudicative proceeding (hearing), at the end of the proceeding, they issue **recommended** findings of fact, conclusions of law and order. ([See Section 28-32-39\(3\) of the North Dakota Century Code.](#))
 - The ALJ's or hearing officer's **recommended** findings of fact, conclusions of law and order become the administrative agency's final decision, **only if** the agency head **doesn't specifically amend or reject them**.
 - **If the agency head amends or rejects** the ALJ's or hearing officer's **recommended** findings of fact, conclusions of law and order, **the agency issues their final** findings of fact, conclusions of law and order with the changes.
 - If the agency issues their final findings of fact, conclusions of law and order **that amends or rejects** all or part of the ALJ's or hearing officer's recommendations, you need to show **specifically** how the agency's explanation for their amendments or rejections is insufficient.

Grounds for Appeal Worksheet

A Grounds for Appeal Worksheet is included in the Appendix of Forms on Page 41.

Use the Worksheet to help you figure out which of the eight (8) grounds, or reasons, to appeal apply to you. Use the Worksheet to list the specific examples that support each ground, or reason, from the final decision and the administrative agency adjudicative process.

You don't need to include all eight (8) grounds, but you do need at least one (1).

Go to Pages 12-14 for starting points for your legal research. Go to ndcourts.gov/legal-self-help/how-to-research-your-legal-issue for more information on how to research.

Don't throw away your completed Grounds for Appeal Worksheet! Keep it handy! You use your completed worksheet again in Step Seven.

In Step Seven you write your Appellant Brief. Your Appellant Brief is your written argument using facts and laws to explain the legal mistakes that you think resulted in the wrongly decided final decision.

In your Appellant Brief, you explain in detail the legal reasons for each ground you include in your Specifications of Error. Your completed Grounds for Appeal Worksheet is your starting point for writing your Appellant Brief.

Second, You, the Appellant, Create the Following Two (2) Documents:

Document 1: Notice of Appeal

A Notice of Appeal form is included in the Appendix of Forms on Page 46.

This document notifies 1) the administrative agency, 2) all parties to the proceeding before the administrative agency, and 3) the District Court that you're appealing.

- **Your Notice of Appeal document must include:**

- Your name as the Appellant;
- The names of 1) the administrative agency and 2) any other parties in the administrative agency adjudicative proceedings (hearing) as the Appellees;
- The name of the North Dakota State District Court to which you're appealing;
- The date of the final decision you're appealing;
- The name of the Administrative Law Judge, Hearing Officer, or Agency Head who issued the administrative agency's final decision; and
- The North Dakota Century Code chapter that contains the laws that apply specifically to the administrative agency whose final decision you're appealing.

Document 2: Specifications of Error

A Specifications of Error form is included in the Appendix of Forms on Page 47.

This document lists each ground that applies to your appeal and a brief explanation of why each of the listed grounds applies. Use your Grounds for Appeal Worksheet to create your Specifications of Error document.

- **Your Specifications of Error document must include:**

- The grounds, or reasons, to appeal that apply to you, based on what happened during the administrative agency adjudicative proceeding (hearing).
- You must include at least one (1) ground, and can have more than one.
- For each ground you include, you must write a **brief and specific explanation** of the support for each ground from the administrative agency adjudicative proceeding and the final decision.

Step Two: The Appellant Serves Copies of the Completed Notice of Appeal and Specifications of Error

Service is providing copies of your completed Notice of Appeal and Specifications of Error documents to every person who is required to get notice of your appeal.

You **must** file proof of service when you file your original, completed notice of appeal documents in Step Three.

Don't Delay! If you don't serve copies of your completed 1) Notice of Appeal, and 2) Specifications of Error within the thirty (30) day appeal deadline, the Judge may dismiss your appeal entirely.

You need time to **correctly** serve the documents on **all** parties. You also need enough time to file the documents and proof you served the documents. **Both** service and filing **must** be completed within the **same** thirty (30) day deadline.

Don't wait until the 30th day to serve the documents. You're unlikely to meet the deadline.

First, You, the Appellant, Gather the Names and Addresses of the People You're Required to Serve:

Gather the names and addresses of the following people:

- The managing head of the administrative agency;
- The attorney general or an assistant attorney general;
- All other parties in the adjudicative proceeding (hearing) at the administrative agency; and
 - Review your documents from the administrative agency adjudicative proceeding (hearing) to figure out if there are any other parties. There may not be any other parties.
- All other parties listed in the laws and rules that specifically apply to the administrative agency.
 - There may not be any other parties listed in the laws and rules that specifically apply to the administrative agency.

If you don't know who to serve at the administrative agency and/or the North Dakota Attorney General's office, contact the agency directly and ask.

Second, Make Copies of the Notice of Appeal and Specifications of Error:

Count all of the people whose names and addresses you gathered.

Make one copy of each of the following original, completed documents for each person:

- Notice of Appeal; and
- Specifications of Error.

Make one copy of each document for your own records.

Third, Arrange to Serve the Notice of Appeal and Specifications of Error:

Service is providing copies of your completed Notice of Appeal and Specifications of Error to every person required to get notice of your appeal.

For a list of service options, go to ndcourts.gov/legal-self-help/service-in-a-civil-action. Review the instructions and forms in the “Service After a District Court Civil Case Has Started” section.

