



COUNTY COMMISSIONERS

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District Two

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PUBLIC HEALTH AND SOCIAL SERVICES DEPARTMENT

David M. Bayne,
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MPH Health Office

Environmental Health Administrative Hearings

Below is an overview of the Administrative Hearing process as set forth in Article I General Provisions (amended 6/2/08).

RIGHT TO AN ADMINISTRATIVE HEARING

Administrative Hearings may be convened for the following causes:

- An appeal of an order, requirement, permit, decision, or determination made by the health officer
- An appeal of a Notice of Violation or order issued by the health officer to enforce the Thurston County Sanitary Code
- A hearing request made under Thurston County Code 10.92 for an order regarding contaminated property associated with illegal drug manufacturing or storage
- A hearing request to review a waiver or variance application
- Other appropriate reasons set forth in Article I or in Washington State laws and regulations administered by the health officer.

REQUIREMENTS OF A HEARING REQUEST

A request for a hearing shall be filed in writing with the department accompanied by required fees within fifteen (15) calendar days of the date of the notice of the decision being appealed, on a form provided by the department. The hearing request shall operate as a stay of the required action or decision, except in the case of an emergency order issued under section 7.3 of Article I.

The hearing shall be conducted within thirty calendar days of filing the request for hearing, unless alternative scheduling is agreed to by mutual agreement of the parties.

NOTIFICATION OF ADMINISTRATIVE HEARING

An administrative hearing notice will be mailed to the person requesting the hearing, the applicant and other applicable parties. The notice will include the date, time and location of the hearing along with a concise description of the cause for the hearing.

PRE-HEARING CONFERENCE

The hearing officer may require the hearing parties to attend a pre-hearing conference. The conference takes place at least three (3) calendar days prior to the scheduled hearing and may be conducted over the telephone. The purpose of the pre-hearing conference is to discuss process, settlement, and/or summary disposition, clarification and jurisdiction of issues raised in the request for hearing.

HEARING PROCESS

The hearing shall be an **open record** hearing presided over by the hearing officer. This is the **ONLY** opportunity for parties of record to submit evidence for consideration by the administrative hearing officer and establish the record for any subsequent appeals. Any documents, testimony or other evidence to be considered by the hearing officer must be provided at or submitted in advance of the hearing.

The hearing officer may decide a matter even if the party who requested the hearing fails to attend the hearing or participate in a pre-hearing conference.

HEARING DECISION

The hearing officer will render a decision within fifteen (15) calendar days from the conclusion of the hearing, unless a longer period is agreed upon by the parties and the hearing officer. Copies of the hearing decision to the party requesting the hearing and all parties of record will be mailed within five (5) days of the date the decision is rendered

APPEALS OF ADMINISTRATIVE HEARING DECISIONS

The decision of the administrative hearing officer can be appealed to the Thurston County Board of Health by the party requesting the hearing or any party of record. Appeals to the Board of Health must be submitted within 15 days of the date of the hearing officer's written decision and must include a completed application and the appropriate fee. A **closed record** appeal will be scheduled before the Board of Health within 50 days of the date the appeal was filed. The Board will consider the appeal application and the official record created during the administrative hearing process.