



## **RULES AND PROCEDURES FOR THE ADMINISTRATION OF THE OFFICE OF COUNTY HEARING OFFICER**

### **OFFICE OF COUNTY HEARING OFFICER**

#### **1.0 Purpose, Rules, and Applicability**

##### **1.01 Purpose**

The Office of County Hearing Officer ("OCHO") is established within the Office of the County Counsel ("County Counsel") pursuant to Los Angeles County Code Chapter 2.14 to independently conduct administrative hearings on matters within the jurisdiction of Los Angeles County as directed by the Board of Supervisors, permitted by County Code or State law, or conducted by agreement. Hearing Officers appointed by the County Counsel act independently from the agencies appearing before the OCHO in hearings, mediations, and all other administrative matters.

##### **1.02 Rules and Procedures**

Pursuant to Los Angeles County Code Sections 2.14.036 and 2.14.037, the OCHO adopts these rules and procedures ("Rules") to carry out the provisions of the Los Angeles County Code establishing the OCHO. The Rules also provide operational requirements related to Hearing Officer qualifications, selection, training and assignment, hearing fairness, and the conduct of hearings.

##### **1.03 Application of Rules and Procedures**

These Rules apply to all matters assigned for hearing to the OCHO and will govern the management and elimination of conflicts of interest and the elimination of bias. The OCHO will be responsible for maintaining records of all hearings and written Hearing Officer decisions for matters assigned to the OCHO.

### **HEARING OFFICERS**

#### **2.0 Qualified and Trained Hearing Officers**

The OCHO's intent is to provide highly qualified and trained independent Hearing Officers.

##### **2.01 Hearing Officer Qualifications**

Hearing Officers will be Senior Deputy County Counsels or managers with experience and qualifications such as:

- a) Minimum of ten (10) years of experience and active membership in the California State Bar.

- b) Legal experience relevant to the role of a Hearing Officer.
- c) Demonstrated knowledge of applicable laws and regulations.
- d) Demonstrated good writing skills.
- e) Holding an assignment that does not conflict with conducting Administrative Hearings.
- f) Any additional criteria deemed relevant by County Counsel.

## **2.02 Hearing Officer Selection Process**

County Counsel attorneys who volunteer and qualify will be selected by a panel comprised of the Assistant County Counsel over the OCHO, the Chief of Staff, and the two Chief Deputy County Counsels, with final approval of the OCHO Hearing Officer list by the County Counsel.

## **2.03 List of Qualified Hearing Officers**

The list of qualified and selected Hearing Officers will be published on the OCHO's public-facing webpage. The roster will include each Hearing Officer's current division assignment in County Counsel.

## **TRAINING**

### **3.0. Hearing Officer Training**

The OCHO will provide a robust training program for newly selected Hearing Officers. The training program will cover essential topics necessary for effective Hearing Officer performance. No Hearing Officer will be assigned to conduct hearings until they have completed the mandatory training program.

The training program will consist of a minimum of fifteen (15) hours of training to include, but is not limited to, the following topics:

- a) Pre-hearing procedures: Detailed guidance on scheduling, notifications, and procedural requirements before hearings.
- b) Due process: Understanding the principles and application of due process in administrative hearings.
- c) Hearing process and procedure: Techniques for conducting hearings, maintaining decorum, and managing proceedings effectively.
- d) Evidence collection: Methods for evaluating evidence presented during hearings.
- e) Engaging with non-attorney litigants: Strategies for communicating effectively and respectfully with individuals who do not have legal representation.
- f) Ethical issues, including cultural competencies and implicit bias: Awareness and mitigation of potential biases in decision-making processes.

- g) Research and drafting post-hearing decisions: Skills for conducting legal research, analyzing evidence, and writing clear and reasoned decisions.
- h) All Hearing Officers must comply with California State Bar and County Counsel requirements for mandatory continuing legal education, including annual training on elimination of bias and implicit bias.

