
State Water Resources Control Board

MEMORANDUM

TO: Julé Rizzardo, Assistant Deputy Director
Division of Water Rights
State Water Resources Control Board
Jule.Rizzardo@waterboards.ca.gov

FROM: Alan B. Lilly
Presiding Hearing Officer
Administrative Hearings Office
AdminHrgOffice@waterboards.ca.gov

SUBJECT: Regular Baptist Camp Administrative Civil Liability Complaint
Water Right License 10302 (Application A022395)

DATE: August 6, 2020

On July 1, 2019, you issued an Administrative Civil Liability (“ACL”) Complaint to the Respondent, Regular Baptist Camp, Inc. The ACL Complaint alleged that Respondent violated California Code of Regulations, title 23, section 929, by failing to file its report for 2018 diversions and use under the above water-right license by the April 1, 2019 deadline.

The State Water Board Division of Water Rights eWRIMS database indicates that Respondent submitted its report for 2018 diversions and use on July 5, 2019. Wayne Woodroof, Chairman of Respondent’s Board of Directors, sent an undated letter to the Administrative Hearings Office (“AHO”), which requested a hearing. This letter was filed with the State Water Board on July 25, 2019.

On April 9, 2020, the AHO issued a Notice of Public Hearing for this matter. On pages 4-5, this notice stated:

Any Person or Entity that wants to participate in this hearing as a Party or to present a Policy Statement must file a Notice of Intent to Appear (“NOI”), using the form enclosed with this notice, with the AHO before the deadline listed below.

...

If the AHO does not receive an NOI from Respondent indicating Respondent's intent to participate in the hearing as a Party before the deadline specified below, then the AHO may deem Respondent's request for a hearing regarding the administrative civil liability complaint to be withdrawn and the AHO may issue an order imposing administrative civil liability without further notice or opportunity for hearing. Respondent must file an NOI to preserve Respondent's right to a hearing.

(Underlining in original.) On page 5, the Notice of Public Hearing stated that the deadline for filing NOIs was May 21, 2020. The AHO received an NOI from Kenneth Petruzzelli, attorney for the Division of Water Rights Prosecution Team, on May 20, 2020.

On April 9, 2020, the AHO mailed a copy of this Notice of Public Hearing to Mr. Woodruff at the address listed in his letter to the AHO by certified mail, return receipt requested. The AHO never received any certified mail return receipt card for this letter, but the U.S. Postal Service also never returned this envelope to the AHO.

On July 8, 2020, the AHO issued a Revised Notice of Public Hearing for this matter and mailed a copy of it to Mr. Woodruff by first-class mail. The U.S. Postal Service never has returned this envelope to the AHO.

The AHO never received any NOI from Mr. Woodruff or anyone else on behalf of Respondent. (All documents in the administrative record that the Administrative Hearings Office ("AHO") has prepared for this matter are posted on the AHO-FTP site, in the electronic folder for this matter. The AHO's May 5, 2020 notice, available at https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2020_05_05_notice_ftp.pdf, explains how to access this FTP site.)

Because the AHO did not receive any NOI from Respondent before the July 31, 2020 deadline specified in the July 8, 2020 Revised Notice of Public Hearing, the AHO has issued a notice cancelling the August 12 hearing that was described in the July 8 notice.

Based on these facts, the AHO deems Respondent's request for hearing to be withdrawn. Because the AHO deems Respondent's request for hearing to be withdrawn, the Deputy Director or Assistant Deputy Director of the Division of Water Rights may proceed in the manner that he or she would have proceeded if Respondent never had requested a hearing.

SERVICE LIST

Wayne Woodroof
Chairman, Board of Directors
Regular Baptist Camp
449 Klamath Drive
Vacaville, CA 95687
(copy sent by First Class mail)

Kenneth Petruzzelli
State Water Resources Control Board
Office of Enforcement
Kenneth.petruzzelli@waterboards.ca.gov
(copy sent by e-mail)