

Salt Lake County Health Department

ADJUDICATIVE HEARING PROCEDURES

**Adopted by the Salt Lake County Board of Health
June 1, 2017**

**Amended
April 4, 2024**

**Under Authority of Utah Code Ann. §§ 26A-1-109(8),
26B-1-224, 26A-1-121(2), and 26A-1-114**

1. PURPOSE & APPLICABILITY OF REGULATION

- 1.1. These rules describe the administrative adjudicative procedures for the Salt Lake County Health Department (“Department”). These rules provide an equitable and uniform method for administering and resolving disputes between the Department and person(s) alleged to have violated laws, ordinances, regulations, and orders under the jurisdiction of the Department.

2. DEFINITIONS

For the purposes of these procedures, the following terms, phrases, and words shall have the meanings herein expressed:

- 2.1. “Board” shall mean the Salt Lake County Board of Health.
- 2.2. “Case File” shall mean Department records directly related to a Departmental Notice issued to a person(s), which include but are not limited to permit applications, permits, complaint investigation records, photographs, sample results, business entity information, and correspondence used to support the Departmental Notice.
- 2.3. “Chief Hearing Officer” shall mean an attorney, administrative law judge, Department representative, County official, or a person with prior experience in conducting administrative hearings who is selected by the Department Director to hear departmental appeals and issue orders. A Chief Hearing Officer does not perform prosecutorial or investigative functions in connection with any hearing in which he or she serves as Chief Hearing Officer.
- 2.4. “Days” shall mean calendar days. In computing any period of time prescribed or allowed by these rules, by order of a Chief Hearing Officer, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day.
- 2.5. “Department” shall mean the Salt Lake County Health Department.
- 2.6. “Departmental Notice” shall mean an initial Departmental Notice concerning legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable person(s), including all determinations to approve, deny, revoke, suspend, modify, impose, annul, withdraw, or amend any requirements, applications, permits, rights, penalties or fines subsequent to an opportunity for a hearing. A Departmental Notice is issued without conducting any level of review by a chief hearing officer. A Departmental Notice includes, but is not limited to, immediate compliance orders, notices of violation, inspection reports, and/or written decision.
- 2.7. “Director” shall mean the Director of the Salt Lake County Health Department or his or her designated representative.

- 2.8. “Person” shall mean any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institutions, bureau or agency thereof, municipal corporation, county, city, or any legal entity recognized by the law.

3. GENERAL PROVISIONS

3.1. Jurisdiction of the Department.

3.1.1. This Regulation is promulgated by the Salt Lake County Board of Health as authorized by Utah Code Ann. § 26A-1-121(1)(a), and Salt Lake County Code of Ordinances, Chapter 9.04.

3.1.2. The Department is empowered to enforce this Regulation in all incorporated and unincorporated areas served by the Department as authorized by Utah Code Ann. § 26A-1-114(1)(a) and Salt Lake County Code of Ordinances, Chapter 9.04.

3.2. Nothing in this Regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County, or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations, and ordinances pertaining to similar subject matter that are inconsistent.

3.3. **Severance.** If any section, sentence, clause, or phrase of this Regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Regulation.

4. SUBSTANTIVE PROVISIONS

4.1. Adjudicative Proceedings.

4.1.1. Three types of proceedings are available to resolve a Departmental Notice: a departmental conference, a departmental appeal, and Board review. The Department should attempt to resolve disputes at the lowest level.

4.1.2. When good cause appears, the Department may deviate from these rules if it finds compliance to be impractical or unnecessary or that such deviation furthers justice or purposes of the Department.

4.1.3. These rules will be liberally construed to secure a just, speedy, and economical determination of all issues presented to the Department.

4.1.4. Departmental appeals constitute formal proceedings for purposes of judicial review; departmental conferences constitute informal proceedings.

- 4.1.5. To the extent that the Utah Administrative Procedures Act (“UAPA”) governs the proceedings by statute or other specific requirement and these provisions conflict, the UAPA prevails.
- 4.1.6. The burden of proof for all parties during the departmental appeal is by the preponderance of the evidence unless otherwise provided by law.
- 4.1.7. Person(s) may participate in a departmental conference or departmental appeal by telephone or virtually, unless otherwise ordered by the Chief Hearing Officer. The person(s) and the Chief Hearing Officer shall provide for the orderly exchange of any documents that may be used during the virtual or telephone hearing.
- 4.1.8. If the person(s) and the Department reach an agreement at any time after the Departmental Notice is issued and before any appeal to a District Court as to the issues, requirements, and penalties (if any), the Department representative shall prepare, in consultation with the District Attorney’s Office, a binding stipulation and settlement agreement and order, and shall submit the agreement and order to the person(s) for approval and signature. After signing a settlement agreement and order, and the Department or Board’s entry of the order, the person(s) waives all rights to further departmental conferences or appeals.