Service when a lawyer represents a person:

If a lawyer represents a person, serve the lawyer, rather than the person.

Serving an administrative agency:

Service must be made on a North Dakota administrative agency by delivering a copy of appeal documents to the managing head of the agency.

Review [Rule 4\(d\) of the North Dakota Rules of Civil Procedure](#) carefully!

Three common methods of service are:

- Service by Mail (*most common*)

A Declaration of Service by Mail form is included in the Appendix of Forms on Page 50.

- Mail copies of the Notice of Appeal and Specifications of Error by United States first-class mail to each person’s last known address. Postage must be prepaid.
- The person who mails the documents must be at least 18 years of age.
- The person who mailed the documents must complete a Declaration of Service by Mail and sign the Declaration, including their address, phone number, and email address.
 - If mailed from a United States Post Office, the Post Office employee **doesn’t** complete a Declaration of Service by Mail
- Service is complete upon mailing.

- **Service by Personal Delivery**
 - Hand copies of the Notice of Appeal and Specifications of Error to the person.
 - The person who handed the documents to the person must be at least 18 years of age and not a party to, or interested in, the administrative agency adjudicative proceedings (hearing).
 - The person who handed the documents to the person completes and signs a declaration of service, an affidavit of service, or a certificate of service.
 - Service is complete when the documents are handed to the person.
- **Service by Office Delivery**
 - Leave copies of the Notice of Appeal and Specifications of Error at the person's office with a clerk or other person in charge. If no one is in charge, leave the copies in a visible place in the office.
 - The person who left the documents at the person's office must be at least 18 years of age and not a party to, or interested in the administrative agency adjudicative proceedings (hearing).
 - The person who left the documents at the person's office completes and signs a declaration of service, an affidavit of service, or a certificate of service.
 - Service is complete when the documents are left at the person's office.

Fourth, Get Proof of Service Documents for Each Person Served:

You must prove to the District Court judge that the appeal documents were served on each person. The proof of service documents tell the court when, how, and where each person was served copies of the Notice of Appeal and Specifications of Error.

Proof of service documents are:

- **Declaration of Service** – proof of service when a person other than a sheriff or other law enforcement officer served the documents. A declaration doesn't require a notarized signature of the person who served the documents.
- **Affidavit of Service** – proof of service when a person other than a sheriff or other law enforcement officer served the documents. An affidavit commonly includes the notarized signature of the person who served the documents.
- **Certificate of Service** – proof of service when a sheriff or other law enforcement officer served the documents.

If you don't file proof of service in Step Three, the Judge won't act on your appeal documents.

Step Three: The Appellant Files the Original, Completed Notice of Appeal, Specifications of Error, and Proof of Service Documents

The original, completed appeal documents **and** the documents showing proof of service **must** be filed with the clerk of court within the thirty (30) day deadline.

Contact information for clerks of court is available at ndcourts.gov/court-locations.

Before you file the originals with the clerk of court, make sure you have a copy of every document you intend to file.

Don't Delay! If you don't file the originals of your completed 1) Notice of Appeal, 2) Specifications of Error, and 3) proof of service documents within the thirty (30) day appeal deadline, the Judge may dismiss your appeal entirely.

File the following original, completed documents with the clerk of court:

- Notice of Appeal
- Specifications of Error
- Proof of Service on:
 - The managing head of the administrative agency;
 - The attorney general or an assistant attorney general;
 - All other parties in the adjudicative proceeding (hearing) at the administrative agency (*there may not be any other parties*); and
 - All other parties listed in the laws and rules that specifically apply to the administrative agency (*there may not be any other parties*).
- Petition to waive the [filing fees](#) (*if you can't afford the filing fee*)

Filing Fees:

The filing fee for filing an appeal from a final decision of an administrative agency is \$160.00.

Petition to Waive Filing Fees and/or Transcript Fees:

If you can't afford to pay the filing fee, you can ask the court to waive (not make you pay) the filing fee. You file your petition to waive the fee when you file your appeal documents.

Instructions and forms to request a filing fee waiver are available at ndcourts.gov/legal-self-help/admin-appeal-to-district-court. You may use the filing fee waiver forms to request waiver of the cost of preparing the agency record. (See Step Four.)

Step Four: The Administrative Agency Prepares the Record; the Appellant Pays the Estimated Costs of Preparing the Record

Within thirty (30) days of service and filing of the notice of appeal and specifications of error, the administrative agency prepares and files either the original or a certified copy of the entire record of the administrative agency's adjudicative proceedings (hearing).

Only an order from the District Court Judge can extend the thirty (30) day deadline.

Why is the administrative agency record part of the appeal?

When you appeal an administrative agency's final decision, the District Court Judge can **only** review the record of what happened during the administrative agency adjudicative proceeding (hearing). **An appeal isn't a do-over** of the adjudicative proceedings.

You make your argument by showing in the record of the administrative agency adjudicative proceedings exactly how legal mistakes were made, resulting in a wrongly decided decision.

What is included in the record?

