

**OPERATIONAL PROCEDURES FOR ENFORCEMENT OF CHAPTER 2.160 OF
THE LOS ANGELES COUNTY CODE -- COUNTY LOBBYISTS**

The following operational procedures apply to the enforcement of the provisions of Chapter 2.160 of the Los Angeles County Code, and incorporate by reference the applicable provisions of Chapter 2.160 of the Los Angeles County and corresponding rules approved by the Los Angeles County Board of Supervisors.

I. COMPLAINTS AND ALLEGATIONS

- A. Any person may file a complaint alleging any violation(s) of Chapter 2.160 of the Los Angeles County Code with the executive officer. The complaint must be in writing and specify the alleged violation(s). The complaint must also include the name and contact information of the complainant.
- B. The executive officer may also initiate an investigation of any alleged violation of Chapter 2.160 of the Los Angeles County Code.

II. DEFINITIONS

- A. **"Enforcement officer"** means the person who has been delegated with the power to enforce the provisions of Chapter 2.160 of the Los Angeles County Code.
- B. **"Executive officer"** means the executive officer of the board of supervisors.
- C. **"Hearing officer"** means the person appointed by the executive officer to conduct administrative hearings. The hearing officer shall not be the enforcement officer or his or her immediate supervisor.
- D. **"Person or entity"** means any natural person, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert.
- E. **"Responsible person or entity"** means a person or entity responsible for, or alleged to be responsible for, a violation of Chapter 2.160 of the Los Angeles County Code.
- F. **"Violator"** means a person found to be in violation of Chapter 2.160 of the Los Angeles County Code.

III. REVIEW AND INVESTIGATION

- A. The executive officer may determine to refer the investigation to the auditor-controller or refer the complaint or complainant to another governmental agency. In either event, the executive officer shall provide written notice of the action to the complainant.
- B. Upon receiving a referral from the executive officer, the auditor-controller shall conduct an investigation of the complaint or alleged actual or potential violations, and may request additional information from the complainant, county officials or agencies, other government agencies, or if necessary and appropriate, from the alleged violator.

IV. DETERMINATION

- A. After completion of the investigation, the executive officer shall determine whether to issue a notice of violation, with or without a correction period, a notice of administrative fine, and/or a notice of noncompliance, as provided herein.
- B. **Relevant factors.** In determining whether to issue a notice of violation and/or notice of administrative fine, the executive officer shall consider all relevant circumstances including, but not limited to, the following factors:
 - 1. The nature and extent, number, or frequency of violation(s);
 - 2. The presence or absence of any intention on the part of the violator to conceal, deceive or mislead;
 - 3. Whether the violation was deliberate, negligent or inadvertent;
 - 4. Whether the violator sought and relied on advice from an attorney, or a county agency or official such as the county counsel;
 - 5. Whether the violation was an isolated incident or part of a series or pattern of violations;
 - 6. Whether the violator has any prior history of violations of county ordinances or rules, or other laws;
 - 7. Whether another public entity has determined that the violator engaged in prohibited conduct similar to that specified in Chapter 2.160 of the Los Angeles County Code;
 - 8. The degree to which the violator cooperated fully during the investigation by the executive officer or auditor-controller, including, but not limited to, disclosure of all pertinent information known to the violator;
 - 9. The degree to which the violator cooperated with the executive officer to remedy a violation; or
 - 10. Other factors that are appropriate to the circumstances of the particular case.

- C. **Correction period.** For first-time violators and/or minor violations, the executive officer may provide a correction period and, if so, shall not issue a notice of administrative fine unless the violator has failed to remedy the violation with the time provided.
- D. **Amount of administrative fine.** After considering the nature and extent of the violation and all relevant circumstances which include, but are not limited to, the factors listed above, the executive officer may impose an administrative fine of up to \$5,000.00 for each violation of Chapter 2.160 of the Los Angeles County Code.
- E. **Noncompliance fee.** The executive officer may also impose a noncompliance fee, to be separately determined by the board of supervisors, which may not exceed the amount reasonably necessary to recover the cost incurred by the executive officer in enforcement of the code, including but not limited to responding to complaints, performing investigations, and issuing notices.

