

Structural Civil Penalty NOPA Template

[County Letterhead]

DATE:

FILE NO.

NOTICE OF PROPOSED ACTION (NOPA), NATURE OF VIOLATION, AND RIGHT TO REQUEST HEARING

TO: Respondent Name
Company Registration or Individual License Number [if applicable]
Attn:
Address
City, State, Zip Code

You are hereby notified that the Agricultural Commissioner for the County of _____ proposes to fine you, _____, a civil penalty of \$ _____ for violating [*Business and Professions Code (B&PC), California Food and Agricultural Code (FAC) and/or Title ___ California Code of Regulations) (_ CCR)*] section(s) ___ by [*brief recitation of facts*]. The authority for this action is granted to the County Agricultural Commissioner pursuant to the provisions of section 8617 of the Business and Professions Code (B&PC).

FACTUAL CIRCUMSTANCES

VIOLATION

PENALTY

ENCLOSURE(S)

A copy of the text of B&PC section 8617, 16 CCR section 1922, and [*FAC/B&PC section(s) _____ and/or 3/16 CCR section(s) _____*] is enclosed for your reference.

You May Review the Evidence Against You

You are entitled to review the Commissioner's evidence supporting these charges during regular business hours at the office of the _____ County Agricultural Commissioner, located at _____ in _____, California. We will provide one copy of the case file.

You May Request a Hearing and Present Evidence at the Hearing

You may request a hearing to review the Commissioner's evidence, and to present any evidence, oral or written, on your behalf as to why the Commissioner should not take the proposed action. You are not required to be represented by legal counsel at the hearing. Your attorney may

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accompany you and represent you if you wish. **Please read the enclosure “Preparing for Your Pesticide Administrative Civil Penalty Hearing” for further information.** You will be provided a written decision of the Commissioner’s finding. Although not required by the authorizing statute, a tape-recording will be made of the hearing proceedings. If you require a translator at the hearing, you must inform the Commissioner within __ days before the scheduled hearing date.

How to Request a Hearing - Failure to Request – B&PC section 8617

A hearing in this matter will be scheduled and held at the office of the County Agricultural Commissioner, located at the above noted address, if you request a hearing by signing, dating, and returning the enclosed Hearing Request (or a hearing request letter) within 20 days of receipt of this Notice of Proposed Action. Failure to timely request a hearing is a waiver of the right to a hearing and the Commissioner may take the action proposed in this notice without a hearing. Further, failure to request a hearing is a waiver of your right to appeal the Commissioner’s decision (see Appeal Rights After Hearing).

Stipulation and Waiver to Order – B&PC section 8617

If you do not wish to request a hearing to contest the charges and proposed action, you may stipulate (agree) to the enclosed Order by dating, signing, and returning the enclosed Stipulation and Waiver to Order within 20 days of receipt of this Notice of Proposed Action.

Appeal Rights After Hearing – B&PC sections 8617 and 8662

Should you disagree with the Commissioner’s Decision, you may request an appeal to the Disciplinary Review Committee within 30 days of receiving the Commissioner’s Decision and Order. However, you waive these appeal rights if you do not request and attend the hearing at the scheduled time and date, or if you fail to request an appeal within the 30-day time frame.

The request for appeal must be mailed to the Disciplinary Review Committee, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015.

The request for appeal:

1. Must be signed by you or your authorized agent; and
2. Must state the grounds for the appeal; and
3. Must include a copy of the Commissioner’s Decision and Order; and
4. Must be filed or mailed to the Commissioner at the same time you mail it to the Disciplinary Review Committee.

Failure to follow any of the above requirements may affect your right to appeal.

The Disciplinary Review Committee will render a written decision within approximately 45 days after receipt of your appeal, or as soon thereafter as practical.

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Commissioner Signature

Commissioner's Name

Commissioner's Official Title

Date