4.2. Filing a Request for a Departmental Conference or Departmental Appeal and Consequences of Failure to File Such a Request.

- 4.2.1. A person(s) aggrieved by a Departmental Notice may request a departmental conference or departmental appeal with the Department. Such request must be in writing and must be received by the Department within ten (10) days after the Departmental Notice is received by the person(s).
- 4.2.2. If a person(s) aggrieved by a Departmental Notice fails to file a written request for a departmental conference or departmental appeal with the Department within ten (10) days after the Departmental Notice is received by the person(s), the Departmental Notice is a final order of the Department and may not be challenged in further administrative or judicial appeals. The written request for a departmental conference or departmental appeal must be received by the Department within ten (10) days after the Departmental Notice is received by the person(s). If no written request for a departmental conference or departmental appeal is received within ten (10) days after the Departmental Notice is received, the Departmental Notice is a final order of the Department and may not be challenged in further administrative or judicial appeals.

4.3. Departmental Conference.

- 4.3.1. The purpose of a departmental conference is to resolve matters raised quickly and inexpensively through informal discussions in which the person(s) is

allowed to review and evaluate evidence presented.

- 4.3.2. If a person(s) is aggrieved by a Departmental Notice, the person(s) may file with the Department a written request for a departmental conference. The written request for a departmental conference must be received by the Department within ten (10) days. The Department must notify the person(s) of the date of the departmental conference within twenty (20) days of receipt of the request for a departmental conference. The scheduled date shall be within thirty (30) days from the date of the request for a departmental conference unless the Department and person(s) agree otherwise. The Department may deny the request for a departmental conference if the aggrieved person(s) is not a real party in interest to the Departmental Notice.
- 4.3.3. In a departmental conference, the person(s) shall be permitted to present witnesses and evidence and comment on the issues. Cross-examination is not permitted. Discovery is prohibited. Intervention by a third person(s) is prohibited. No digital recording shall be made of the conference. The conference shall not be open to the public.
- 4.3.4. If the Department and person(s) fail to reach an agreement during the departmental conference, the person(s) aggrieved by the Departmental Notice may request a departmental appeal within ten (10) days after the date of the departmental conference. The written request for a departmental appeal must be received by the Department within ten (10) days after the date of the departmental conference.
- 4.3.5. If a person(s) aggrieved by a Departmental Notice fails to file a written request for a departmental appeal with the Department within ten (10) days after the date of the departmental conference, the Departmental Notice is a final order of the Department and may not be challenged in further administrative or judicial appeals.

4.4. Default in Departmental Conference.

- 4.4.1. The Department may enter an Order of Default (final order) against a person(s) if the person(s) fails to timely request, or fails to appear and participate in, a scheduled departmental conference. The Order of Default shall include a statement of the grounds for default and shall be mailed to the person(s). An Order of Default may find that the Departmental Notice is final and unappealable or dismiss the Departmental Notice with or without prejudice.
- 4.4.2. A defaulting person(s) may seek to have the Department set aside the default order and subsequent proceedings on the grounds set out in the Utah Rules of Civil Procedure for relief from a judgment or order. A written request to set aside a default order must be filed and received by the Department within ten (10) days of the receipt of the Order of Default. The Department shall issue a decision on the request within twenty (20) days from the receipt of the request.

- 4.4.3. If a person(s) aggrieved by the Department's Order of Default fails to file a written request to the Department to set aside the order within ten (10) days after receipt of the order, the Department's Order of Default is a final order of the Department and may not be challenged in further administrative or judicial appeals.