V. NOTICES

- A. **Notice of violation.** If the executive officer determines that there has been a violation of Chapter 2.160 of the Los Angeles County Code, the executive officer may issue a notice of violation to the violator and/or responsible person or entity.
 - 1. **Contents – with correction period.** The notice of violation may specify a correction period, if, in the judgment of the executive officer, a correction period is warranted. The executive officer may grant a reasonable extension of any correction period specified in a notice of violation, if in his or her judgment, an extension is warranted. A notice of violation that includes a correction period shall contain the following information:
 - a. The name of the violator and/or responsible person or entity;
 - b. The code section violated;
 - c. A description of the code violation;
 - d. The name of the enforcement officer;
 - e. The correction period in which the violator and/or responsible person or entity must correct the code violation;
 - f. The procedures for obtaining an extension of the correction period; and
 - g. A statement that failure to correct or remedy the code violation prior to expiration of the correction period or any extensions thereof, shall result in the issuance of a notice of administrative fine and/or notice of noncompliance fee.

2. **Contents – without correction period.** If the notice of violation does not provide for a correction period, it shall contain the information described in subsection B of this rule pertaining to notices of administrative fines.

3. **Service.** The executive officer shall serve a notice of violation by personal delivery to the violator and/or responsible person or entity, or by first class mail, postage prepaid, to the last known address of the violator and/or responsible person or entity. Service by personal delivery shall be deemed effective at the time of personal delivery. Service by mail as described above shall be deemed effective five (5) calendar days following the date of mailing.

B. Notice of administrative fine. A notice of administrative fine may be issued concurrently with the notice of violation as provided in these rules.

1. **No issuance before expiration of correction period.** If the notice of violation also specifies a correction period, a notice of administrative fine shall not be issued prior to the expiration of the correction period or such extensions of the correction period as may have been granted pursuant to these rules. If the violation has not been corrected or otherwise remedied prior to the expiration of the correction period or any extensions thereof, the executive officer may issue a notice of administrative fine to the violator and/or responsible person or entity.

2. **Contents.** A notice of violation and administrative fine shall contain the following information:

- a. A statement that an administrative fine is being imposed on the violator and/or responsible person or entity pursuant to Chapters 1.25 and 2.160 of the Los Angeles County Code;
- b. The name of the violator and/or responsible person or entity;
- c. The code section violated;
- d. A description of the code violation;
- e. The name of the enforcement officer;
- f. The amount of the fine for the code violation and the procedure to pay the fine;
- g. The procedures for requesting an administrative hearing to contest the imposition of the administrative fine and for requesting a hardship waiver, pursuant to these rules.

3. **Service.** Service of a notice of administrative fine by personal delivery shall be accomplished in the same manner as required for service of a notice of violation, as specified in these rules.
4. **Decision final unless hearing requested.** Unless a violator and/or responsible person or entity requests an administrative hearing to contest imposition of the administrative fine pursuant to these rules, the notice of administrative fine shall constitute the final administrative order of the county with respect to said administrative fine, and the fine shall be due and payable by the violator and/or responsible person or entity to the executive officer within ten (10) calendar days following service of the notice of administrative fine. Payment of an administrative fine shall not excuse the violator and/or responsible person or entity from correcting the code violation, when required by the executive officer.
5. **Other enforcement actions not precluded.** The issuance of a notice of administrative fine and/or payment thereof does not preclude the executive officer from taking any other enforcement action in response to a code violation, including, but not limited to, issuing notices of noncompliance fees, as provided for in Los Angeles County Code sections 1.25.060 and 1.25.070, and/or making referrals to the county counsel for the filing of a civil enforcement action or to the Treasurer and Tax collector for collection.

C. **Notice of noncompliance fee.** Whenever the executive officer issues a notice of violation, the executive officer is authorized to issue a notice of noncompliance fee to the violator and/or responsible person or entity. The executive officer may issue the notice of noncompliance fee concurrently with the notice of violation, or in his or her discretion, may issue the notice of noncompliance fee upon the expiration of any correction period or extension thereof.

1. **Contents.** Each notice of noncompliance fee shall contain the following information:
 - a. A statement that a noncompliance fee is being imposed on the violator and/or responsible person or entity pursuant to Chapters 1.25 and 2.160 of the Los Angeles County Code;
 - b. The name of the violator and/or responsible person or entity;
 - c. The code section violated;
 - d. A description of the code violation;
 - e. The name of the enforcement officer;

- f. The amount of the noncompliance fee and the procedure to pay the fee; and
 - g. The procedures for requesting an administrative hearing to contest the imposition of the noncompliance fee and for requesting a hardship waiver, pursuant to these rules.
- 2. **Decision final unless hearing requested.** Unless a violator and/or responsible person or entity requests an administrative hearing to contest imposition of the noncompliance fee, pursuant to these rules, the notice of noncompliance fee shall constitute the final administrative order of the county with respect to the noncompliance fee, and the fee shall be due and payable by the violator and/or responsible person or entity to the executive officer within ten (10) calendar days following service of the notice of noncompliance fee.
- 3. **Service.** The executive officer shall serve a notice of noncompliance fee in the same manner as required for service of a notice of administrative fine, as specified in these rules.
- 4. **Other enforcement actions not precluded.** Payment of a noncompliance fee shall not excuse the violator and/or responsible person or entity from correcting the code violation. The issuance of a notice of noncompliance fee and/or payment thereof does not preclude the executive officer from taking any other enforcement action in response to a code violation, including, but not limited to, issuing notices of administrative fines and/or making referrals to the county counsel for the filing of a civil enforcement action and/or the Treasurer and Tax Collector for collection.

