

REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.1 General

- A. The provisions of Chapter 8, Part 3 and Chapter 4, Part 4, Division 26 of the State of California Health and Safety Code, are incorporated herein by this reference.
- B. This Regulation shall apply to all hearings before the Hearing Board. For the purposes of this Regulation, the Hearing Officer shall be the Chairman or any other member of the Hearing Board so designated by the Hearing Board. In addition to this Regulation, the Hearing Board has adopted Hearing Board procedures, which shall apply to all hearings before the Hearing Board.
- C. Request for a hearing shall be initiated by the filing of a petition with the Clerk of the Hearing Board, the payment to said Clerk of the fee provided in Rule 3.1, and service of the petition on the applicant or permittee, where petitioner is not the applicant or permittee. No fee shall be required for the filing of a petition by any public district or governmental agency.
- D. The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing, and service of petitions.
- E. The petitioner may withdraw his/her petition at any time before submission of the case to the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such withdrawal.
- F. All hearings shall be held at the time and place designated by the Hearing Board.
- G. A record of all proceedings before the Hearing Board shall be made. The record shall be a written summary or taped recording of all the evidence, testimony and proceedings presented at the hearing, made by a person designated by the Hearing Board for that purpose. One copy of such transcript shall be forwarded to the Control Officer.
- H. Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman, or at a duly noticed special meeting of the Hearing Board, by any three members of the Hearing Board.
- I. The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.
- J. The decision shall become effective upon filing of the written decision with the Clerk of the Hearing Board unless a later effective date is otherwise specified by the Hearing Board.

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- K. Whenever the members of the Hearing Board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the Chairman of the Hearing Board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified, to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his/her possession or under his/her control to such hearing.

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