4.5. Departmental Appeal.

- 4.5.1. A person(s) may file a written request for a departmental appeal with the Department within ten (10) days of a departmental conference. The Department may, but is not required to, file an answer or other responsive pleading.
- 4.5.2. The request for a departmental appeal shall include:
- (i) a statement of the person(s) interest in the Departmental Notice; a statement of any disputed facts; a statement of reasons forming the basis for relief or action, including a statement of the relief or action sought from the Department; the date upon which it was mailed;
 - (ii) the names and addresses of all person(s) to whom a copy of the request for departmental appeal is being sent;
 - (iii) a signature of the person(s) seeking review; and
 - (iv) the Department's file number or other reference number.
- 4.5.3. Within thirty (30) days of receipt of the Request for Departmental Appeal, the Chief Hearing Officer assigned to the matter shall issue a Scheduling Order and Notice of Hearing that includes:
- (i) the Department's file number or other reference number;
 - (ii) a statement of the time and place of the hearing;
 - (iii) a statement that a person(s) failing to attend may be held in default;
 - (iv) the names and address of all person(s) to whom the Scheduling Order and Notice of Hearing is being sent; and
 - (v) a briefing schedule, if necessary, at the discretion of the Chief Hearing Officer.
- 4.5.4. Within thirty (30) days of receipt of the Request for Departmental Appeal, unless otherwise ordered by the Chief Hearing Officer, the Department shall file and mail to the aggrieved person(s) and the Chief Hearing Officer a response signed by the Department. The response shall include:

- (i) the Department's file number or other reference number;
- (ii) a statement of the legal authority and jurisdiction under which the Department's action was taken;
- (iii) a statement of the facts and reasons forming the basis for relief or action; and
- (iv) a statement of the relief or action sought by the Department.

4.6 **Procedures for Departmental Appeal Hearing.**

- 4.6.1 The Departmental Appeal Hearing shall be conducted as an evidentiary hearing.
- 4.6.2 The Chief Hearing Officer may provide the person(s) with the opportunity to make oral argument prior to making a decision.
- 4.6.3 The burden of proof in an evidentiary hearing shall be on the Department by a preponderance of the evidence for any disputed determination or action issued in its initial Departmental Notice. The burden of proving affirmative defenses and other assertions is on the person(s) asserting it by a preponderance of evidence or as otherwise provided by law.
- 4.6.4 The Chief Hearing Officer has discretion to permit discovery.
- 4.6.5 If discovery is permitted, the Chief Hearing Officer is not bound by the Utah Rules of Civil Procedure but may use them as a guide so long as such rules are not inconsistent with these rules.
- 4.6.6 As authorized under the Local Health Department Act, subpoenas and other orders to secure the attendance of a witness or the production of evidence for formal hearing may be issued by: (a) the Department; (b) the Chief Hearing Officer when requested by any person(s); or (c) may be issued by the Chief Hearing Officer on his or her own motion.
- 4.6.7 All hearings before the Chief Hearing Officer will be open to the public, unless otherwise ordered by the Chief Hearing Officer for good cause shown.
- 4.6.8 The Chief Hearing Officer shall regulate the course of the hearing to obtain full disclosure of relevant facts and to afford all parties reasonable opportunity to present their positions and protect the confidentiality of records or other information protected by law.
- 4.6.9 The Chief Hearing Officer is not bound by rules of evidence but shall use them as appropriate guides although not in a manner inconsistent with these rules. The Chief Hearing Officer, on his or her own motion or upon

objection or request, may:

- (i) exclude evidence that is irrelevant, immaterial, or unduly repetitious;
- (ii) receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document;
- (iii) exclude evidence privileged in the courts of Utah;
- (iv) take official notice of:
 - a. any facts that could be judicially noticed under the Utah Rules of Evidence;
 - b. the record or other proceedings before the Chief Hearing Officer; and
 - c. technical or scientific facts within the Chief Hearing Officer's specialized knowledge;
- (v) not exclude evidence solely because it is hearsay; and
- (vi) allow all parties an opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.

4.6.10 Testimony presented to the Chief Hearing Officer will be sworn testimony under oath or affirmation.

4.6.11 The Chief Hearing Officer shall record the appeal at the expense of the Department. Recordings and exhibits shall be retained by the Department. Any person(s), at his or her own expense, may prepare a transcript from a copy of the appeal recording subject to any restrictions that the Department is permitted by law to impose to protect confidential information.

4.6.12 Upon written request, all person(s) shall have access to information contained in the Department's files and to all materials and information gathered by investigation, to the extent permitted by law.

4.6.13 Any person(s) has the right to be represented by counsel. The Department will not provide counsel for other parties and all costs for counsel will be the sole responsibility of the person(s).