## **ASSIGNMENT OF HEARING OFFICERS**

### **4.0 Assignment to Individual Cases**

This Rule outlines the process for notifying Hearing Officers and hearing parties of a case assignment. Hearing Officers will be selected randomly from a designated pool on a rotating basis to promote fairness, objectivity, and impartiality in the handling of cases; provide variety in administrative hearings; and allow for timely resolution of disputes. The OCHO will implement a rotation assignment system for its Hearing Officers.

#### **4.01 Notification of Assignment of Hearing Officer**

Within four (4) business days of the initial assignment, the OCHO will notify the selected Hearing Officer and all parties to the hearing of the assignment. Notice will be provided as follows:

- a) For parties with email access – Notice will be sent by email to the addresses on record.
- b) For parties without email access or no known email address – The OCHO will attempt to contact the parties via phone, first class mail, or other reasonable available means.

#### **4.02 Assignment Sheet**

The OCHO creates an assignment sheet for each hearing that includes the name and contact information for the Hearing Officer, department representative, and responsible person (appellant and/or counsel/representative) and provides copies to the Hearing Officer, appellant, and department representative.

#### **4.03 Parties' Ability to Strike Hearing Officers**

Each party shall have five (5) business days from the date of the notice of assignment to file a written objection to the assigned Hearing Officer without citing specific reasons for the objection. Each party shall have only one opportunity to object to an assigned Hearing Officer without citing a specific reason. Upon receipt of the written objection, the OCHO shall randomly select and assign a new Hearing Officer. Upon receipt of the notification of the newly assigned Hearing Officer, any party that has not previously filed an objection to a Hearing Officer in the matter may do so. The objection to an assignment of new Hearing Officers may

continue until each party has exhausted their one objection, at such time the final assigned Hearing Officer shall preside.

In any hearing officer assignment, a party may object in writing and cite a specific reason within five (5) business days of learning of the specific reason for objection of Hearing Officer assignment. The OCHO will notify the assigned Hearing Officer of the objection, consider the reasons listed for the objection, and will notify the parties of its determination on the request. If the OCHO determines that a different Hearing Officer should be assigned, the OCHO shall randomly select and assign a new Hearing Officer. If the OCHO determines the reason cited does not merit a reassignment, the Hearing Officer assignment will remain. This process may be repeated until objections for specific reasons to the assigned Hearing Officer by all parties are fully resolved.

#### **4.04 Unavailability of Hearing Officer**

If a Hearing Officer becomes unavailable after a hearing has begun or concluded, the OCHO may transfer the case to another Hearing Officer for the purposes of further hearing or preparation of the decision. The OCHO shall not assign any Hearing Officer previously disqualified by any party to the subject hearing in accordance with Rule 4.03.

### **CONFLICTS OF INTEREST**

#### **5.0 Preventing Conflicts of Interest**

This Rule outlines the protocol for maintaining a list of current assignments and reviewing the last twelve (12) months of assignments for each Hearing Officer to detect conflicts of interest in pending hearing matters.

##### **5.01 Record of Hearing Officer Assignments**

The OCHO will maintain an updated list of current assignments for all Hearing Officers within the designated pool. This list will include details of ongoing cases and any relevant professional engagements or personal circumstances that could impact their ability to fairly adjudicate the hearing. The OCHO will periodically review the activities and assignments of each Hearing Officer over the past twelve (12) months. This review will encompass cases handled, clients represented, and other professional activities that could potentially create conflicts of interest.

##### **5.02 Reviewing Hearing Officer Assignments Upon Assignment**

Before assigning a Hearing Officer, the OCHO will cross-reference the pending matter with the list of current assignments and the activities of the Hearing Officer over the past twelve (12) months. If any potential conflict of interest is identified where a Hearing Officer has prior involvement or a professional relationship that may compromise impartiality, the OCHO will remove that Hearing Officer from consideration for the assignment. If a conflict of interest is detected after commencement of the hearing, the affected Hearing Officer will be notified of the conflict and will be recused from handling the pending matter to avoid any perceived or

actual bias. The OCHO will immediately notify the parties of the recusal of any conflicted Hearing Officer. An alternate Hearing Officer from the designated pool who does not present a conflict will be selected through the established random selection and rotation process.

