

To: Petitioner, SLO County Air Pollution Control Officer, Larry Allen, and Respondent, California State Parks OHMVD (Acting Deputy Director, Mathew Fuzie, on its behalf) Liz McGuirk, Chief Deputy Director California Department of Parks and Recreation:

The Chair of the San Luis Obispo Air Pollution Control District Hearing Board, Eileen Mackin-Getzoff, has received an e-mail from the SLO APCD Hearing Board Clerk (Alyssa R. Roslan) at around noon on October 11<sup>th</sup>, forwarding a request from Liz McGuirk of the California Department of Parks and Recreation, requesting a continuance of the matter set for hearing on Monday, October 16, 2017 at 9:00 a.m. (Docket No. 17-01). The request was dated October 10<sup>th</sup>, 2017 and purports to have been sent via mail.

Pursuant to Hearing Board Rule 814, the chair may grant any reasonable continuance ex parte, or a continuance of up to 15 days with the parties' concurrence, ex parte, without convening the hearing board.

In accordance with that authority, the chair then contacted the office of the petitioner, Air Pollution Officer, Larry Allen and District Counsel, Ray Biering in order to ascertain who was serving as council for the petitioner and whether this request had been received by them and also whether there was a concurrence on this matter. The Chair was told by Mr. Biering that he does represent the petitioner, that he had received a copy of the request on October 10<sup>th</sup> (one day prior to service on the Chair) and that the petitioner concurs with this request for a continuance. At 3:30 p.m. Larry Allen returned the Chair's phone message and confirmed that he was represented by Ray Biering and that he consented to a continuance on the hearing but had questions. The Chair advised him to consult Mr. Biering with any questions.

The Chair then, via email, advised the clerk, that the Chair has granted a continuance for the hearing on the petition (Docket No 17-01) but that the specific date of such hearing shall be discussed and may be set at the pre-hearing conference set for October 16<sup>th</sup>, 2017, before the full hearing board. Thus, the agenda for the pre-hearing conference (which was noticed via email on October 11<sup>th</sup>) shall include discussion of the scope of the continuance and the setting of a date for filing of an answer.


As advised in the notice posted to the Hearing Board's website by the clerk on October 11<sup>th</sup>, the pre-hearing conference for Hearing Board Docket No. 17-01, will be held on Monday, October 16, 2017, 9:00 a.m., at San Luis Obispo Veterans Memorial Building, Main Hall Right Wing, 801 Grand Avenue, San Luis Obispo, CA 93401, at which you or your designated representative must appear.

In accordance with Hearing Board Rule 811 (Preliminary Matters) and California Government Code section 11511.5 (made applicable pursuant to California Health and Safety Code section 40807), the Chair will conduct a pre-hearing conference. The scope of the conference shall be consistent with the scope specified in Government Code section 11511.5. You must be prepared to address each of the following matters:

- (a) Status of settlement discussions;
- (b) Clarification of issues;

- (c) Rulings on the identity and limitation on the number of witnesses;
- (d) Exchange of witness lists and exhibits to be offered in evidence at the hearing;
- (e) Order of evidence to be presented and cross-examination;
- (f) Schedules of submission of written briefs and for commencement and conduct of the hearing;
- (g) Motions, including motions for intervention, subpoenas, and protective orders; and
- (h) Request for continuance of hearing by a party and setting of future dates for hearings and other proceedings
- (i) Any other matter that promotes the orderly and prompt conduct of the hearing.

Signed:

  
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Alyssa R. Roslan  
Clerk of the SLO APCD Hearing Board

Date: 10/11/17