VI. REQUEST FOR ADMINISTRATIVE HEARING

- A. **Procedure.** Any violator and/or responsible person or entity served with a notice of administrative fine and/or notice of noncompliance fee, or the authorized representative of a violator and/or responsible person or entity, may request an administrative hearing before a hearing officer to contest the imposition and/or the amount of the administrative fine and/or the noncompliance fee.
 - 1. The request must be made in writing and filed with the executive officer within ten (10) calendar days following the date of service of the notice of administrative fine and/or notice of noncompliance fee.
 - 2. The request must include a statement indicating the basis on which the violator and/or responsible person or entity contests the

imposition of the administrative fine and/or noncompliance fee, together with any evidence that the violator and/or responsible person or entity wants the hearing officer to consider.

3. The request must include the mailing address and telephone number of the violator and/or responsible person or entity for the purpose of correspondence or other communication by the executive officer and/or hearing officer.
4. The request must be accompanied by a deposit equal to the full amount of the administrative fine as specified in the notice of administrative fine, and/or the full amount of the noncompliance fee as specified in the notice of noncompliance fee; or a request for hardship waiver of the deposit requirement, as described below. If no hardship waiver is requested, the failure to deposit the amount of the fine and/or fee concurrently with the request for administrative hearing shall constitute a waiver of the violator and/or responsible person or entity entitlement to the administrative hearing. The hearing request and fine and/or fee deposit shall be deemed filed on the date received by the executive officer.

B. Hardship waiver. A hardship waiver request must be made in writing and filed with the executive officer concurrently with the request for administrative hearing. A hardship waiver request must be accompanied by a sworn affidavit, together with supporting documents or materials, demonstrating the financial inability of the violator and/or responsible person or entity to deposit the amount of the administrative fine and/or noncompliance fee.

1. The executive officer shall review any hardship waiver request and determine, in his or her sole discretion, whether to grant any such request and shall provide written notice by first class mail, postage prepaid, of his or her determination to the violator and/or responsible person or entity at the address contained in the request for administrative hearing.
2. If a request for hardship waiver is granted, the violator and/or responsible person or entity shall not be required to deposit the amount of the fine and/or fee prior to the administrative hearing. The granting of a hardship waiver shall not excuse the payment of the administrative fine and/or the noncompliance fee upon a final determination that it is owed.
3. If a request for hardship waiver is denied, the violator and/or responsible person or entity shall deposit the amount of the

administrative fine and/or the amount of the noncompliance fee with the executive officer within ten (10) calendar days following the date of the notice of the executive officer's determination. Failure to make a timely deposit following the executive officer's denial of a hardship waiver request shall constitute a waiver of the violator and/or responsible person or entity's entitlement to an administrative hearing.

VII. HEARING

- A. Notice of hearing.** After receiving a timely hearing request and deposit or having acted on a timely request for a hardship waiver with respect to such deposit, the executive officer shall schedule an administrative hearing. The violator and/or responsible person or entity shall be given not less than ten (10) calendar days' prior written notice by first class mail, postage prepaid, of the date, time, and place of the administrative hearing and the name of the hearing officer who will conduct the administrative hearing.
- B. Date of hearing.** Except as otherwise provided herein, the hearing officer shall conduct a hearing on the date, time, and place specified in the notice provided for in these rules.
1. The hearing officer may, in his or her discretion, grant a continuance of the hearing date upon a written request showing of good cause made by the violator and/or responsible person or entity or the executive officer.
 2. The request must be received by the hearing officer at least two (2) business days prior to the hearing date. A copy of the continuance request must also be personally served on the executive officer if made by the violator and/or responsible person or entity, and on the violator and/or responsible person or entity if made by the executive officer.
 3. In no event shall the continuance be longer than forty-five (45) calendar days from the originally scheduled hearing date.
- C. Conduct of hearing.**
1. **Evidence from executive officer.** The notice of violation, notice of administrative fine, and any other reports prepared by or for the executive officer concerning the violation, shall be accepted by the hearing officer as prima facie evidence of the code violation and the facts stated in those documents. The executive officer, or his or

her delegate, shall represent the county directly, or in conjunction with other county departments.