### **5.03 Establishing Ethical Walls to Avoid Conflict of Interest or Appearance of Impropriety**

Within two (2) business days of the assignment, the OCHO will distribute copies of the “Establishing Ethical Walls to Avoid Conflict of Interest or Appearance of Impropriety” memo and letters to assigned Hearing Officer on each matter for their review and acknowledgment.

## **PRE-HEARING PROCEDURES**

### **6.0 General Hearing Process**

This Rule outlines the general pre-hearing processes and procedures available in matters assigned to the OCHO. Notwithstanding these Rules, Hearing Officers must comply with all hearing procedures or requirements set forth in State law or the County Code.

#### **6.01 Assignment of Administrative Hearing to the OCHO**

An enforcement department receiving a notice of appeal of an enforcement action or request for appeal of an administrative action may forward the notice or request with all corresponding documents to the OCHO for assignment.

#### **6.02 Scheduling Administrative Hearings Through the OCHO**

Upon receiving the appeal or hearing request packet, the OCHO will review the request and determine if it should assign a Hearing Officer and schedule an administrative hearing.

#### **6.03 Subpoenas**

Any party seeking to compel the attendance of witnesses or documents (subpoena duces tecum) may file a written application for the issuance of a subpoena with the OCHO. The application shall name and identify the witness or documents sought and the reasons for requesting the subpoena. The requesting party shall serve any subpoenas issued by the OCHO on the witness or custodian of records, with a copy to the opposing party in the hearing or that party's representative, no later than five (5) business days before the scheduled date of the hearing for which the attendance or documents are needed. Any challenge to the subpoena must be filed with the OCHO no later than two (2) business days before the same scheduled date.

#### **6.04 Pre-Hearing Conference**

Once the Hearing Officer is assigned in accordance with Rule 4.0, the OCHO will contact the department representative and responsible person (or counsel, if represented) to determine a mutually agreed upon hearing date, as well as scheduling an optional pre-hearing conference.

Pre-hearing conferences can be virtual or telephonic. In the absence of an agreement, the OCHO shall have the authority to set the date and time for the hearing.

For the pre-hearing conference, the Hearing Officer may request position statements, as well as submission of all evidence and witness lists, and other information the Hearing Officer deems necessary. During the pre-hearing conference the Hearing Officer will:

- a) Confirm that parties are fully informed of the issues covered by the hearing and have access to necessary records so they can sufficiently prepare for the hearing.
- b) Notify all parties that the department must provide its evidence to all parties at least two (2) business days prior to the hearing. Absent good cause, failure to timely provide evidence could result in continuance of the hearing or dismissal of the enforcement action.
- c) Determine whether the hearing will be virtual or in-person, indicating the preference to conduct the hearing virtually via the TEAMS platform to enhance accessibility, minimize disruptions to business operations, eliminate parking fees, and facilitate easier access for appellants and other parties involved in proceedings across the vast Los Angeles County.
- d) Determine if any party or witness requires special accommodations or language assistance.
- e) Determine the issues, obtain stipulations, set a briefing schedule, or take any other action to expedite the hearing.

#### **6.05 Notice of Hearings**

Notice of hearing shall be provided in one of the ways outlined below, or as required by the underlying County Code or State law giving rise to the hearing. For hearings governed by Los Angeles County Code Section 1.25.080(E), notice is provided to the responsible person at least ten (10) calendar days in advance of the hearing. Notices for all other types of hearings shall be provided in accordance with the applicable law. The notice shall indicate a description of the violation, the opportunity to be heard, and the opportunity to present and rebut evidence, provide an explanation of the hearing officer selection process, and explain the parties' ability to strike one assigned Hearing Officer. Parties will also be notified of the process for requesting a continuance of the hearing date, language access or assistance services, or necessary accommodations.

