

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures–Hearings

Article 1. Adjudicatory Hearings

§ 60046. Appointment of Hearing Officers and Presiding Officer.

(a) Hearings under this article may be held by the state board, by a committee of no fewer than two members of the state board, or by an administrative law judge from the Office of Administrative Hearings. In cases where the hearing is conducted by a committee of the state board or an administrative law judge, the committee or administrative law judge shall prepare a recommended decision for consideration by the state board.

(b) When the state board, or a committee of the state board, hears the case, the board or the committee may request that an administrative law judge be present at the hearing to assist in conducting the hearing, and to advise on the admission and exclusion of evidence, and on matters of law.

(c) Notwithstanding Section 60045, if the state board requests that an administrative law judge conduct the hearing or assist in the hearing, the hearing may be delayed if necessary to obtain the services of an administrative law judge. However, when the executive officer's decision is not stayed, no hearing may be delayed beyond 180 days from receipt of the petition without the consent of the petitioner.

(d) The chairperson of the state board may serve as the presiding officer or may designate another member of the state board or the administrative law judge to serve as the presiding officer for the hearing.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 43105 and 44207, Health and Safety Code.

REFERENCE