



Community Development Services  
 Code Enforcement Unit  
 (530) 621-5999

2850 Fairlane Court  
 Placerville CA 95667  
[cdacode.enforcement@edcgov.us](mailto:cdacode.enforcement@edcgov.us)

## Request for Administrative Hearing **CANNABIS VIOLATIONS**

You have the right to request a hearing to dispute any or all of the violations giving rise to the code enforcement action. Any request for a hearing must be made in writing on this form within three (3) days of the issuance of the Notice to Correct, Notice to Abate, and/or Administrative Citation. Failure to timely request a hearing will be deemed an admission of the violation(s) and a failure to exhaust administrative remedies in any subsequent action to challenge any decision or action relating to this code enforcement action.

If you are appealing an administrative citation, you are required to deposit the \$200.00 hearing fee and administrative fine, unless you obtain a waiver under Code Section 9.02.380(C).

**ANY ADMINISTRATIVE HEARING SHALL BE HELD WITHIN FIVE (5) DAYS OF THIS REQUEST.**

PLEASE PRINT

CASE NUMBER: \_\_\_\_\_ CITATION DATE: \_\_\_\_\_

SITE OF VIOLATION: \_\_\_\_\_ APN: \_\_\_\_\_

NAME: \_\_\_\_\_  Owner  Tenant / Occupant

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**Requesting a hearing to dispute (check one or more):**

Notice to Correct  Notice to Abate  Administrative Citation

**Reason for requesting a hearing:**

I am not responsible for the violation(s). *Attach a written statement explaining why.*

I have corrected / abated the violation(s). *Attach written and photo evidence.*

Other: \_\_\_\_\_

\_\_\_\_\_  
 Appellant's signature

\_\_\_\_\_  
 Name Printed

Date: \_\_\_\_\_

(Office use only)

Case No.: \_\_\_\_\_ Date & Time Received: \_\_\_\_\_ Amt. Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Initials: \_\_\_\_\_

## **COUNTY CODE SECTIONS RE: ADMINISTRATIVE HEARINGS**

For the full text of all controlling County Code, please visit:

[https://library.municode.com/ca/el\\_dorado\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/ca/el_dorado_county/codes/code_of_ordinances)

### **Sec. 130.14.270(2)(I)(4)**

Notwithstanding Section 9.02.390, a request for an administrative hearing under Chapter 9.02 must be made within three days of service of the notice to correct, administrative citation, or notice to abate and the hearing shall be held within five days of the request for a hearing.

### **Sec. 130.14.270(2)(I)(5)**

The decision of the Hearing Officer under Section 9.02.440 shall be issued within five days of completion of the hearing.

### **Sec. 9.02.380. - Procedures for requesting an administrative hearing.**

- A. No hearing to contest an administrative citation shall be held unless and until a request for hearing form provided by the County has been completed and submitted with a hearing fee and the administrative fine. The refundable hearing fee shall be \$200.00 payable to El Dorado County to defray the cost of the hearing and may be changed by resolution of the Board. The request shall state the grounds for requesting the hearing and be filed with the Code Enforcement Unit on or before ten calendar days after service of an administrative citation or notice to abate or the date provided in the administrative citation notice or notice to abate, whichever is earlier.
- B. Any person appealing an administrative citation shall deposit the refundable hearing fee and the administrative citation fine being appealed.
- C. Any hearing fee and administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation or notice to abate was not responsible for the violation or that there was no violation as charged in the administrative citation or notice to abate. If the Hearing Officer affirms the violation, the Hearing Officer may impose administrative fees per Section 9.02.450 equal to the cost of administering the code enforcement case.
- D. If a hearing is requested but a person's financial condition prevents payment of the refundable hearing fee or depositing the administrative citation being appealed, the person may request waiver of the fee and the fee shall be waived if the person provides sufficient evidence of an inability to pay because of one of the reasons enumerated in California Government Code § 68632.
- E. The Chief Administrative Officer or his or her designee shall tape record the hearing and provide a copy of the recording to the Hearing Officer following the conclusion of the hearing. The Hearing Officer shall provide the record of the hearing and all photographs and demonstrative and documentary evidence introduced at the time of the hearing to Community Development Services and the records shall be maintained for a period of three years. The Hearing Officer shall preserve any notes from the hearing for a period of three years.