Notice of hearing as described above may be sent to the parties by either the department or the OCHO. When the notice of hearing is provided by the department, the OCHO may send a second copy of the notice, as well as other hearing-related information to all parties.

#### **6.06 Virtual Hearings**

The OCHO will create a TEAMS invite, ensuring the settings enable videos, microphones, recording, and transcripts. The OCHO will invite all parties and include the video link in the notice. Parties will be instructed to provide the link to their witnesses or other participants. The OCHO may forward the link to all witnesses, if known and requested.

### **6.07 In-person Hearings**

In-person hearings will be in the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, California 90012. Parties are responsible for their own transportation and parking expenses. The OCHO will provide a contact phone number in the notice of hearing and instruct the parties to call when they arrive at the 2nd floor entrance. The parties will be escorted to the reserved 6th floor Conference Room. In-person meetings may also be provided at other locations at the discretion of the OCHO and notice of the locations are provided to the applicant in advance.

## **NOTIFICATION AND REQUEST TO THE OCHO FOR HEARING SPECIAL CIRCUMSTANCES**

### **7.0 Requests for Continuance or Cancellation of Hearing**

Requests for continuance or cancellation of a hearing shall be made in writing to the OCHO no later than two (2) business days prior to the hearing, absent good cause for a later request. The request shall state the grounds for the request and the position of each party regarding the request. A copy of the request shall be provided to each party and proof thereof filed with the OCHO. Working through the OCHO, the Hearing Officer shall expeditiously rule on the request and communicate the ruling to the parties. Absent an agreement between the parties, the Hearing Officer may deny or grant the continuance request and set a new hearing date. The OCHO may provide a request for continuance form to be used for the ease of the parties. Such form will be available on the OCHO public-facing webpage. Parties are not required to use the form to request a continuance.

### **8.0 Request for Accommodations**

Requests for accommodation for any participant in a hearing may be made at any time but are preferred to be submitted at the pre-hearing conference or in writing to the OCHO no later than five (5) business days prior to the hearing. The request shall state the grounds for the request and the nature of the accommodation requested. A copy of the request shall be served on each party to the proceedings and proof thereof filed with the OCHO. Working with the Hearing Officer, the OCHO will make every effort to grant any requested reasonable accommodation and will promptly notify the parties of the outcome of the request and if it requires a continuance of the hearing or change in its location or hearing platform. The OCHO may provide a request for accommodation form to be used for the ease of the parties. Such form will be available on the OCHO public-facing webpage. Parties are not required to use the form to make this request.

## **9.0 Request for Language Access or Assistance**

Requests for access to any language other than English for any party or witness to a hearing may be made at any time but are preferred to be submitted at the pre-hearing conference or in writing to the OCHO no later than five (5) business days prior to such hearing. Such request shall state the language access needed and shall indicate whether the need for assistance is for in-person, online, or telephonic participation. A copy of the request shall be served on each party to the proceedings and proof thereof filed with the OCHO. Working with the Hearing Officer, the OCHO will make every effort to grant any requested language access assistance and will promptly notify the parties of the outcome of the request and if it requires a continuance of the hearing or change in its location or hearing platform. The OCHO or Hearing Officer may also seek translation services if it appears that language is a barrier in the hearing. The OCHO may provide a request for language access form to be used for the ease of the parties. Such form will be available on the OCHO public-facing webpage. Parties are not required to use the form to make this request.

## **CREATION AND MAINTENANCE OF THE OCHO AND HEARING RECORDS**

### **10.0 Recordkeeping**

The OCHO establishes this policy to ensure proper recordkeeping and the maintenance of an ethical wall to prevent unauthorized access to sensitive materials related to administrative hearings.

#### **10.01 Separating and Protecting Documents and Records in County Counsel**

County Counsel will create protocols for internal document management files to isolate materials used by Hearing Officers from others within County Counsel and will establish security protocols to wall off materials used by the Hearing Officer, including notes, draft decision, and research. County Counsel will also establish security protocols to require County Counsel attorneys representing County departments at hearings to secure their files to prevent unauthorized access by the OCHO staff.

