

Article 11. Informal Conferences and Formal Appeals

§ 1750. Application and Scope.

(a) The provisions of this article apply to the informal and formal procedures available to a cited person, as defined by section 1002 of this chapter, who has received a notice of a violation issued by the enforcement agency pursuant to section 18420 of the Health and Safety Code.

(b) None of the procedures for an informal or formal appeal process extend the time allowed for the correction of violations noted in the original notice of violation or noted in subsequent notices of violation issued to the same person or about the same situation unless:

(1) an extension of time allowed for the correction of violations is contained in the written determination provided by the enforcement agency pursuant to subsection 1754(b), or

(2) an extension of the time allowed for the correction of violations is contained in the final, formal decision issued by an enforcement agency pursuant to subsection 1756(f).

NOTE: Authority cited: Sections 18300 and 18421, Health and Safety Code. Reference: Sections 18420, and 18421, Health and Safety Code.

§ 1752. Request for Informal Conference.

(a) The following optional, informal conference process shall be available to a person who is required to respond to a notice of violation issued pursuant to section 18420 of the Health and Safety Code, and shall be initiated solely at the discretion of the person addressed in the notice of violation.

(b) The use of the informal conference process shall be limited to the dispute of one or more of the following issues contained in a notice of violation:

(1) The existence of one or more alleged violations,

(2) The alleged failure to correct the violations in the required time frame, and

(3) The reasonableness of the time frame within which the violations shall be corrected.

(c) If a person is in receipt of a notice of violation and chooses to request an informal conference with a representative of the enforcement agency,

(1) the person shall make a written request to the enforcement agency for an informal conference, and

(2) the person shall ensure that the enforcement agency receives the written request within ten (10) working days of the notice of violation.

(d) The written request for an informal conference shall provide the following information:

(1) The name, address, and telephone number of the person requesting the informal conference, and

(2) A brief description of the issues disputed.

(e) Within three (3) working days of the receipt of a written request for an informal conference, the enforcement agency shall contact the person who submitted the request and shall schedule an informal conference for the earliest possible, mutually convenient time and place. The informal conference shall occur during the normal working hours and shall be held no later than fifteen (15) working days after the enforcement agency's receipt of the written request. "Normal working hours" are from 8:00 a.m. to 5:00 p.m. on Monday through Friday, excluding holidays.

(f) The enforcement agency shall deny a request for an informal conference only if one or more of the following conditions apply:

(1) The issues identified for dispute in the written request do not include at least one of the issues specified in subsection (b), or

(2) The person requesting the informal conference is not available to meet with the representative of the enforcement agency within the fifteen (15) day time period and the enforcement agency determines that good cause does not exist to postpone the informal conference.