4.6.14 Every person(s) to the appeal is responsible for assuring the appearance

of their witness.

4.6.15 Any person(s) not a party to the appeal may file with the Department a signed written petition to intervene in a formal appeal.

- (i) Any person(s) who wishes to intervene shall mail a copy of the petition to each person(s) that is a party to the appeal. The petition shall include:
 - a. the name of the proceeding;
 - b. a statement of the facts demonstrating that the Petitioner's legal rights or interests are substantially affected by the appeal; or, that the Petitioner qualifies as an intervener under another provision of law; and
 - c. a statement of the relief Petitioner seeks from the Department.
- (ii) The Chief Hearing Officer shall grant a Petition for Intervention if the Chief Hearing Officer determines that the Petitioner's legal interests may be substantially affected by the adjudicative proceedings and prompt conduct of the adjudicative proceedings will not be materially impaired by allowing the intervention.
- (iii) Any order granting or denying intervention may impose conditions on the intervener's participation in the appeal that are necessary for a just, orderly, and prompt resolution of the proceedings. Such conditions may be imposed at any time after the intervention.

4.6.16 All person(s) may stipulate to a continuance of the departmental appeal for the purposes of settlement discussions.

4.7 **Default in Departmental Appeal.**

4.7.1 The Chief Hearing Officer may enter an Order of Default against a person(s) if the person(s) fails to appear and participate in the hearing, fails to respond to discovery, or comply with the Chief Hearing Officer's orders. The Order of Default shall include a statement of the grounds for default and shall be mailed to all person(s). An Order of Default may find that the Departmental Notice is final and unappealable or dismiss the Departmental Notice with or without prejudice.

4.7.2 A defaulting person(s) may seek to have the Chief Hearing Officer set aside the default order and subsequent proceedings on the grounds set out in the Utah Rules of Civil Procedure for relief from a judgment or order. A written request to set aside a default order must be filed and received by the Department within ten (10) days of the receipt of the Order of Default.

The Chief Hearing Officer shall issue a decision on the request within twenty (20) days from the receipt of the request.

- 4.7.3 After issuing the Order of Default, the Chief Hearing Officer may conduct any further proceedings necessary to complete the hearing without the participation of the person(s) in default and may determine all issues, including those affecting the defaulting person(s). Alternatively, the Order of Default may dismiss the request for a departmental appeal if the person(s) aggrieved by the Departmental Notice fails to appear. The Order of Default may dismiss the Departmental Notice if representatives of the Department fail to appear. An Order of Default may find that the Departmental Notice is final and unappealable or may dismiss the Departmental Notice with or without prejudice.
- 4.7.4 If a person(s) aggrieved by a Chief Hearing Officer's Order of Default fails to file a written request to the Chief Hearing Officer to set aside the order with the Department within ten (10) days after receipt of the order as set out above, the Chief Hearing Officer's Order of Default is a final order of the Department and may not be challenged on the basis of mistake, inadvertence, surprise, excusable neglect, newly discovered evidence which by due diligence could not have been discovered in time to move for the default to be set aside, or fraud, misrepresentation, or other misconduct of an adverse person(s). However, the ten (10) day time limit does not apply to motions to set aside the Order of Default on the grounds that the order is void; the judgement has been satisfied, released, or discharged; or a prior judgment upon which it is based has been reversed or otherwise vacated; or it is no longer equitable that the judgment should have prospective application, or any other reason justifying relief from the operation of the order not listed above.

4.8 **Final Order of Chief Hearing Officer.**

- 4.8.1 Within a reasonable time after the departmental appeal hearing, the Chief Hearing Officer shall issue a written, signed, final order which shall include the following:
- (i) a statement of the Chief Hearing Officer's findings of fact, conclusions of law, and order;
 - (ii) the order and reasons for the order;
 - (iii) a notice of the right to appeal; and
 - (iv) the time limits for filing a written request for Board review as provided in Utah Code Ann. § 26A-1-121(2). A person(s) aggrieved by the Chief Hearing Officer's order may file a written request for appeal with the Department for consideration by the

Board within thirty (30) days after receipt of the Chief Hearing Officer's order. If a timely written request for Board review is filed by any person(s), any other person(s) may file an additional or cross-request for Board review within fourteen (14) days after the first written request for Board review was filed.

