
5.04.110 Hearings—Issuing Officer.

- (a) In any case where the Issuing Officer determines that a license issued pursuant to this chapter should be suspended or revoked, the Issuing Officer shall prepare a written notice of suspension or revocation, which includes a statement of the proposed action, a concise explanation of the reasons for the proposed action, the statutory basis relied upon for such proposed action, and an explanation of the licensee's right to request a hearing from the Issuing Officer. Such notice shall be sent by certified mail to the licensee's last address provided in the application or be personally delivered, at least ten days prior to the effective date of such action. If within five days after receipt of such mailing or delivery to the licensee or an authorized representative requests in writing a hearing from the Issuing Officer, the Issuing Officer shall immediately set a hearing and shall set forth in writing and send to the licensee by means of mail or hand delivery, notice of the time, date and place of such hearing. The hearing shall be held not more than 30 days from the date of receipt of said request for hearing. The hearing shall be conducted by a hearing officer designated by the Issuing Officer. The person designated as Hearing Officer shall not have been connected in any manner in the decision to take the proposed action which is the subject of such hearing. No hearings shall be continued except upon showing of good cause.
- (b) The hearing shall be conducted to determine the existence of any facts which constitute grounds for the suspension or revocation of the license. The licensee may have the assistance of counsel or may appear by counsel and shall have the right to present evidence pursuant to Section 5.04.150 of this Code. In the event that the licensee, or counsel representing the licensee fails to appear at the hearing, the evidence of the existence of facts which constitute grounds for the suspension or revocation of the license shall be considered un rebutted. The decision of the Hearing Officer shall be based solely on the evidence presented at the hearing. Upon conclusion of the hearing, the Hearing Officer will give a verbal decision; provided, however, that in the discretion of the Hearing Officer, the decision may be delayed and given in writing within ten days. In any case where a verbal decision is given at the close of the sharing, the Hearing Officer shall confirm that decision in writing within ten days. The written decision shall set forth the findings of fact and the reasons for the decision and a copy mailed to the licensee or an authorized representative. A hearing held under this section or the failure of the licensee to request such a hearing or to appear at the scheduled time for such hearing in no way deprives the licensee of the right to appeal as provided for in this chapter.

(Ord. No. 2017-1451, § 2, 10-24-2017)