#### **10.02 Maintaining Administrative Record**

The administrative record for each case's administrative hearing will be maintained in a separate file that is viewable to County Counsel attorneys involved in the matter. Subject to certain legal and confidentiality requirements, the records will also be available to any party to the proceeding or member of the public upon request. This policy aims to facilitate efficient access to case documents while maintaining confidentiality and safeguarding the integrity of administrative records.



## **HEARING PROCEEDINGS**

### **11.0 The Administrative Hearing Rules and Process**

These are the general procedures for administrative hearings assigned to the Hearing Officers. Proceedings may vary due to the legal requirements of State law or County Code. Variations will be shared with all parties by the Hearing Officer at the outset of each hearing.

#### **11.01 Overview of Administrative Hearing**

The OCHO presides over administrative hearings in a manner similar to but less formal than a civil court proceeding. Administrative hearings are usually open to the public but are generally not attended by anyone except the actual parties involved. Under certain circumstances to protect the safety of the parties or witnesses or if required by law, Hearing Officers can order all or portions of a hearing to be closed to the public and can exclude witnesses from hearing proceedings to proceedings until they testify to protect the integrity of the hearing.

#### **11.02 Time and Place of Hearing**

Hearings shall be conducted by the OCHO on the date, time, and place specified in the notice provided to the parties.

#### **11.03 Hearing Attendees**

The parties and/or their representative or counsel shall attend the hearing and shall have the right to offer witness testimony and evidence. Witnesses can appear in person, telephonically, or virtually. Evidence should be available for all parties and the Hearing Officer to view at the time of the hearing.

#### **11.04 Failure to Appear**

Parties should notify the OCHO of their inability to appear at a noticed hearing as soon as possible. Failure of a party to appear at a hearing may be cause for a finding in favor of the opposing party or the matter being deemed withdrawn. The Hearing Officer shall state on the record the party's failure to appear and make a finding that adequate notice of the hearing was given. In the Hearing Officer's description, additional evidence may be admitted for consideration before making a final decision on the matter. The Hearing Officer may consider the explanation of a party's failure to appear at a notice hearing and determine if good cause exists for setting aside any finding in favor of the opposing party.

#### **11.05 Outline of General Administrative Hearing Proceedings**

The summary of the hearing proceedings outlined below should be noted as flexible and not all-inclusive. Hearing Officers may change the order of the proceedings or require additional information or actions to ensure a full and fair decision.

- a) Review for proper notice.
- b) Roll call and witness list.
- c) Read citation into the record.

- d) The department or its representative presents its case, including evidence, witnesses, etc.
- e) The Non-County Party is afforded the opportunity to cross-examine or question the department's witnesses.
- f) The Non-County Party will present their case, including evidence, witnesses, etc. The department or its representative will have the opportunity to cross-examine the Non-County Party and the witnesses they offer.
- g) The Hearing Officer may examine all hearing witnesses.
- h) The Hearing Officer may rule on the admission of evidence and testimony.
- i) Closing statements can be made by all parties to the hearing. Once the Hearing Officer determines that the hearing is closed, no additional evidence will be accepted by the Hearing Officer. The Hearing Officer maintains the authority to leave the record open for a specific time or to reopen the hearing if the Hearing Officer determines additional evidence is necessary to clarify the record and reach a decision.
- j) The Hearing Officer may ask the parties to prepare draft Findings of Fact and Conclusions of Law and may set a date for submission.
- k) The Hearing Officer will advise the parties of the timing of the written decision, which will be issued in the time and manner required by law. The Hearing Officer will provide information to parties on the finality of the Hearing Officer's decision and the ability to file an administrative writ of mandate in the Los Angeles Superior Court to appeal the outcome, or alternative process provided by law for a subsequent appeal. General information on writ proceedings, notification of the need to timely file a writ, and referral to the Los Angeles Superior Court for assistance will be provided.
- l) The Hearing Officer will conclude/adjourn the hearing and release parties.