- 4.8.2 The Chief Hearing Officer's experience, technical competence, and specialized knowledge may be used to evaluate the evidence.
- 4.8.3 The Chief Hearing Officer's authority is limited to the specific subject matter presented. The Chief Hearing Officer may submit separate policy recommendations to the Board of Health but may not legislate policy.
- 4.8.4 No contested finding of fact may be based solely on hearsay evidence admitted in the departmental appeal hearing.
- 4.8.5 This section does not preclude the Chief Hearing Officer from issuing interim orders to:
 - (i) notify the person(s) of further hearings;
 - (ii) notify the parties person(s) of provisional rulings on a portion of the issues presented; or
 - (iii) otherwise provide for the fair and efficient conduct of the adjudicative hearing.
- 4.8.6 If no material facts are in dispute or are agreed to by stipulation between the person(s), the Chief Hearing Officer, upon receiving written or oral argument, may summarily decide the case by issuing a final order, accompanied by written findings and conclusions.
- 4.8.7 The Chief Hearing Officer shall, upon issuance, serve a copy of the final order upon the person(s) by mail, by personal delivery, or through other reasonable notice if mail or personal delivery is not possible.
- 4.8.8 If a person(s) aggrieved by the Chief Hearing Officer's order fails to file a written request for review by the Board with the Department within thirty (30) days after receipt of the order as set out above, the Chief Hearing Officer's order is a final order of the Department and may not be challenged in further administrative or judicial appeals.

4.9 **Board Review.**

- 4.9.1 Pursuant to a timely request as set forth in section 4.8 above, a person(s) may request that the Board review the Chief Hearing

Officer's final order pursuant to Utah Code Ann. § 26A-1-121(2).

4.9.2 A request for review shall include the following:

- (i) a statement of the person's interest in the Departmental Notice, a statement of any disputed facts, and a statement of reasons forming the basis for relief or action, including a statement of the relief or action sought from the Department;
- (ii) the names and addresses of all person(s) to whom a copy of the request for Board review is being sent; and
- (iii) the Department's file number or other reference number.

4.9.3 The review of matters subject to these rules shall be a review of the record of the departmental appeal. The Board shall determine if the factual findings are supported by substantial evidence. The Board shall review legal conclusions de novo and mixed questions of law and fact will be reviewed for reasonableness and rationality.

4.9.4 The Board may designate one or more members to coordinate the person(s) submission of materials and to prepare a recommended order for the Board's review.

4.9.5 The Board or its designee[s] may set a schedule for the orderly submission of memoranda concerning the appeal by the person(s), normally to include an initial memorandum from the person(s) seeking the review, a response memorandum from the person(s) opposing the appeal and setting forth any matters for cross-appeal, and a reply memorandum from the person(s) seeking review. The Board, in reviewing the record before it, may also determine that additional memoranda are unnecessary, and may exercise discretion to not order any new or additional memoranda.

4.9.6 Within a reasonable time after the request for review and the person(s) submission of materials for the review, the Board shall issue a written final order signed by the Board Chair and approved by a majority vote of the Board which shall include the following:

- (i) a statement of the Board's findings of fact, conclusions of law, and order;
 - a. The Board may adopt the Chief Hearing Officer's findings of fact if such findings are supported by substantial evidence, or make other findings of fact if necessary and supported by substantial evidence in the record;
 - b. The Board may adopt the Chief Hearing Officer's conclusions

concerning mixed questions of law and fact if reasonable and rational or make other conclusions if reasonable and rational; and

c. The Board may adopt the Chief Hearing Officer's conclusions of law or make its own;

(ii) a notice of the right to appeal; and

(iii) the time limits for filing a written request for judicial review as provided in Utah Code Ann. § 26A-1-121(2)(c). A person(s) aggrieved by the Board's Order may file a written petition with the district court within thirty (30) days after receipt of notice of the Board's final determination. If a timely written request for judicial review is filed by any person(s), any other person(s) may file an additional or cross-request for judicial review with its answer.

4.9.7 The Board shall, upon issuance, serve a copy of the final order upon the person(s) by mail, by personal delivery, or through other reasonable notice if mail or personal delivery is not possible.

4.9.8 If a person(s) aggrieved by the Board's Order fails to file a written petition for review in the district court within thirty (30) days after receipt of the order as set out above, the Board's Order is final and may not be challenged in further administrative or judicial appeals.