- The complaint, answer, and other initial pleadings or documents.
- Notices of all proceedings.
- Any prehearing notices, transcripts, documents, or orders.
- Any motions, pleadings, briefs, petitions, requests, and intermediate rulings.
- A statement of matters officially noticed.
- Offers of proof and objections, and the administrative law judge's, hearing officer's, or agency head's decisions on whether the evidence was allowed to be admitted.
- Proposed findings, requested orders, and exceptions.
- The transcript of the hearing prepared for the person presiding at the hearing, including all testimony taken, and any written statements, exhibits, reports, memoranda, documents, or other information or evidence considered before the final decision.
- Any recommended or proposed order, recommended or proposed findings of fact and conclusions of law, final order, final findings of fact and conclusions of law, or findings of fact and conclusions of law or orders on reconsideration.
- Any information considered under [Section 28-32-25 of the North Dakota Century Code](#).
- Matters placed on the record after an ex-parte communication.

You, the Appellant, are responsible for paying the estimated costs of preparing the record:

You're required to pay the estimated costs of preparation and filing of the entire record of the administrative agency adjudicative proceedings (hearing).

After the administrative agency is served a copy of your Notice of Appeal and Specifications of Error, the agency notifies you of the estimated costs you need to pay the agency to prepare and file the record. **You pay the estimated costs directly to the administrative agency.**

What if the actual cost of preparing the record is higher than the estimated cost?

If the actual cost of preparing and filing of the entire record of the administrative agency adjudicative proceeding is more than the estimated cost paid by you, the Appellant, you must pay the difference.

You pay the difference directly to the administrative agency.

What if the actual cost of preparing the record is lower than the estimated cost?

If the actual cost of preparing and filing of the entire record of the administrative agency adjudicative proceeding is less than the estimated cost paid by you, the Appellant, the administrative agency must refund the difference to you.

What if you, the Appellant, can't afford to pay the estimated costs or preparing the record?

You may ask the court to waive the estimated cost of preparing the record based on an inability to pay. Forms and instructions are available at ndcourts.gov/legal-self-help/admin-appeal-to-district-court/fee-waiver.

If you didn't make the request in Step Three when you filed your appeal documents, you can file your request to waive transcript fees **before** you pay the administrative agency their estimated costs of preparing the agency record.

If the District Court Judge assigned to your appeal waives (doesn't make you pay) the transcript fees, be prepared to provide a copy of the order to the administrative agency.

If the Judge doesn't waive the transcript fees, you must pay the administrative agency their estimated costs of preparing the agency record.

The administrative agency won't begin preparing, certifying, or filing the record **until after you**, the Appellant, pay the full estimated costs, or the Judge orders that you don't have to pay the full estimated costs (waives the costs).

Step Five: The Administrative Agency Files the Record; the District Court Judge Issues a Scheduling Order

After you pay the estimated costs to prepare the record, or the District Court Judge waives the costs, the administrative agency files the record with the District Court.

After the administrative agency files the record, the District Court Judge issues a scheduling order with deadlines for requesting oral argument (see Step Six) and filing appeal briefs (see Step Seven and Step Eight).

Step Six: Request Oral Argument

A Request for Oral Argument form is included in the Appendix of Forms on Page 52. See Step Two for service and Step Three for filing.

Carefully review the scheduling order.

If you, the Appellant, want to request oral arguments, you must make a written request. You **must make your written request** on or before your deadline for filing your Appellant brief.

The District Court Judge decides whether to allow oral arguments. The Judge **isn't required** to schedule and hold oral arguments.

If the Judge allows oral arguments, the arguments are limited to the legal issues you and the administrative agency include in your appeal briefs.

Step Seven: Prepare, Serve and File Your Appellant Brief

Your Appellant brief is a very important requirement of the appeal! Your Appellant brief may be your **only** opportunity to present your legal arguments to the District Court Judge.

You **must** serve and file your Appellant brief within the deadline in the scheduling order.

If you miss your deadline, the Judge may dismiss your appeal entirely.

What is a legal brief?

A legal brief is the written document filed by each Appellant and Appellee that presents their legal argument to the District Court Judge. This is the chance for each Appellant and Appellee in an appeal to explain the legal reasons why the administrative agency's final decision was either right or wrong.

What is the Appellant brief?

The Appellant brief is your written argument explaining why you're appealing the administrative agency final decision. Your brief also explains the legal mistakes you believe make the agency's final decision wrongly decided.

You support your legal argument using facts and laws, and your argument of how the facts apply to the law.

Every statement in your Appellant brief must be supported by specific statutes (laws enacted by the legislature), case law (Supreme Court opinions), court rules, and references (citations) to the record of the administrative agency's adjudicative proceedings (hearing).

Your Appellant brief **can't be used** to bring any new evidence to the District Court judge. Your Appellant brief is limited to the evidence admitted, and evidence presented but not admitted, administrative agency's adjudicative proceedings (hearing).

First, You, the Appellant, Gather the Following Legal Research Resources:

Go to Pages 12-14 for starting points for your legal research. Go to ndcourts.gov/legal-self-help/how-to-research-your-legal-issue for more information on how to research.

Writing an Appellant brief isn't easy! You need to conduct extensive legal research to figure out your legal arguments and write a persuasive Appellant brief.

You also need to identify the parts of the record of the administrative agency adjudicative proceeding to which you plan to refer to support your legal arguments.

