BEFORE THE DIRECTOR OF THE DEPARTMENT OF PESTICIDE REGUALTION
STATE OF CALIFORNIA

In the Matter of The Decision of
the Agricultural Commissioner of
the County of Madera
County File No. 17-ACP-MAD-05/06

Administrative Docket No. 137

DISMISSAL OF APPEAL

S & S Helicopters
25053 Avenue 24
Chowchilla, California 93610
Appellant/

Analysis and Finding

County agricultural commissioners may levy civil penalties for certain violations of California's pesticide laws and regulations pursuant to Food & Agricultural Code (FAC) section 12999.5. A person upon whom the commissioner levied a penalty has a right to appeal that action to the Director of the Department of Pesticide Regulation, so long as the person requested and appeared at a hearing. (FAC section 12999.5 (c).) The director decides the appeal based on the record of the hearing. (FAC section 12999.5 (c)(5).)

After providing a hearing, at which S & S Helicopters appeared, the Madera County Agricultural Commissioner found that S & S violated certain pesticide regulations and ordered it to pay a penalty of $3,000. S & S appealed that order to DPR. Due to a technical error, the Commissioner is unable to provide any tapes or transcript of the hearing. The record in this case is insufficient to conduct the appeal. Thus, the director is unable to afford S & S its right to appeal under section 12999.5.

Disposition

The director dismisses this appeal. The commissioner must withdraw his order.

STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION

Dated: 11/1/06

By: Mary-Ann Warmerdam, Director