4.10 **Default.**

4.10.1 The Board may enter an Order of Default against a person(s) if the person(s) fails to participate in the Board review or comply with the Board's orders. The Order of Default shall include a statement of the grounds for default and shall be mailed to all person(s). An Order of Default may find that the Departmental Notice or Chief Hearing Officer's Order is final and unappealable or dismiss the Departmental Notice or Chief Hearing Officer's Order with or without prejudice.

4.10.2 A defaulting person(s) may seek to have the Board set aside the default order and subsequent proceedings on the grounds set out in the Utah Rules of Civil Procedure for relief from a judgment or order. A written request to set aside a default order must be filed and received within ten (10) days of the receipt of the Order of Default.

4.10.3 After issuing the Order of Default, the Board may conduct any further proceedings necessary to complete the review without the participation of the person(s) in default and may determine all issues, including those affecting the defaulting person(s). Alternatively, the Order of Default may dismiss the request for review if the person(s) aggrieved by the

Departmental Notice or Chief Hearing Officer's Order fails to appear or dismiss the Departmental Notice or Chief Hearing Officer's Order if representatives of the Department fail to appear. An Order of Default may find that the Departmental Notice or Chief Hearing Officer's Order is final and unappealable or may dismiss the Departmental Notice or Chief Hearing Officer's Order with or without prejudice.

4.10.4 If a person(s) aggrieved by the Board's Order of Default fails to file a written request for the Board to set aside the order with the Department within ten (10) days after receipt of the order as set out above, the Board's Order of Default is a final order of the Board and may not be challenged or appealed on the basis of mistake, inadvertence, surprise, excusable neglect, newly discovered evidence which by due diligence could not have been discovered in time to move for the default to be set aside, or fraud, misrepresentation, or other misconduct of an adverse person(s). However, the ten (10) day time limit does not apply to motions to set aside the Order of Default on the grounds that the order is void, the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application, or any other reason justifying relief from the operation of the order not listed above.

4.11 **Judicial Review.** Judicial review of a final determination by the Board on review is governed by Utah Code Ann. § 26A-1-121(2).

5. CIVIL PENALTIES

5.1 Pursuant to the authority contained in Utah Code Ann. § 26B-1-224(2), the Department may assess penalties for violations of Title 26B of the Utah Code, duly enacted Salt Lake County Health Regulations, and/or Departmental Notices issued pursuant to these Adjudicative Hearing Procedures.

5.2 Unless otherwise established by statute, rule, ordinance, regulation, or the Department's fee schedule, penalties for violation of any Health Regulation shall be a \$25.00 fine per violation, per day. Each day a violation continues shall give rise to a separate penalty.

5.2.1 If a violation reoccurs within one year, the Department may enhance the penalties to a \$50.00 fine per violation, per day.

5.3 Penalties levied by the Department pursuant to this section are appealable under the applicable provisions of section 4.3 of these Adjudicative Hearing Procedures.

5.4 The Department may establish and collect penalties from one or more responsible persons as set out in these Adjudicative Hearing Procedures. The Department shall bill the responsible person(s) any accrued penalties at such time that the violation(s) have been abated or at the discretion of the Department.


- 5.5 Penalties may be adjusted by the Department according to the following factors:
- 5.5.1 the violator's history of compliance or non-compliance;
 - 5.5.2 the violator's economic benefit of non-compliance;
 - 5.5.3 the documented costs associated with environmental or health damage;
 - 5.5.4 the violator's degree of willfulness or negligence; or
 - 5.5.5 the violator's good faith efforts to comply and cooperate.
- 5.6 Reduced penalties may be set out in a signed Stipulation and Settlement Agreement or Order as negotiated and agreed upon by the Department and responsible person(s).
- 5.7 The Department may record a judgment lien on a violator's property to recover its expenses, costs, and penalties.
- 5.8 The Department may request that the District Attorney bring a civil action to collect any unpaid penalties.

6. EFFECTIVE DATE

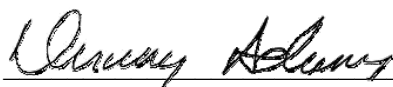
- 6.1. These Procedures shall become effective upon adoption by the Salt Lake County Board of Health.

APPROVED AND ADOPTED this 4th day of April, 2024.

SALT LAKE COUNTY BOARD OF HEALTH

By:  _____
Dan Eckersley, Chair

ATTEST:

By:  _____
Dorothy Adams, MPA, LEHS
Interim Executive Director
Salt Lake County Health Department