At minimum, gather the following legal research resources:

- Your completed Grounds for Appeal Worksheet.
 - Review Step One above. Your completed Grounds for Appeal Worksheet has the start of your legal research.
- A copy of the administrative agency's final decision you can mark up.
- A copy of your Specifications of Error that you filed with the District Court in Step Three.
 - Your Appellant brief is limited to the specifications of error you listed.
- A copy of the record of the administrative agency adjudicative proceeding.
- Examples of Appellant briefs filed in other appeals of administrative agency final decisions.
 - See Page 5 for information on locating examples filed in other appeals.

Make sure you have the legal citation for every statute, case law, and rule you plan to include in your Appellant brief:

Legal citations are references to a specific legal authority, such as a constitution, a statute, a case, a rule, a treatise, or a law review article. You list the citation for the legal authority that supports each statement you make in your Appellant brief.

To cite to each legal authority, you need the following information:

- The type of legal authority (statute, case law, etc.);
- The name of the legal authority; and
- The specific location within the legal authority.

Make sure you have the citation for the specific parts of the record of the administrative agency adjudicative proceeding you plan to include in your Appellant brief:

Citations to the record are references to specific parts of the documents, transcripts of hearings, or other parts of the record created during the administrative agency adjudicative proceedings. You list the citation to the record following each specific reference to the record you make in your Appellant brief.

See Step Four for the record of the administrative agency adjudicative proceedings.

For more information about legal citations and citing to the record, see [The Bluebook: A Uniform System of Citation](#) at legalbluebook.com.

The Bluebook is available online and in print:

- The online Bluebook has a short free trial period option, or subscribe for an annual fee.
- The print Bluebook is available for purchase at The Bluebook website. Contact your local library to see if they have The Bluebook available to loan.

Second, You, the Appellant, Write Your Appellant Brief:

An Appellant Brief form is included in the Appendix of Forms on Page 55.

In general, the following sections make up the Appellant brief:

- Statement of the Issues
- Statement of the Case
- Statement of the Facts
- Law and Argument
- Conclusion

Statement of the Issues: This section is a list of each ground (reason) you listed in your Specifications of Error document you filed with the District Court in Step Three.

Statement of the Case: This section is a brief statement of the procedural background of the administrative agency proceeding.

This tells the District Court judge the type of administrative agency process you're appealing, the course, or events, that took place throughout the administrative agency process resulting in the final decision, and the Administrative Law Judge's (ALJ's) final decision. This section should not include the facts of the case.

Statement of the Facts: This section states briefly and **without argument**, the facts related to each ground (reason) in your Statement of the Issues section.

A fact is something that can be proven or disproven by evidence or documentation. As a general rule, facts are who, what, when, where, and how.

Examples of facts are:

- "I am the driver of the car."
- "I drive a 2005 Honda Civic."
- "I was in a car accident on December 31, 2024."
- "The car accident happened in Bismarck, North Dakota."
- "I was rear-ended by the Defendant at a stop sign."

You **must** include a citation to the record for every fact you include in your Statement of the Facts. See Step Four for the record of the administrative agency adjudicative proceedings.

In this section, you explain the factual events that led to the appeal of the administrative agency's final decision, what type of evidence was introduced and any other relevant factual information that happened during the administrative agency's adjudicative proceeding.

The District Court can only consider information that was provided during the administrative agency adjudicative proceedings. You **can't** include new facts or evidence that **weren't** presented during the administrative agency's adjudicative proceedings.

Law and Argument: This section is the most important part of the brief. The Law and Argument section focuses on the **legal** issues and whether the ALJ correctly applied the laws or rules after deciding any factual disputes during the administrative agency's adjudicative proceeding.

Although this is an argument section, that **doesn't mean** you can write whatever you want. **Every statement you make must relate back to a law, case law, or rule, and focus on a legal error the ALJ made.** You **must** include citations to the laws **and** to the record.

Refer to your Statement of the Issues section to build the Law and Argument section. Every ground for appeal you listed must be included in the Law and Argument section.

Research the relevant laws and case law to build your argument that **legal** errors were made during the administrative agency adjudicative proceeding's that the District Court judge can correct.

Apply the law to the facts and tell the District Court judge why the decision was wrong. Address each ground (reason) you listed in your Statement of the Issues section. Focus on the **legal** issues and whether the law was correctly applied.

Use IRAC to Format Your Law and Argument Section:

For each ground (reason) you list in your Statement of the Issues section, use the Issue, Rule, Application, and Conclusion (IRAC) format.

- **Issue:** State the first ground (reason) from your Statement of the Issues section. The Issue part of your argument should give the District Court judge and the Appellee(s) an understanding of what you intend to argue and why.
- **Rule:** State the laws, case laws, and/or rules specifically connected to the first ground (reason) from your Statement of the Issues section. If you have multiple laws, case laws, or rules, start with the broadest laws or rules, then the with smaller, secondary laws or rules, or exceptions to the laws or rules.

Include a legal citation for every law, case law, and rule you include in the Rule part of your argument for your first ground (reason).

- **Application:** Explain how the laws, case laws, and/or rules that govern the first ground (reason) from your Statement of the Issues section applies to the facts you listed in your Statement of the Facts section.

