



DMS NOTICE
T - 10 - 01

January 7, 2010

Discard: Retain

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Hearing Officer Training – Administrative Civil Penalties (ACP)

The Division will present a Hearing Officer Training class in **San Diego**. The training objective is to provide weights and measures officials an understanding of all aspects of administrative adjudication, including the design and process of holding an administrative hearing. This civil penalty procedure is a course of action available to county weights and measures officials in enforcing, with penalties, violations of weights and measures laws occurring in the market place and within industry, such as:

- **scanner pricing errors**
- **packaging and measurement process errors**
- **illegal device use**

When violation(s) are repetitive, technical in nature, and the respondent fails to take corrective actions, the ACP action can be used when a district attorney is reluctant or unable to take further action.

Subject areas to be covered are:

- **Authority**
- **Due Process**
- **Role and Characteristics of a Hearing Officer**
- **Role of the Advocate and Respondent**
- **Respondent Rights and Evidence**
- **Preparation and Prehearing Conference**
- **Conducting the Hearing**
- **The Decision and Writing the Decision**
- **Appeals**

Prerequisites: Attendees must be Weights and Measures Sealers, their Deputies or weights and measures officials who have been designated by their Sealer to serve as Hearing Officers.



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Where: San Diego County Weights and Measures Conference Room, Bldg 1,
5555 Overland Avenue, San Diego, CA 92123

When: Thursday, February 11, 2010

Time: 9:00 a.m. – 3:30 p.m. in the

Fee: \$15.00

Payable to: Cashiers, CDFA (REIMB 95507)

Mailing Address: CDFA, DMS
ATTN: Amber Schaffner
6790 Florin Perkins Road, Ste. 100
Sacramento, CA 95828

Class Size: **Class space is limited to 30 attendees and is on a first come first served basis.** DMS will work with the California Agricultural Commissioner and Sealer Association to see if CACASA Trust Funds may be available to offset the cost of this training and travel expense.

To schedule as an attendee or if you have a question concerning this class, e-mail Don Overton at doverton@cdfa.ca.gov or call (916) 229-3058.