

SUBJECT: **PERMIT APPEAL PROCESS**

Date: 6/1/93

- I. **Authority:** San Diego County Code of regulatory Ordinances, Division 10 chapter 4.
- II. **Purpose:** To establish the procedure for the resolution of appeals regarding either the denial of issuance of a permit, or the suspension/revocation of an existing Permit.

III. **Procedure:**

A. Denial of Issuance of Permit:

Whenever the Permit Officer denies an application for a Permit, the applicant may request a hearing on the denial.

1. All requests for a hearing shall be submitted in writing to the Permit Officer within ten (10) days of personal delivery of notice of denial of application. If the notice of denial is mailed, applicant has an additional five (5) days to file a hearing request.
2. A hearing shall be held not more than twenty (20) days from the date of receipt of the applicant's written request for a hearing.
3. The applicant shall have the burden of proof during the hearing.
4. The Permit Officer shall issue a decision on all appeals within two (2) working days of the hearing.
5. The applicant shall be notified in writing of the decision.
6. The applicant may appeal the denial after the hearing with the Permit Officer.

B. Suspension/Revocation of Permit:

Whenever the Permit Officer suspends or revokes a current permit, the permittee may request a hearing on the suspension or revocation.

1. All requests for an appeal hearing shall be submitted to the Clerk of the Board of Supervisors in writing within ten (10) days of notification of suspension or revocation.
2. The Clerk of the board of Supervisors shall assign the appeal to a Hearing Officer selected by the Clerk of the Board of Supervisors on a rotating basis from a list of qualified Hearing Office approved by the Board of Supervisors.
3. A Hearing Officer shall schedule a date for the hearing within ten (10) days after the date of assignment of the appeal by the Clerk of the Board of Supervisors.
4. The hearing shall be held no more than thirty (30) days from the time of assignment by the Clerk of the board of Supervisors to the Hearing Officer

Approved:

*Marilyn F. Cooper*

Administration

*M. J. K. Cooper MD*

Medical Director

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5. The hearing Officer is authorized to issue subpoenas, to administer oaths and to conduct the hearing on the appeal.
6. The Permit Officer and the appellant may present evidence relevant to the denial, suspension, revocation, or other decision of the Permit Officer.
7. The Hearing Officer shall receive evidence and shall rule on the admissibility of evidence and on questions of law.
8. At the hearing any person may present evidence in opposition to, or in support of appellant's case.
9. The Hearing Officer shall issue a decision on all appeals at the close of the hearing.
10. The Hearing Officer shall within five (5) days of the announcement of a decision file with the clerk of the Board of Supervisors written findings of fact and conclusion of law and the decision.
11. The decision of the Hearing Officer is final when filed with the Clerk of the Board of Supervisors.
12. The effect of a decision to suspend or revoke a permit shall be stayed while an appeal to the Board of Supervisors is pending or until the time for filing such appeal has expired.

C. Exception to Hearing Procedure:

When in the opinion of the Permit Officer, there is a clear and immediate threat to the Safety and protection of the public;

the Permit Officer may suspend a permit without a hearing.

1. The Permit Officer shall prepare a written notice of suspension.
2. The notice of suspension shall be either sent by certified mail or be personally delivered.
3. The Permittee may request a hearing from the Permit Officer within five (5) days of receipt of the notice.
4. The hearing shall be held not more than fifteen (15) days from the date of receipt of the request.
5. Following the hearing, the Permittee affected may appeal the decision in the manner indicated in Section III. B., (1-11) above.
6. The decision shall not be stayed during pendency of such hearing or appeal.

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Approved:

*Gail F Cooper*

Administration

*M. L. G. G. G.*

Medical Director