The Application part of your argument is the bulk of your argument, and may run several pages long.

- **Conclusion:** Briefly restate why the ALJ's decision on the first ground (reason) was incorrect and ask the District Court to take a specific action.

After you've finished your first ground (reason) from your Statement of the Issues section, repeat the IRAC format for the next ground (reason). Repeat until you've completed every ground (reason) from your Statement of the Issues section.

Conclusion: This section is a short summary of why the District Court judge should overturn the administrative agency's final decision. This section is usually one paragraph.

Third, You, the Appellant, Arrange for Service of Your Appellant Brief:

Don't Delay! If you don't serve copies of your completed Appellant brief within your deadline in the scheduling order, the Judge may dismiss your appeal entirely.

You need time to **correctly** serve the documents on **all** parties.

Don't wait until the last day to serve your brief. You're unlikely to meet the deadline.

Service is providing copies of your completed Appellant brief to every person required to get a copy.

For a list of service options, go to ndcourts.gov/legal-self-help/service-in-a-civil-action. Review the instructions and forms in the "Service After a District Court Civil Case Has Started" section.

You arrange for Service of your Appellant Brief on:

- The managing head of the administrative agency;
- The attorney general or an assistant attorney general;
- All other parties in the adjudicative proceeding (hearing) at the administrative agency; and
 - Review your documents from the administrative agency adjudicative proceeding (hearing) to figure out if there are any other parties. There may not be any other parties.
- All other parties listed in the laws and rules that specifically apply to the administrative agency.
 - There may not be any other parties listed in the laws and rules that specifically apply to the administrative agency.

Count all of the people whose names and addresses you gathered.

Make one copy of each of your original, completed Appellant brief for each person.

Make one copy of each document for your own records.

Service when a lawyer represents a person:

If a lawyer represents a person, serve the lawyer, rather than the person.

Serving an administrative agency:

Service must be made on a North Dakota administrative agency by delivering a copy of your Appellant brief to the managing head of the agency. Review [Rule 4\(d\) of the North Dakota Rules of Civil Procedure](#) carefully!

Three common methods of service are:

- **Service by Mail (*most common*)**

A Declaration of Service by Mail form is included in the Appendix of Forms on Page 60.

- Mail copies of your Appellant brief by United States first-class mail to each person's last known address. Postage must be prepaid.
- The person who mails the documents must be at least 18 years of age.
- The person who mailed the documents must complete a Declaration of Service by Mail and sign the Declaration, including their address, phone number, and email address.
 - If mailed from a United States Post Office, the Post Office employee **doesn't** complete a Declaration of Service by Mail
- Service is complete upon mailing.

- **Service by Personal Delivery**

- Hand copies of your Appellant brief to the person.
- The person who handed the documents to the person must be at least 18 years of age and not a party to, or interested in, the administrative agency adjudicative proceedings (hearing).
- The person who handed the documents to the person completes and signs a declaration of service, an affidavit of service, or a certificate of service.
- Service is complete when the documents are handed to the person.

- **Service by Office Delivery**

- Leave copies of your Appellant brief at the person's office with a clerk or other person in charge. If no one is in charge, leave the copies in a visible place in the office.
- The person who left the documents at the person's office must be at least 18 years of age and not a party to, or interested in the administrative agency adjudicative proceedings (hearing).

- The person who left the documents at the person's office completes and signs a declaration of service, an affidavit of service, or a certificate of service.
- Service is complete when the documents are left at the person's office.

Fourth, Get Proof of Service Documents for Each Person Served:

You must prove to the District Court Judge that the appeal documents were served on each person. The proof of service documents tell the court when, how, and where each person was served copies of your Appellant brief.

Proof of service documents are:

- **Declaration of Service** – proof of service when a person other than a sheriff or other law enforcement officer served the documents. A declaration doesn't require a notarized signature of the person who served the documents.
- **Affidavit of Service** – proof of service when a person other than a sheriff or other law enforcement officer served the documents. An affidavit commonly includes the notarized signature of the person who served the documents.
- **Certificate of Service** – proof of service when a sheriff or other law enforcement officer served the documents.

Fifth, File the Originals of Your Appellant Brief and Proof of Service Documents for Each Person Served:

If you don't file proof of service when you file your Appellant brief, the Judge won't act on your appeal documents. Your appeal may be dismissed.

Your original, completed Appellant brief **and** the original, completed documents showing proof of service **must** be filed with the clerk of court.

Contact information for clerks of court is available at ndcourts.gov/court-locations.

Before you file the originals with the clerk of court, make sure you have a copy of every document you intend to file.

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Step Eight: The Administrative Agency Serves and Files the Appellee Brief

The Administrative Agency Arranges for Service of Copies of their Appellee Brief on:

1. You (The Appellant);
2. The attorney general or an assistant attorney general;
3. All other parties in the adjudicative proceeding (hearing) at the administrative agency; and
4. All other parties listed in the laws and rules that specifically apply to the administrative agency, if any.

The Administrative Agency Files their Original Appellee Brief with the Clerk of Court.

The administrative agency must file their original, completed Appellee Brief and the documents showing proof of service with the clerk of court.

