

## REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

### **Rule 5.11 Appeal of Decision**

- A. A party may petition for a rehearing of any decision by the Hearing Board within ten (10) days after a copy of the decision is mailed. A decision to grant a petition for rehearing is solely within the Hearing Board's discretion. Alternatively, the Hearing Board, with not fewer than four members present, may, in its discretion, within thirty (30) days of the effective date of the decision, rehear any matter.
- B. Judicial review may be had of a decision of the Hearing Board by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure section 1094.5. Except as otherwise provided in this rule, any such petition shall be filed within thirty days after the decision has been mailed. The right to petition shall not be affected by the failure to seek a rehearing before the Hearing Board.
- C. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the Hearing Board and shall be delivered to the petitioner within thirty days of the request. Payment of a fee not to exceed the cost of preparing such record must be made at the time of the request.
- D. Where the petitioner, within ten days after the last day on which a rehearing can be ordered, requests the Hearing Board to prepare all or any part of the record, the time within which a petition may be filed shall be extended five days after its delivery to him/her. The Hearing Board may file with the court the original of any document in the record in lieu of a copy thereof.
- E. In any proceeding pursuant to this rule, the court shall receive in evidence any order, rule, or regulation of the district board, any transcript of the proceedings before the Hearing Board, and such further evidence as the court, in its discretion, deems proper.

\* \* \* \* \*