

STATE OF CALIFORNIA

DEPARTMENT OF CONSERVATION  
STATE MINING AND GEOLOGY BOARD

IN THE MATTER OF THE )  
ADMINISTRATIVE PENALTY )  
ASSESSED AGAINST: )  
 )  
 )  
an individual, )  
 )  
 )  
d.b.a. )  
 )  
 )  
 )  
PETITIONER(S) )  
\_\_\_\_\_ )

Case No. )  
 )  
PETITION/  
NOTICE OF DEFENSE )

- ( ) I acknowledge receipt of this action assessing an administrative penalty under Public Resources Code Section 2774.1 (c) against me or the company for which I am the agent.
- ( ) I request a hearing before the State Mining and Geology Board.
- ( ) I object to the action on the ground that it does not state acts or omissions upon which the Department of Conservation may proceed.
- ( ) I object to the form of the action on the ground that it is so indefinite or uncertain that I cannot identify the transaction or prepare a defense.
- ( ) I admit the action in whole or in part. (Indicate which parts you admit by paragraph number or list on a separate page facts or allegations admitted.)
- ( ) I deny the action in whole or in part. (Indicate which parts you deny by paragraph number or list on a separate page facts or allegations denied.)
- ( ) I have no personal knowledge of the facts or allegations. (Indicate which parts by paragraph number or on a separate page.)
- ( ) I present the following new matter by way of defense:  
(On a separate page, list other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the alleged violation. Be as specific as you can. If you have or know of any document(s), photograph(s), map(s), letter(s), or other evidence that you believe is/are relevant, please identify it/them by name, date, type, and any other identifying information and provide the original(s) or (a) cop(y/ies) if you can).
- ( ) I wish to present the following information, statement, etc. in addition:  
(Use a separate page, if needed.)

( ) I have documents, exhibits, declarations under penalty of perjury and/or other materials that I am attaching to this form or that I want to be made a part of the administrative record for this administrative penalty. (Please list in chronological order by date, author and title and enclose a copy with this completed form.)

( ) I object to the action on the ground that, under the circumstances, compliance with the requirement of a regulation would result in a material violation of another regulation enacted by another department affecting substantive rights. (List the other regulation(s).)

( ) I will pay the full assessed amount and waive a hearing.

**DO NOT SEND CASH.** Please note your case number on your remittance, made payable to: **State of California, Department of Conservation**, to ensure proper credit and mail it to this address: Department of Conservation, Office of Mine Reclamation, 801 K Street, MS 09-06, Sacramento, California 95814.

If you intend to be represented by an attorney, please state his/her name, address, and telephone number. Otherwise, state the address and phone number where you want legal documents sent. Mail this Notice of Defense to: *Executive Officer, State Mining and Geology Board, 801 K Street, MS 20-15, Sacramento, California 95814.*

**DATED:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner's Signature**

\_\_\_\_\_  
**Name of Counsel/Petitioner (circle one)**

\_\_\_\_\_  
**Phone Number**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City**

\_\_\_\_\_  
**State**

\_\_\_\_\_  
**Zip**

*HISTORY*

1. *New section filed 4-2-98; operative 4-2-98 (Register 98, No. 14). This interim regulation is exempt from most of the procedural requirements of the Administrative Procedure Act (specifically, from Articles 5 and 6 of Chapter 3.5, Division 3, Title 2, Government Code) and from review by the Office of Administrative Law pursuant to Government Code sections 11400.20 and will expire on December 31, 1998, unless earlier terminated or replaced by, or readopted as, permanent following the procedures of the Administrative Procedure Act.*
2. *New section refiled 11-16-98 as a permanent regulation; operative 12-16-98 (Register 98, No. 47).*