|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 询问笔录 勘查记录调查终结报告等 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 调查取证 |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 审查、决定 |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 违法行为轻微，依法可以不予处罚的；违法事实不能成立 |  |  |  |  |  | 应予行政处罚的 |  |  |  |  | 构成犯罪的，移送司法机关 |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  | 是 |  |  |  |  |  |
| 作出不予处罚的决定，结案 |  |  |  |  |  |  是否需要集体讨论 |  |  |  |  |  | 集体讨论，作出决定 |  |  |  |  |
|  |  |  |  |  |  |  | 否 |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 告知 |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  当事人是否陈述、申辩 |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  | 当事人是否申请听证 |  |  |  |  |  |
|  |  |  |  |  |  | 否 |  |  | 是 |  | 否 |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  | 是 |  |  |
|  |  |  |  |  |  |  |  | 听取陈述、申辩 |  |  | 组织听证会，形成听证报告  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  | 否 |  |  是否需要改变原决定 |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  | 是 |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  | 下达行政处罚决定 |  |  |  |  | 集体讨论，重新作出决定 |  |  |  |  |  |
| 逾期不申请行政复议、不提起行政诉讼、又不履行处罚决定的，申请人民法院强制执行 |  |  |  |  |  |  |  |  |  |  | 当事人对处罚决定不服的，可以申请行政复议或者提起行政诉讼 |  |  |  |  |  |
|  |  |  |  |  |  |  | 送达,执行 |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  | 复核记录 |  |  |  | 复核整改情况 |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  | 根据复议或者诉讼结果，作出相应决定 |  |  |  |  |  |
| 结案审批表 |  |  |  |  |  |  | 结案，归档 |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

1. 一般程序

立案审批表

立案