#### **11.06 Continuance Requests**

In the discretion of the Hearing Officer, a continuance of the hearing date may be granted upon a request made in accordance with Rule 7.0. Continuance requests should be made in writing, as soon as practicable, but no later than two (2) business days before the hearing. Absent extraordinary circumstances, continuances shall not be longer than forty-five (45) calendar days from the originally scheduled hearing date.

After a hearing begins, the Hearing Officer has the discretion and authority to continue the hearing from time to time as necessary for its orderly completion.

### **11.07 Role of the Hearing Officer**

The Hearing Officer is empowered to decide the dispute between the parties, including determining the rights and responsibilities of any party alleged to be in violation of a State law or County Code within the OCHO's jurisdiction. Such determination may include the disposition of a monetary fine or penalty and/or a suspension or revocation of a license or permit, a determination of a violation of a County Code, or the resolution of a nuisance abatement.

### **11.08 Burden of Proof, Introduction of Evidence, and Procedural Rules During Hearing**

The Hearing Officer must consider and observe the following requirements and processes during each administrative hearing before reaching a final decision or recommendation.

a) Burden of proof.

The enforcing County department has the responsibility of proving the violation leading to the fine, penalty, suspension or revocation, or other abatement order by a preponderance of the evidence, meaning an amount of evidence that is enough to persuade the Hearing Officer that the alleged violation is more likely true than not true, at least 51 percent of the evidence has to support the alleged violation.

b) Evidence Presented at the Hearing.

1) Rules of evidence. An administrative hearing does not need to be conducted according to technical rules relating to evidence and witnesses. The rules of evidence for civil court procedures shall not apply in administrative hearings. The weight and reliability of the evidence provided will be determined by the Hearing Officer.

2) Witnesses. The parties may present witness testimony as evidence at the discretion of the Hearing Officer. The Hearing Officer, after conducting the initial procedures of the hearing, may exclude witnesses until their turn to testify. The Hearing Officer may limit the number of witnesses to prevent repetitive testimony in the interest of efficiency.

3) Cross examination by Hearing Officer. At their discretion, Hearing Officers may conduct such cross-examination of the parties or any witness presented.

c) Investigation Reports and Citation Admissible as Evidence of a Violation.

In many cases, the enforcing County department may submit copies of citations or reports prepared by County employees as evidence of the alleged violation without having the employee who prepared the citation or report present at the hearing to testify. The documentation in proper form shall be considered by the Hearing Officer as accurate evidence of the violation, subject to additional evidence or objection during the hearing.

### **11.09 Evidence Presented at the Hearing**

All testimony during a hearing must be under oath or affirmation. Any relevant evidence will be admitted by the Hearing Officer if it is the sort of evidence on which responsible persons can rely on in the conduct of serious affairs, regardless of formal rules of evidence.

Evidence may be classified as "direct evidence" or "hearsay evidence" and must be "relevant" to the case.

"Direct evidence" generally includes documents, objects, or testimony that is personally known by the witness, without relying on information from other people or sources. Some direct evidence must be offered to support the issue before the Hearing Officer.

"Hearsay evidence" is evidence of a statement that was made by someone other than by the witness who is testifying. Hearsay evidence may be introduced to explain or supplement other evidence.

"Relevant evidence" means evidence that supports a party's position.

### **11.10 Closing Arguments at Conclusion of Hearing**

After all the evidence is submitted, the parties may make closing arguments orally or in writing, at the Hearing Officer's direction.

### **11.11 Process of Rendering a Decision/Recommendation**

The Hearing Officer's decisions shall be in writing and shall include a statement of the factual and legal basis for the decision. The Hearing Officer shall issue a written decision within the time limit established by law. The written decision shall be served on the responsible person(s) and the enforcement officer/department in the manner required by law, and may be provided to all parties by email, as well.

