



ADMINISTRATIVE HEARING PROCEDURES

I. Hearing Officers

a. Hearing officer panel

DCR shall maintain a roster of hearing officers to hear administrative appeals filed pursuant to LAMC Sec. 104.14. DCR shall assign hearing officers to hear appeals on a rotating basis such that once a hearing officer has heard an appeal, he or she shall not hear another appeal until all other hearing officers on the roster have been assigned to hear one appeal. However, if multiple hearings are scheduled for the same day, DCR may assign one hearing officer to hear all of that day's appeals. Further, if a hearing officer is unavailable or unable to conduct a scheduled hearing, DCR may assign the hearing to the next hearing officer in the rotation.

b. Disqualification of hearing officer

A hearing officer shall be subject to disqualification on the basis of bias, prejudice, conflict of interest or other reason provided by law. If an Appellant believes the hearing officer should be disqualified, it shall submit in writing a detailed explanation of the grounds for disqualification and provide all supporting evidence. The Los Angeles City Attorney's Office shall review the Appellant's submission and determine whether grounds for disqualification exist.

Upon selection for a hearing, a hearing officer shall notify DCR and the Appellant if he or she has a personal or financial interest in the matter, or has a relationship with any of the involved parties which may cause him or her to have a conflict of interest, bias or prejudice with regard to the appeal heard. Where the conflict of interest does not involve a financial interest, it may be waived by all parties and the hearing officer provided that is preceded by a full disclosure on the record of the basis for the conflict of interest and an agreement in writing to proceed before that hearing officer. DCR shall select a new hearing officer if one is required.

DCR may remove a hearing officer from the panel if he or she fails to attend a hearing, timely issue a written decision, conduct a hearing in a fair and orderly manner, or adhere to DCR's hearing procedures. DCR may also remove a hearing officer if he or she exceeds his or her authority, addresses issues beyond the scope of those presented on appeal, or engages in improper billing practices.

c. Hearing officer's assistant

A DCR staff member may assist the hearing officer with administrative duties, including scheduling and noticing hearings, collecting pre-hearing submissions, tracking evidence at hearings, sending out hearing decisions to parties, and maintaining case files. The hearing assistant shall not be involved in the hearing officer's decision-making process regarding

the issues presented at any hearing. The hearing officer shall refrain from discussing the substantive issues of any case with the hearing assistant.

d. Legal counsel for hearing officers

Upon request from the hearing officer, the City Attorney may provide legal counsel to the hearing officer regarding the conduct of hearings but will not advise the hearing officer regarding the substantive findings and determinations to be made. To ensure fairness and due process, the attorney advising the hearing officer on a particular appeal will not advise DCR regarding that appeal.

II. Hearing Process

a. Service

With the exception of the Notice of Administrative Hearing and hearing officer's final decision, all hearing related documents and communications shall be served by and amongst the parties via email. Documents to be served on DCR or the City Attorney shall be delivered to DCRAppeals@lacity.org. Documents to be served on the Appellant shall be delivered to the Appellant's primary email address on file with DCR in Accela and/or the email address of the Appellant's agent for service of process, if any. The Appellant is responsible for keeping his/her/its email address information up to date.

b. Pre-hearing disclosures

If the parties have any pre-hearing disclosures, as described under LAMC Sec. 104.14(d), they shall serve them on each other via email no later than 7 calendar days prior to the administrative hearing. The hearing officer's assistant shall provide the hearing officer with copies of the parties' respective disclosures.

c. Ex parte communications

The hearing officer shall not communicate with DCR (excluding the hearing officer's assistant) or the Appellant regarding a pending appeal outside of a properly noticed hearing. Similarly, the hearing officer shall not issue any orders – substantive or procedural – by email, telephone or any other means prior to a hearing. If a hearing officer receives an ex parte communication, he or she shall immediately notify the hearing officer's assistant and the hearing officer's legal counsel.

d. Hearing location

All hearings shall take place at a location within the City of Los Angeles, or be conducted virtually, as determined by DCR.

e. Hearing date, length, and continuances

1. A hearing date(s) shall be set following a reasonable effort of the parties to meet and confer about their availability and how much time each party will require to present their evidence. DCR shall be responsible for coordinating the parties' availability with the hearing officer and mailing a Notice of Administrative Hearing to Appellant. DCR may unilaterally set a hearing date if, after reasonable efforts to coordinate, the parties are unable to reach an agreement.