Step Nine: Prepare for Oral Arguments, if Requested and Granted

If the District Court judge decides to allow oral arguments, you must be ready to answer questions from the judge and respond to arguments made by the administrative agency's lawyer. You must know the governing law, case law, and be able to make a compelling argument tying the facts of the case and the law together to support your position.

You and the Appellees are only allowed to argue the issues in your appeal briefs. You're allowed to counter issues and arguments from the Appellee's brief and the Appellees are allowed to counter issues and arguments from your Appellant brief.

Know the Underlying Law:

The underlying laws are the statutes from the North Dakota Century Code that were included in your notice of appeal and specifications of error, your Appellant brief, and the Appellee briefs.

You don't need to know the statutes word for word, but must know the key parts of the statutes in order to support your argument and to counter any argument being made by the administrative agency's lawyer.

You can bring copies of the statutes with you to oral arguments.

Know the Case Law:

In addition to knowing the underlying law, you must know the case law that helps and hurts your appeal. By knowing this case law you're able to explain to the District Court judge how your facts are similar or different from that case in order to support your argument.

By knowing the case law that can hurt your appeal, you can prepare to counter arguments made by the administrative agency's lawyer.

You can bring copies of the case law with you to oral arguments.

Making a Convincing Oral Argument

You need to tie the facts to the statutes and case law to make a convincing oral argument to the District Court judge. Being able to do this effectively can help decide the case in your favor.

This is a difficult task, but knowing the statutes, case law, facts of the case and the grounds (reasons) for appeal are part of preparing for oral argument.

Practice your argument before you present your oral argument to the District Court judge. Practicing the argument allows you to become familiar with the information. Being familiar with the information gives you more confidence in your argument.

Step Ten: The District Court Judge Decides the Appeal

The District Court judge decides your appeal on the appeal briefs and oral arguments, if oral arguments were requested and granted. The judge decides whether the administrative agency's findings and conclusions are supported by the evidence and by the law.

The District Court judge may not make a decision at the close of oral arguments in front of you and the other parties. If the judge doesn't make a decision at the close of oral arguments, the judge takes the appeal briefs and notes the judge took during oral arguments and decides the appeal at a later date.

Once the District Court judge decides, the judge sends a written decision to you, the administrative agency, and any other parties.

If the District Court judge doesn't find in your favor, you may appeal the District Court judge's decision to the North Dakota Supreme Court. If the judge doesn't find in favor of the administrative agency, the agency may appeal the District Court judge's decision to the North Dakota Supreme Court.

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Section Three:

Appendix of Forms

The administrative agency appeal forms listed below are found on the following pages:

- **Grounds (Reasons) for Appeal Worksheet**
- **Notice of Appeal**
 - Fillable form
- **Specifications of Error**
 - Fillable form
- **Declaration of Service by Mail (for Notice of Appeal and Specification of Errors)**
 - Fillable form
- **Request for Oral Argument**
 - Fillable form
- **Declaration of Service by Mail (for Request for Oral Argument)**
 - Fillable form
- **Appellant Brief**
- **Declaration of Service by Mail (for Appellant Brief)**
 - Fillable form

The Grounds (Reasons) for Appeal Worksheet and the Appellant Brief forms aren't fillable forms. You have Two (2) options:

- **Option 1:** Print the forms and fill out by hand. Your handwriting must be readable.
 - Use blue or black ink. **Don't** use pencil.
- **Option 2:** Use a word processing program, such as Microsoft Word, WordPerfect, Google Docs, or OpenOffice, to recreate the form.
 - Type the words and formatting of the form, including paragraph numbers.
 - Then, fill out the form by typing your answers into the appropriate spaces of the form you recreated in the word processing program.

Worksheet for Grounds (Reasons) to Appeal Administrative Agency's Final Decision

Before you start this Worksheet, make sure you have a copy of the final decision and all notes you took during the adjudicative proceedings (hearing).

There are **only 8 grounds** (*reasons*) you can appeal an administrative agency final decision. You must argue **at least one** of these grounds. You may argue more, if you believe they apply.

Each of the 8 grounds is listed on this Worksheet. Use this Worksheet to figure out which ground, or grounds, you believe apply to your appeal. **Remember,** in your Specifications of Error document you must include all of the grounds you want to argue. If you don't, you won't be able to argue the ground you didn't include at a later time.

For each ground you decide applies, use this worksheet to outline the **specific legal mistakes** that support why the ground applies. You must find specific support for each ground in the administrative agency adjudicative process and the final decision. **Moral or ethical wrongs may not be enough to show legal mistakes.**

Go to ndcourts.gov/legal-self-help/how-to-research-your-legal-issue for more information on how to research.

Use the space below for your outline. Include any facts you believe apply and can help your argument. Include the page and paragraph numbers from the final decision with information you believe supports the ground (*reason*). If you don't think a ground applies, cross it out.

When you're finished with this worksheet, create your **Specifications of Error document**.