### **Sec. 9.02.390. - Procedures for notification of administrative hearing.**

- A. Where the responsible person has made a timely request for an administrative hearing, the Hearing Officer shall schedule a day, time, and place for the hearing. Unless a shorter time is provided elsewhere in the Code, the hearing shall be scheduled for a date no more than 60 calendar days after receipt of the request for hearing unless both parties agree to a later date.
- B. Written notice of the time and place of the hearing shall be served at least ten calendar days prior to the date of the hearing on the responsible person.
- C. The notice of hearing shall be served by any of the methods of service listed in this chapter.

### **Sec. 9.02.400. - Procedures at administrative hearing; admission of evidence.**

- A. Administrative hearings are intended to be informal in nature. The Hearing Officer is not bound by formal rules of evidence, and no informality in any proceeding or in the manner of taking testimony will invalidate any decision of the Hearing Officer. The rules of evidence of courts of the state will be followed but may be relaxed at the discretion of the Hearing Officer when deviation from the formal rules of evidence will aid in a determination of the truth. The rules pertaining to discovery do not apply.

B. An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the Hearing Officer. When an objection is made to the admission or exclusion of evidence, the grounds upon which the relief sought must be stated briefly. The Hearing Officer, with or without objection, may exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.

C. Each party shall have the opportunity to cross examine witnesses and present evidence in support of his or her case.

**Sec. 9.02.410. - Standard of proof.**

The County bears the burden of proof at an administrative hearing to establish the existence of a violation of the Code. The standard of proof is by a preponderance of the evidence.

**Sec. 9.02.420. - Representation.**

Any person may appear at any proceeding conducted under this chapter with or without representation by an attorney. No right shall exist for the appointment of counsel.

**Sec. 9.02.430. - Failure to attend administrative hearing.**

Any responsible person who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or administrative citation, provided that the hearing was properly noticed. Failure to request a hearing or to appear if one is requested shall constitute a failure to exhaust administrative remedies.

**Sec. 9.02.440. - Administrative order; compliance with administrative order.**

A. The decision of the Hearing Officer shall be entitled "administrative order."

B. Once all evidence and testimony are completed, the Hearing Officer shall issue an administrative order which affirms, modifies, or rejects the Enforcement Official's action. The administrative order may affirm, modify, or reject the daily rate or duration of the administrative fines depending upon review of the evidence and may increase or decrease the total amount of administrative fines assessed.

C. The Hearing Officer may issue an administrative order that requires the responsible person to cease violating this Code and to make necessary corrections or repairs or to complete any other reasonable act requested by the Enforcement Official, which may be modified by the Hearing Officer, to bring the property into compliance with this Code. The Hearing Officer shall include a specific timeframe to complete the requested act. For a violation of Chapter 130.14, the time to comply and abate the nuisance shall not exceed 72 hours.

D. As part of the administrative order, the Hearing Officer may establish specific deadlines for the payment of administrative fines, fees, and costs and may condition the total or partial assessment of administrative fines on the responsible person's ability to complete compliance by specific deadlines.

E. The Hearing Officer may issue an administrative order which imposes additional administrative fines as set forth in this chapter that will continue to be assessed for each day the violation continues until the responsible person complies with the Hearing Officer's decision and corrects the violation.

F. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative order.

G. If an administrative order provides for abatement of the violation by the County, it shall state the means of abatement and whether the property shall be destroyed upon removal.

H. The administrative order shall become final on the date of service of the order.

I. The administrative order shall be served on all parties by any one of the methods listed in this chapter.