

**NOTICE OF A PUBLIC HEARING TO CONSIDER A PETITION TO AMEND
AND TERMINATE THE QUOTA IMPLEMENTATION PLAN**

Notice is hereby given that the California Department of Food and Agriculture is calling a public hearing to consider a petition to amend the Quota Implementation Plan (QIP) to sunset the QIP effective of March 1, 2025 and to equalize regional quota adjusters such that the quota premium in all counties equal \$1.43/cwt.

This hearing is being called pursuant to Division 21, Part 3, Chapter 3.0, section 62717 of the Food and Agricultural Code, as implemented by the procedures described in 3 CCR 2080.4.

Hearing Dates, Place and Time

September 30 - October 1, 2020 Held VIA TEAMS: 916 245 8850 Conference ID 693 778 929#
9:00 am – 4:00 pm

Hearing Format

The Secretary shall designate an administrative law judge to preside over the hearing as Hearing Officer. The Hearing Officer will administer the oath, receive evidence into the record, question witnesses, and determine the manner and order of witness testimony. A representative of the CDFA will have the opportunity to question witnesses on behalf of the Secretary. No other questioning of witness will be allowed. There will be no hearing panel nor will the Department present witnesses.

Exhibits

A designee of the Secretary shall present exhibits into the record.

Any interested person may file a written statement and exhibits concerning the call of the hearing. Written statements and exhibits may be any length, must be limited to the call of the hearing and signed. Written statements and exhibits may be delivered personally, by email, or by mail to Department Headquarters any time prior to the close of the hearing.

Written statements and exhibits received in advance of the hearing will be available for public inspection at Department Headquarters from September 20, 2020 through September 29, 2020 between the hours of 9:00 – 4:00 pm.

Persons are encouraged to submit their written statements and exhibits in advance of the hearing at Department Headquarters to:

California Department of Food and Agriculture
Legal Office
1220 N Street, Suite 315
Sacramento, California 95814
CDFA.LegalOffice@cdfa.ca.gov

Testimony

Testimony will be received under oath. A time limit for oral testimony will be determined by the Hearing Officer at the beginning of the hearing. Witnesses may supplement oral testimony with written testimony and exhibits. Any person desiring to testify my pre-register with the CDFA Legal Office up to September 29, 2020 at 4:00 pm. Persons not pre-registering will testify in the order determined by the Hearing Officer.

Any person who has testified under oath may be granted, upon request prior to the close of the hearing, to file a post-hearing brief to clarify or amplify their testimony. The brief must be filed within 10 calendar days following the close of the hearing.

Hearing Transcript

The hearing shall be recorded by a court reporter. Copies of the transcript may be obtained from the Department Legal Office at no charge.

§ 2080.4. Conduct of Hearings for Adoption, Amendment or Termination of Stabilization and Marketing Plans or Milk Pooling Plan.

- (a) **Hearing Officer and Panel.** The secretary or secretary's designee may conduct the hearing, or may select a panel to receive evidence and question witnesses. A hearing officer will preside at the hearing. No member of the panel will be a witness.
- (b) **Department Exhibits.** Department exhibits and Departmental proposals, if any, will be presented by a person who is not a member of the panel. Exhibits which the Department anticipates introducing at the hearing will be available for public inspection at the Department's Sacramento office not less than seven calendar days prior to the hearing. All exhibits will also be available for review during the hearing.
- (c) **Hearing Roster.** Any person desiring to testify shall sign, at the hearing, a roster prepared for such purpose. At the hearing, the hearing officer will announce the manner in which the roster will be used to determine the order of witnesses.
- (d) **Testimony by Petitioners.** If the hearing results from a petition, the petitioners will normally testify immediately after Department officials have introduced explanatory and statistical material, if any. Petitioners will then explain the proposal and submit supporting documents. In such cases, the petitioners, as a group, normally will be allowed up to one hour for testimony. If the hearing results from more than one petition, the multiple groups of petitioners normally will collectively be allowed up to 90 minutes for testimony. The group can (1) divide up the 90 minutes as they wish, (2) have the 90 minutes allocated to each group on a prorata basis, or (3) each have 20 minutes for testimony. In any case, if there does not appear to be large number of witnesses, the hearing officer may grant each group of petitioners up to an additional 20 minutes of time.
- (e) **Testimony by Persons Submitting Alternative Proposals.** Any person who has submitted an alternative proposal in response to a petition for a public hearing shall be allowed up to 30 minutes for testimony. However, if there does not appear to be a large number of witnesses, the hearing officer may grant up to an additional 20 minutes of time for such testimony.
- (f) **Other Testimony.** Oral testimony shall not exceed the time limit specified by the hearing officer. However, a witness may supplement oral testimony by submitting a written statement at the time the testimony is given. Normally, each witness, or group of witnesses appearing together, will be allowed 20 minutes for direct testimony. However, if there does not appear to be a large number of witnesses, the hearing officer may grant each witness up to an additional 20 minutes of time. After all persons wishing to testify have had an opportunity to do so, not more than an additional 20 minutes of time will be provided to each witness or petitioner who desires to present further testimony.
- (g) **Questioning of Witnesses.** At the conclusion of their testimony, witnesses will be subject to questioning by members of the hearing panel. With respect to Department witnesses, the hearing officer shall permit additional questioning by members of the audience. Any member of the audience may submit questions to the hearing officer for possible use by the hearing panel. Questions of witnesses shall be related to their testimony and pertinent to the call of the hearing.
- (h) **Written Statements.** Any interested person may file a written statement concerning the matter at the hearing. Written statements may be of any length, but limited to relevant matters. They must be signed. Preferably, written statements should be typewritten or printed. Written statements may be delivered personally or by mail any time after the notice of hearing, and shall

be received by the Department prior to the close of the hearing. Such statements should be addressed to the hearing officer at the designated Departmental office. Written statements will be available for review during the hearing.

(i) Posthearing Briefs. With respect to posthearing briefs, the provision of Section 61903 of the Code shall be applicable.

(j) Hearing Transcripts. The hearing shall be recorded by a reporter or recorder. Copies of the transcript may be obtained directly from the hearing reporter, or from the Department at the current rate for copies of public records. The Department will maintain and make available for public inspection a hearing transcript at its Sacramento office and, upon reasonable request, at the regional office of the Department nearest the location at which the public hearing was held.

Note: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61903, 61991-61998, 62031, 62032, 62705 and 62717, Food and Agricultural Code.