Ground 1. The order isn't in accordance with the law. (*Explain how the agency's final decision doesn't follow the law. You must have **specific** reasons based on the final decision.*)

Ground 2. The order is in violation of the constitutional rights of the appellant (you). *(Explain how the agency's final decision violated your constitutional rights. You must have **specific** reasons based on the final decision.)*

Ground 3. The provisions of this chapter ([Chapter 28-32](#)) haven't been complied with in the proceedings before the agency. *(Explain how the agency hasn't followed Chapter 28-32. You must have **specific** reasons based on the process in Sections 28-32-21 through 28-32-41.)*

Ground 4. The rules or procedures of the agency haven't afforded the appellant, (you,) a fair trial. *(Explain specifically how the administrative rules or procedures of the agency haven't given you a fair trial.)*

Ground 5. The findings of fact made by the agency aren't supported by the preponderance of the evidence. *(Explain how the agency's specific findings aren't supported by the evidence you or the agency presented.)*

Ground 6. The conclusions of law and order of the agency aren't supported by its findings of fact. *(Explain how the agency's specific conclusions of law and order aren't supported by its findings.)*

Ground 7. The findings of fact made by the agency don't sufficiently address the evidence presented to the agency by the appellant (you). *(Explain how the agency's findings didn't sufficiently (fully) address the evidence you presented during the hearing.)*

Ground 8. The conclusions of law and order of the agency don't sufficiently explain the agency's rationale for not adopting any contrary recommendations by a hearing officer or an administrative law judge. *(If the agency didn't follow the recommended findings of fact, conclusions of law and order of the hearing officer or administrative law judge, state how the agency didn't explain their specific rationale (reasoning) for not doing so.)*

State of North Dakota

In District Court

County of _____

_____ Judicial District

(Your name) **Appellant,**

vs.

Case No. _____

(Leave blank)

_____;)

_____;)

_____;)

_____;)

(Agency & all parties from agency proceeding))

Appellees.)

Notice of Appeal

To the Above-Named Appellees:

1. **Please Take Notice That I** (your name), _____,

appeal to the District Court of _____ County, North Dakota, from

the "Findings of Fact, Conclusions of Law and Order" of (name of Administrative Law Judge,

Hearing Officer or Agency Head) _____, dated

(date of agency final decision) _____.

2. This appeal of the administrative agency final decision is on the grounds and for the reasons in the Specifications of Error, which is filed with this Notice of Appeal.

3. This appeal is taken pursuant to Chapter 28-32 and Chapter _____ of the North Dakota Century Code.

Dated _____.

(Appellant's Signature)

(Appellant's Printed Name)

(Appellant's Address)

(City, State, Zip Code)

(Telephone Number)

(Email)

County of _____

_____**Judicial District**

Case No. _____
(Leave blank)

Specifications of Error

1. **Please Take Notice That I** (*your name*), _____,
appeal to the District Court of _____ County, North Dakota,
pursuant to Chapter 28-32 and Chapter _____ of the North Dakota Century Code.

2. Appellant's Specifications of Error are as follows (see [N.D.C.C. Section 28-32-46](#) for the 8 grounds, or reasons, for appeal. You must have at least 1 ground, but may have more than 1. Using the space below, write or type each ground that you believe applies. For each ground, you must briefly describe the specific support from the administrative agency adjudicative process and the agency's final order. List each ground and explanation in a separate paragraph):

a. Ground one (*you must have at least 1 of the 8 grounds, or reasons*):

b. Ground two (*if you don't have a ground two, type or write "not applicable"*):

c. Ground three (*if you don't have a ground three, type or write "not applicable"*):

d. Ground four (*if you don't have a ground four, type or write "not applicable"*):

e. Ground five (if you don't have a ground five, type or write "not applicable"):

3. Therefore, (your name) _____ prays that the
District Court reverses the final decision of _____
(administrative agency name).

Dated _____.

(Appellant's Signature)

(Appellant's Printed Name)

(Appellant's Address)

(City, State, Zip Code)

(Telephone Number)

(Email)

State of North Dakota

In District Court

County of _____

_____ Judicial District

(Your name) **Appellant,**

vs.

Case No. _____

(Leave blank)

_____;)

_____;)

_____;)

_____;)

(Agency & all parties from agency proceeding))

Appellees.)

Declaration of Service by Mail

(May serve multiple persons **Only If** envelopes are mailed same day from same location.)

The person serving court documents by mail states:

1. My name is _____ (name of person who mailed documents). I am at least 18 years of age.

2. **List of Court Documents Served:**

- Notice of Appeal
- Specifications of Errors

3. **Service by Mail:**

As required by Rule 5(b)(3) of the North Dakota Rules of Civil Procedure, I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 5.

4. **Date of Service by Mail:**

Date Court Documents Were Served by Mail: _____

5. **Person or Persons Served by Mail:**

1. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
2. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
3. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
4. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
5. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ County, _____ (state), _____ (country).

(Signature of Person who Mailed Documents)

(Printed Name of Person who Mailed Documents)

(Address of Person who Mailed Documents)

(City, State, Zip Code)

(Telephone Number)

(Email)

State of North Dakota

In District Court

County of _____

_____ Judicial District

(Your name) **Appellant,**

vs.

Case No. _____

_____;)

_____;)

_____;)

_____;)

(Agency & all parties from agency proceeding))

Appellees.)