2. **Appearance by responsible person.** The hearing officer shall provide the violator and/or responsible person or entity the opportunity to present oral testimony and written evidence relevant to the hearing officer's determination of the matter.

- a. Failure of the violator and/or responsible person or entity to appear at the administrative hearing shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies to judicially challenge the imposition of the administrative fine and/or the imposition of the noncompliance fee.
- b. If the administrative hearing is abandoned, the executive officer shall keep the funds deposited with the hearing request, unless a hardship waiver was granted, in which case the administrative fine and/or the noncompliance fee shall be due and payable by the violator and/or responsible person or entity to the executive officer within ten (10) calendar days following the date that had been set for the administrative hearing.

3. **Presentation of evidence.** The hearing officer shall allow for sufficient time for presentation of evidence and may continue the hearing from time to time, in his or her discretion, to allow for the orderly completion thereof. After receiving all of the evidence submitted at the hearing, the hearing officer may further continue the hearing and request additional information from either the executive officer or the violator and/or responsible person or entity, or close the hearing.

4. **Consideration of evidence.**

- a. After receiving all of the evidence and closing the hearing, the hearing officer shall make a written determination as provided for in these rules.
- b. The executive officer bears the burden of proof of establishing the existence of the violation and the propriety of the administrative fine and/or noncompliance fee by a preponderance of the evidence.
- c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant

evidence may be admitted if it is the sort of evidence on which violator and/or responsible person or entity are accustomed to rely in the conduct of serious affairs. Failure to make a timely objection to evidence constitutes a waiver of the objection.

- d. The hearing officer may only consider the evidence properly admitted into the record before him and shall not consider any oral or written evidence submitted after the hearing is closed.
- e. The hearing officer may announce his or her decision to the violator and/or responsible person or entity at the conclusion of the hearing, or may take the matter under submission and upon reaching a decision, provide written notice of his or her decision to the violator and /or responsible entities.

VIII. DECISION

- A. **Written decision.** The hearing officer shall have up to fourteen (14) calendar days after the close of hearing to issue a written decision to either confirm or cancel the administrative fine and/or noncompliance fee, or to reduce the amount of the administrative fine and/or noncompliance fee.
 - 1. The decision shall include a statement of the reasons for the decision, which shall be consistent with the applicable provisions of Chapter 2.160 of the Los Angeles County Code, the corresponding rules approved by the Los Angeles County Board of Supervisors, and these operational procedures. The decision shall also inform the violator and/or responsible person or entity of the availability of judicial review of the decision.
 - 2. The decision shall be served by first-class mail, postage prepaid, or by personal delivery, on the violator and/or responsible person or entity and the executive officer.
 - 3. The hearing officer's written decision shall constitute the final administrative decision of the county.
 - 4. The executive officer may request the Board of Supervisors to approve imposition of any additional penalties as provided for in Chapter 2.160 of the Los Angeles County Code.
- B. **Confirmation of fine/fee.** If the hearing officer confirms the imposition of the full amount of the administrative fine and/or noncompliance fee, the executive officer shall keep the funds deposited with the hearing request,

unless a hardship waiver was granted. If a hardship waiver was granted, the violator and/or responsible person or entity shall pay the administrative fine and/or noncompliance fee to the executive officer within thirty (30) calendar days following the date of the hearing officer's written decision.

C. Reduction of fine/fee. If the hearing officer reduces the administrative fine and/or the noncompliance fee, the executive officer shall refund the appropriate amount of the funds deposited with the hearing request to the violator and/or responsible person or entity within thirty (30) calendar days from the date of the written decision, unless a hardship waiver was granted. If a hardship waiver was granted, the violator and/or responsible person or entity shall pay the reduced amount(s) to the executive officer within thirty (30) calendar days following the date of the hearing officer's written decision.

D. Cancellation of fine/fee. If the hearing officer cancels the administrative fine and/or the noncompliance fee, the executive officer shall refund the entire amount of the funds deposited with the hearing request to the violator and/or responsible person or entity within thirty (30) calendar days from the date of the written decision, unless a hardship waiver was granted, in which case no further action is necessary.

E. Right to Judicial Review

1. A violator and/or responsible person or entity may seek judicial review of the hearing officer's written decision pertaining to the imposition of an administrative fine by filing an appeal with the superior court in accordance with the time periods, procedures, and other requirements set forth in section 53069.4 of the California Government Code.
2. If no appeal of the hearing officer's written decision is filed within the time period set forth in section 53069.4 of the California Government Code, the hearing officer's decision shall be deemed confirmed.