



APPLICATION TO PLATTING BOARD FOR PRE-HEARING DETERMINATION

Testimony by Affidavit Fairbanks North Star Borough

For official use only:

Rcvd by: _____

Date: _____

907 Terminal Street ☆ P.O. Box 71267 ☆ Fairbanks, Alaska 99707-1267

(907) 459-1401 ☆ FAX (907) 459-1224

Complete and return to Borough Clerk's Office or email to clerks@fnsb.gov

Your Information:	
Name: _____	
Physical Address: _____	
Mailing Address: _____	
Phone Number: _____	Cell Phone Number: _____
E-mail Address: _____	
Case Information:	
Case Number: _____	Hearing Date: _____
Please check one:	
<input type="checkbox"/> I am the <input type="checkbox"/> Applicant or <input type="checkbox"/> property owner in this case <input type="checkbox"/> I received a "Dear Property Owner" letter about this case <input type="checkbox"/> I did not receive a "Dear Property Owner" letter but I reside at a location that is within the hearing notification area (Attach an affidavit or other proof of residence) <input type="checkbox"/> I did not receive a "Dear Property Owner" letter but believe I am an "interested person" (attach Interested Person Determination Application) <input type="checkbox"/> I am the representative of one of the above parties (e.g., an attorney) (please indicate which category of party you represent _____)	
Request to Testify by Affidavit:	
You must submit the affidavit containing your proposed testimony with this application. The affidavit will <u>not</u> be submitted as evidence until the Chair determines you are eligible to testify by affidavit. See the back side of this form for more information.	
<input type="checkbox"/> I would like a pre-hearing determination that I can submit my testimony by sworn affidavit. (please submit written testimony with this application)	

By my signature below, I attest to the truth of the statements made on this form:

DATE: _____

SIGNATURE: _____

INSTRUCTIONS FOR APPLICATION TO PLATTING BOARD FOR PRE-HEARING DETERMINATION FOR TESTIMONY BY AFFIDAVIT

This form is only for the type of pre-hearing determination listed. When you complete this form, it is important that you limit your comments to those directly relevant to the determination. Any information provided regarding your argument about or position on the hearing will not be considered by the Platting Board Chair when making the determination.

Decisions on the pre-hearing application will be noticed by email or, if you do not have an email address, the Borough Clerk's Office will call you. You must provide legible email address and/or phone number and you must check your email (including junk mail) or your voice mail for the Chair's determination. Deadlines will not be waived for your failure to check your email, voice, answer your phone, no way for the Clerk to leave a message, or because the contact information provided was not legible.

PRE-HEARING DETERMINATION APPLICATION DEADLINE.¹ The Borough Clerk's Office must receive the application no later than 5 p.m. on the Tuesday one week before the schedule quasi-judicial hearing at which the applicant wishes to testify.

TESTIMONY BY AFFIDAVIT DETERMINATION. A party, witness or interested person wishing to testify by affidavit at a quasi-judicial matter may apply for testimony by affidavit on a form prescribed by the Platting Board. The affidavit containing the proposed testimony with the application form shall be received by the Borough Clerk's Office no later than 5 p.m. on Tuesday one week before the schedule quasi-judicial hearing at which the applicant wishes to testify. Upon receipt of the request:

1. The Platting Board Clerk shall promptly distribute the affidavit to the parties (to include only the Applicant, Staff, and any interested person who has received a determination granting that interested person the level of standing equivalent to the Applicant and Staff).
2. The parties shall submit any relevant cross-examination questions to the Borough Clerk's Office no later than noon on the Friday prior to the quasi-judicial hearing at which the affiant wishes to testify.
3. The Chair or designee shall with reasonable promptness make a determination whether the submitted questions are reasonably necessary to explore any matters tending to contradict, modify, or explain the testimony.
 - a. If the questions are reasonably necessary, the affidavit may be excluded in whole or in part and the affiant may be required to testify in person or by telephone. Alternatively, those questions that are deemed reasonably necessary may be submitted to the affiant, who shall answer the questions in a second affidavit, which shall be submitted to the Borough Clerk's Office no later than the Monday prior to the quasi-judicial hearing at which the affiant wishes to testify. If the affiant fails to answer the questions in a second affidavit, the original affidavit may be excluded in whole in part.
 - b. If the questions are not reasonably necessary, the affidavit shall be accepted for Platting Board consideration.
4. The Platting Board Clerk shall promptly notify the parties of all determination relating to reasonable necessity and rejection or acceptance of all or portions of an affidavit.

CONCURRENT APPLICATIONS. You may submit concurrent applications (Interested Person, Telephonic Testimony determinations). Each application must comply with the respective requirements and procedures outlined in Platting Board Rules 36 and 37. If the applicant has a preference to testify telephonically or by affidavit, that preference must be indicated on the application.

The Chair or designee will review the preferred application first and only if that application is denied will the Chair or designee review the second application. If no preference is indicated, the Chair or designee will review the application to testify telephonically first.

¹ Any deadline that falls on an FNSB-observed holiday will thereby be due the following business day. If a deadline falls on a holiday and the foregoing rule is not practicable under the particular circumstances, the Chair or the Chair's designee may modify the deadline in writing issued reasonably in advance of the deadline.

AFFIDAVIT

*for testimony to the Fairbanks North Star Borough
Platting Board*

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

Instructions:
1. Return this completed affidavit to the Borough Clerk's Office with the application form seeking leave of the Platting Board to allow testimony by affidavit.
2. This affidavit must be notarized. The Borough has notaries on staff or you may use your own notary.

I, _____, being duly sworn and under oath, depose and state that the following is true and based on my own personal knowledge:

Signature

(Print Name and Address of Affiant)

I hereby certify that on this _____ day of _____, 20____, before me, the undersigned Notary Public in and for the State of Alaska, personally appeared _____, known to me to be that individual, and made his/her oath in due form of law that the matters and facts set forth in this Affidavit are true. In witness whereof, I hereunto set my hand and official seal.

Notary Public (signature)
Printed name: _____

My commission expires: _____