2. The Notice of Administrative Hearing shall include the hearing date(s) and time, and the location of the hearing.
3. Once a Notice of Administrative Hearing date is mailed to the Appellant, a hearing date may only be continued for good cause as determined by a hearing officer. When seeking a continuance, a party shall request in writing for the continuance within 3 calendar days following the time the party discovered or reasonably should have discovered the event or occurrence which establishes good cause for the need for a continuance. Any opposition to a continuance request shall be due 5 calendar days after the request is filed. No reply briefs will be permitted. All requests and any oppositions thereto shall be made to DCRAppeals@lacity.org, with a carbon copy to the email address of the opposing party or her/her/its representative. A hearing officer shall issue a written decision on any continuance request, which shall be made without oral argument.
4. The parties and the hearing officer shall use their best efforts to complete hearings, including any continuances, within 12 months from the date that the request for an administrative hearing was made.
5. The addition, change, or withdrawal of counsel or other representative does not alone constitute grounds for a continuance of any noticed hearing.

f. Hearing consolidation

1. Any party may request in writing for one or more separate hearings to be consolidated into a single hearing when they involve a common question of law or fact. Any opposition to a consolidation request shall be due 5 calendar days after a request is filed. No reply briefs will be permitted. All requests and any oppositions thereto shall be made to DCRAppeals@lacity.org, with a carbon copy to the email address of the opposing party or her/her/its representative. A hearing officer shall issue a written decision on any consolidation request, which shall be made without oral argument.
2. The parties may stipulate to consolidated hearings or separate hearings. In the event a stipulation is reached, the parties shall transmit the stipulation, signed by all parties, to the hearing officer in an email to DCRAppeals@lacity.org, and with a signature line for the hearing officer to order the consolidation or separation. The hearing officer shall have sole discretion to decide whether proceedings should be consolidated or separated.

g. Hearing rules and procedures

1. Each party at the hearing may choose its hearing representatives and call witnesses in support of its case. The hearing officer may exclude a witness from the hearing until it is time for him or her to testify.
2. The hearing shall be recorded by a digital recording device provided by DCR. All conversations between the hearing officer and the parties related to the hearing

shall be recorded. Any party to the hearing may, at its own expense, cause the hearing to be recorded and transcribed by a certified court reporter.

3. After turning on the recording system, the hearing officer shall read the date and the title of the appeal and ask for appearances from all parties. The hearing officer will inquire if all parties are ready to proceed and then explain the hearing process and confirm that all parties understand the process.
4. The hearing officer shall first identify and admit the following evidence into the record:
 - i. DCR administrative decision being appealed
 - ii. The appeal form filed by the Appellant
 - iii. The hearing notice
 - iv. The parties' pre-hearing disclosures
 - v. Any other evidence the hearing officer deems appropriate
5. The hearing officer shall allow the parties to present evidence, subject to the following rules:
 - i. Since DCR has the burden of proof by the preponderance of the evidence, it shall have the first opportunity to present argument and evidence concerning the appeal. The Appellant shall then have an opportunity to present argument and evidence concerning the case.
 - ii. Each party may present its case in the manner of its choosing, including, but not limited to, argument from a hearing representative, witness testimony, or submission of documentary evidence. Generally, any evidence that the hearing officer determines to be relevant shall be admitted if it is the sort of evidence persons would commonly rely on in the conduct of their business affairs. If the evidence meets this standard, the hearing officer may not exclude it solely because it is introduced in a manner that would not meet the evidentiary standards in a formal judicial proceeding; notwithstanding, the hearing officer is free to exclude evidence that is irrelevant, duplicative, consumes undue time, lacks sufficient credibility or authenticity, or is outside the scope of the hearing.
 - iii. The hearing officer shall administer the following an oath to all witnesses prior to testifying who testify:

You do solemnly state, under penalty of perjury, that the testimony you may give in the cause now pending in this hearing shall be the truth, the whole truth, and nothing but the truth.
 - iv. Each party shall be allowed a reasonable opportunity to conduct a direct examination of each witness it calls, followed by an opportunity for the other party to cross-examine the witness. The hearing officer, at his or her discretion, may permit a re-direct (or re-cross) examination of each witness.

v. The hearing officer may ask questions of either party or a witness, as necessary, to clarify testimony and evidence.

vii. Each party is entitled to a fair and reasonable amount of time to present its case, taking into account the quantity and complexity of the claims at issue and the nature of the evidence the parties intend to present. Each party shall have a reasonable opportunity to present rebuttal evidence.

vii. The hearing officer should confirm, on the record, when each party has no further evidence to present, after which each party shall be allowed a reasonable opportunity to summarize its position through a closing argument or statement. The hearing officer may ask questions of either party, as necessary, to clarify their arguments.

viii. The hearing officer will then close the hearing, unless it is continued to permit the parties to submit additional information requested by the hearing officer. Prior to turning off the recording system, the hearing officer should clearly state that the hearing has been completed and the record has been closed.

6. The hearing officer may issue evidentiary and procedural decisions during the course of the hearing as necessary to maintain an efficient process and ensure the hearing is conducted in adherence to the City's laws and the requirements of due process. The hearing officer may continue the hearing if there is not enough time to complete the hearing on the noticed date.

III. Hearing Officer's Written Findings of Fact

Within 30 business days after the conclusion of the hearing, the hearing officer shall issue written findings of fact and decide whether to uphold, reject or modify the challenged decision being appealed. The hearing officer's assistant shall serve the findings on the Appellant by mail to the Appellant's agent for service of process.