Request for Oral Argument

1. The Appellant in this matter requests oral argument under Rule 9.1 of the North Dakota Rules of Court, which states:

In an appeal in which the decision of the court will be based exclusively on a record made before an administrative agency, board, commission, or officer, after receipt of the record, the court must fix a time for filing briefs. The court, in its discretion, may permit or require oral argument. A party desiring oral argument may so indicate on or before the time fixed for filing of that party's brief.

2. The time fixed for the Appellant's brief is _____ (*due date for Appellant's brief from the District Court's scheduling order*). This request is served and filed on or before this date.

3. The Appellant respectfully asks the Court to exercise its discretion and grant oral argument.

Dated _____.

(Appellant's Signature)

(Appellant's Printed Name)

(Appellant's Address)

(City, State, Zip Code)

(Telephone Number)

(Email)

State of North Dakota

In District Court

County of _____

_____ Judicial District

(Your name) **Appellant,**)

vs.)

Case No. _____

_____;)

_____;)

_____;)

_____;)

(Agency & all parties from agency proceeding))

Appellees.)

Declaration of Service by Mail

(May serve multiple persons **Only If** envelopes are mailed same day from same location.)

The person serving court documents by mail states:

1. My name is _____ (name of person who mailed documents). I am at least 18 years of age.

2. **List of Court Documents Served:**

- Request for Oral Argument

3. **Service by Mail:**

As required by Rule 5(b)(3) of the North Dakota Rules of Civil Procedure, I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 5.

4. **Date of Service by Mail:**

Date Court Documents Were Served by Mail: _____

5. **Person or Persons Served by Mail:**

1. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
2. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
3. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
4. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
5. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ County, _____ (state), _____ (country).

(Signature of Person who Mailed Documents)

(Printed Name of Person who Mailed Documents)

(Address of Person who Mailed Documents)

(City, State, Zip Code)

(Telephone Number)

(Email)

The Appellant Brief *Isn't* a Fillable Form:

To create your Appellant Brief, you have at least two options.

Option 1: Print this form on 8 ½" x 11" paper and hand-write your legal document. Your hand-writing must be easily readable. Black ink is preferred.

Option 2: Copy and paste the Caption and Signature sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form as your guide to format your Appellant Brief.

How to Complete Your Appellant Brief:

First: Make sure all of the paragraphs in your Appellant Brief are numbered. This is required of all documents that will be filed in a North Dakota state district court.

Second: Using the page numbering at the bottom of each page, number the pages of your Appellant Brief. This is required of all documents that will be filed in a North Dakota state district court.

- Count the total number of pages. **Don't** include this page of instructions in your total page count.
- Fill in the total number of pages in the **second** blank space of the page number on each page.
 - For example, if you have 4 total pages, the second blank space of the page number will look like this:

Page ____ of 4.

- Now fill in the **first** blank space of the page number on each page.
 - Fill in "1" in the first blank space of the page number on the first page.
 - Fill in "2" in the first blank space of the page number on the second page.
 - And so on for each page of your Appellant Brief.
 - For example, if you have 4 total pages, the page number on each consecutive page will look like this:

Page 1 of 4

Page 2 of 4

Page 3 of 4

Page 4 of 4

Last: Make sure you date, sign, and fill in all of the lines following your signature.

State of North Dakota

In District Court

County of _____

_____ Judicial District

(Your name) **Appellant,**)

vs.)

Case No. _____

_____;)

_____;)

_____;)

_____;)

(Agency & all parties from agency proceeding))

Appellees.)

Appellant Brief

(Each paragraph of your Appellant brief must be numbered.)

Statement of the Issues

(List of each ground (reason) you listed in your Specifications of Error document.)

1.

Statement of the Case

(A brief statement of the procedural background of the administrative agency proceeding.)

Statement of the Facts

(State briefly and without argument, the facts specifically related to each ground (reason) in your Statement of the Issues section.)

Law and Argument

(Apply the law to the facts and explain why the decision was wrong. Address each ground (reason) you listed in your Statement of the Issues section. Focus on the legal issues and whether the law was correctly applied.)

Conclusion

(Summarize why the court should reverse the final decision of the administrative agency.)

Dated _____.

(Appellant's Signature)

(Appellant's Printed Name)

(Appellant's Address)

(City, State, Zip Code)

(Telephone Number)

(Email)

State of North Dakota

In District Court

County of _____

_____ Judicial District

(Your name) **Appellant,**)

vs.)

Case No. _____

_____;)

_____;)

_____;)

_____;)

(Agency & all parties from agency proceeding))

Appellees.)

Declaration of Service by Mail

(May serve multiple persons **Only If** envelopes are mailed same day from same location.)

The person serving court documents by mail states:

1. My name is _____ (name of person who mailed documents). I am at least 18 years of age.

2. **List of Court Documents Served:**

- Appellant Brief

3. **Service by Mail:**

As required by Rule 5(b)(3) of the North Dakota Rules of Civil Procedure, I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 5.

4. **Date of Service by Mail:**

Date Court Documents Were Served by Mail: _____

5. **Person or Persons Served by Mail:**

1. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
2. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
3. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
4. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
5. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ County, _____ (state), _____ (country).

(Signature of Person who Mailed Documents)

(Printed Name of Person who Mailed Documents)

(Address of Person who Mailed Documents)

(City, State, Zip Code)

(Telephone Number)

(Email)