

**Title 11, Division 1, Chapter 15, Attorney General Regulations Regarding the Administrative Review Procedure for Refusing to Register, Revoking or Suspending Charitable Trust and Fundraiser Registrations under Government Code section 12598**

**§999.6 Charitable Entity Registration Refusal, Revocation or Suspension**

(a) The Attorney General may refuse to register, or revoke, or suspend the registration of a charitable corporation, trustee, commercial fundraiser, fundraising counsel, and coventurer, for the reasons as specified in Section 12598, subdivision (e), of the Government Code.

(b) When a registration is refused, revoked, or suspended, the Attorney General shall provide written notice which specifies the reasons for the action.

(c) If the registrant seeks to appeal a registration action, it must request a hearing by filing a written appeal with the Registrar of Charitable Trusts within thirty (30) calendar days of the written notice's issue date.

(1) The written appeal shall contain the name and entity affiliation (if any), address and phone number of the person appealing, the registration number (if any), and a statement of the basis of the appeal.

(2) The failure of the person or entity who has appealed to appear at the time and place of the hearing shall be deemed a withdrawal of the appeal, and the written notice of the registration refusal, revocation, or suspension shall constitute the Attorney General's final order subject to no further administrative review.

(d) All hearings provided for under this regulation shall be conducted by an administrative hearing officer appointed by the Attorney General. The hearing officer shall not have participated in the decision concerning the registration that is the subject of the hearing and is otherwise subject to the disqualification provisions of sections 11425.30 and 11425.40 of the Government Code.

(e) All hearings under this regulation shall be conducted in accordance with the procedures set out in Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, except where as applicable those provisions requiring the designation of administrative law judges.

(f) Except as otherwise prohibited by law, the Attorney General may delegate any of the powers and duties under Section 12598, subdivision (e), of the Government Code and under these regulations to Department of Justice staff.

Note: Authority cited: Section 12598(e), Government Code. Reference: Sections 11400, et seq. and 11500, et seq., Government Code.

**§999.7 Review of Hearing Officer's Proposed Decision**

(a) Within 15 days after service of the hearing officer's proposed decision, any party to a registration action may file a written brief served on all parties seeking review by the Attorney General of the proposed decision. Failure of a party to timely file such a brief waives the party's right to such a review.

(b) Briefing Procedure

(1) No later than 15 days after service of the written brief requesting review of the proposed decision, an opposition to the request (if any) must be filed and served on the parties.

(2) The parties' briefing may address the following:

(A) Whether the facts stated in the proposed decision are consistent with the evidence presented;

(B) Whether the proposed decision contains an accurate statement and/or application of the law; and

(C) Whether additional evidence exists that could not, with reasonable diligence, have been discovered and presented at the administrative hearing.

(3) The Attorney General may in his/her discretion upon a showing of good cause, extend the time requirements set forth herein unless irreparable harm would result from granting such an extension.

Note: Authority cited: Section 12598(e), Government Code. Reference: Sections 11517, 11518.5, and 11519, Government Code.

**§999.8 Final Attorney General Decisions**

(a) Upon completion of the briefing process or after 15 days of service of the proposed decision, the Attorney General may do any of the following:

(1) Adopt the proposed decision in its entirety.

(2) Reduce or otherwise mitigate the proposed decision in its entirety.

(3) Make technical or non-substantive changes which do not affect the factual or legal basis of the proposed decision and adopt it as the final decision.

(4) Non-adopt the proposed decision. If the proposed decision is not adopted, the Attorney General may decide the case upon the record, including the transcript, or may refer the case back to the hearing officer to take additional evidence. If the case is remanded back to the

hearing officer for taking additional evidence, another proposed decision shall be prepared based upon this additional evidence. The proposed decision shall be subject to the review and adoption procedures set out in these regulations.

(A) Before deciding any case on the record, the Attorney General shall give the parties the opportunity to present further written argument.

(B) If the record and/or the parties' arguments reveal the need for additional evidence, the Attorney General in his/her discretion may order the taking of additional evidence either by the Attorney General or by the hearing officer. Following the receipt of any additional evidence, the Attorney General may require further written or oral argument before deeming the case submitted for final decision.

(b) The proposed decision shall be deemed adopted by the Attorney General 100 days after service of the proposed decision by the hearing officer, unless within that time: (1) the Attorney General notifies the parties that the proposed decision is or is not adopted or is otherwise modified, or (2) the matter is referred to the hearing officer to take additional evidence.

(c) The decision shall become effective 30 days after it is mailed to the parties, unless reconsideration of the decision is ordered within that time or the Attorney General orders that the decision shall become effective sooner.

(d) The Attorney General may designate as precedential the decision or any part thereof that contains a significant legal or policy determination that is likely to recur.

(1) Once a decision is designated as precedential, parties may cite to such decisions in their briefs to the Attorney General, hearing officer, and the courts.

(2) If the Attorney General decides to designate precedential decisions under this regulation, then an index of significant legal and policy determinations made in these decisions shall be maintained and made available to the public at the Charitable Trust Registry as well as publicized annually in the California Regulatory Notice Register. The index shall be maintained at least annually, unless no precedential decisions have been designated since the last preceding update.

Note: Authority cited: Section 12598 (e), Government Code. Reference: Sections 11425.10(a)(7), 11425.60, 11517, 11518.5, and 11519, Government Code.