### **11.12 Effects of Hearing Officer's Decision or Recommendation**

When a Hearing Officer's decision is required, the written decision shall constitute the final administrative decision of the County. When the Hearing Officer is required to make a recommendation to the Board of Supervisors or other agency, that written recommendation is not a final decision. The Board of Supervisors or other reviewing agency will make final decision after receiving and reviewing the Hearing Officer's recommendation. All final decisions are subject to review by the Los Angeles County Superior Court, unless the County Code provides another process for review.

The Hearing Officer has authority to make any and all orders and rulings determining the rights and responsibilities of any party alleged to be in violation of a State law or County Code within the OCHO's jurisdiction. Such determination may include the disposition of a monetary fine or penalty and/or a suspension or revocation of a license or permit, a determination of a violation of a County Code, or the resolution of a nuisance abatement.

When ruling on a monetary fine or penalty, the Hearing Officer has the authority to make any of the following decisions:

- a) **Imposition of Administrative Fine.** If the Hearing Officer confirms the imposition of the full amount of the administrative fine and/or the noncompliance fee, the issuing department shall keep the funds deposited with the hearing request, unless a hardship waiver was granted. If a hardship waiver was granted, the responsible person(s) shall pay the administrative fine and/or the noncompliance fee to the issuing department within twenty (20) calendar days following the date of the Hearing Officer's written decision.
- b) **Reduction of Administrative Fine.** If the Hearing Officer reduces the administrative fine and/or the noncompliance fee, the issuing department shall refund the appropriate amount of the funds deposited with the hearing request to the responsible person(s) within twenty (20) calendar days from the date of the written decision, unless a hardship waiver was granted, in which case the responsible person(s) shall pay the reduced amount(s) to the issuing department within twenty (20) calendar days following the date of the Hearing Officer's written decision.
- c) **Cancellation of Administrative Fine.** If the Hearing Officer cancels the administrative fine and/or the noncompliance fee, the issuing department shall refund the entire amount of the funds deposited with the hearing request to the responsible person(s) within twenty (20) calendar days from the date of the written decision, unless a hardship waiver was granted, in which case no further action is necessary.

### **11.13 Requests for Reconsideration**

The Hearing Officer has the authority to review and reconsider any of its prior decisions and orders upon a showing of administrative or ministerial error on the part of the OCHO or the Hearing Officer.

Within twenty (20) calendar days after the issuance of an order or final decision, any interested party may file a written request for a request for rehearing or reconsideration stating the specific grounds for the request. All parties to the hearing must be served with the request and proof of that service must be provided to the OCHO. Any party may respond to the request within five (5) business days of receiving a copy of it. The Hearing Officer may, but is not required to, hold a hearing on the request and will notify all parties in writing of the decision to affirm, modify, or cancel any previous decision or order.

### **11.14 Requesting the Los Angeles Superior Court Review Hearing Officer Decision**

Any party not in agreement with the Hearing Officer's decision may ask the Los Angeles Superior Court to review the hearing decision by filing a petition for writ of mandate, which must be filed with the Los Angeles Superior Court in accordance with the time periods, procedures, and other legal requirements. If no petition for writ of mandate is filed within the

allotted time frame, the Hearing Officer's decision shall be deemed confirmed. The Hearing Officer will provide information to the parties on the finality of the Hearing Officer's decision at the County and the need file request review in the Los Angeles Superior Court to appeal the outcome.

## **WRITTEN HEARING OFFICER DECISIONS AND RECOMMENDATIONS**

### **12.0 Timeliness of Decisions and Recommendations**

The Hearing Officers are required to issue written decisions or recommendations in accordance with time requirements established by law.

#### **12.01 Timing of Written Decision or Recommendation**

The underlying County Code or State law regarding the subject of the hearing will establish the number of days to issue a written decision to all parties. A Hearing Officer shall prepare a report containing findings of fact, conclusions or law, and a final decision.

#### **12.02 Delay in Issuance of Written Decision**

With notice to the hearing parties, the Hearing Officer may seek from the OCHO a time extension to issue the written decision. However, a Hearing Officer may not act to modify or waive any of the specific time requirements set forth in the underlying County Code or State law for filing their report without the consent of the OCHO and the parties to the hearing.