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## State Water Resources Control Board

### **NOTICE OF SUSPENSION OF HEARING DATES AND PRE-HEARING DEADLINES AND NOTICE OF STATUS CONFERENCE**

The State Water Resources Control Board  
Administrative Hearings Office  
noticed a public hearing to be held on  
**August 22-23, 2023,**  
on the Proposed Disciplinary Action against

**Benjamin B. Magana, Jr.**  
(Drinking Water Distribution Operator Grade 3, Certificate No. 34232).

The above hearing dates are **suspended**.  
The Administrative Hearings Office will conduct a Status Conference on  
**August 22, 2023, at 10 a.m.**

Please access Zoom by using the link:

<https://waterboards.zoom.us/j/94234671959?pwd=VnV2bHQyeDJaWkpYWm0rWUZveENwUT09>

with Meeting ID: 942 3467 1959 and Passcode: 546251

Or by calling in at:  
+16699009128,,94234671959# US (San Jose)

#### **TO ALL PARTIES:**

On November 2, 2022, the Executive Director of the State Water Resources Control Board (State Water Board or Board) sent notice to Benjamin B. Magana, Jr. (Respondent) of a Proposed Disciplinary Action by the Board's Office of Enforcement (Office of Enforcement) to revoke Mr. Magana's Grade D3 water distribution operator certificate (Certificate No. 34232).

On December 16, 2022, the Respondent requested a hearing before the State Water Board regarding the Proposed Disciplinary Action. On May 11, 2023, the State Water Board's Executive Director issued a memorandum assigning the proposed revocation of Benjamin B. Magana, Jr.'s Drinking Water Distribution Operator Grade 3 Certificate No.

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E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

34232 to the State Water Board's Administrative Hearings Office (AHO) for a hearing and preparation of a proposed order. On June 16, 2023, the AHO issued a Notice of Public Hearing, which set a hearing in the matter for August 22 and 23, 2023, starting at 10 a.m.

On July 24, 2023, Nickolaus Knight, an attorney with the Board's Office of Enforcement, advised the AHO by e-mail that the Division's Prosecution Team and Mr. Magana had reached a settlement in principle to resolve the Proposed Disciplinary Action. Mr. Knight requested that the AHO suspend the hearing dates while the parties reduce the agreement to writing and the Prosecution Team seeks approval of the settlement from the Executive Director of the Board.

Based on the representation from Mr. Knight that the Prosecution Team and Mr. Magana have reached a settlement in principle and jointly request suspension of the hearing, the AHO suspends the hearing in this matter that was scheduled for August 22 and 23, 2023, and suspends the associated pre-hearing deadlines listed in the June 16 Notice of Hearing.

The AHO sets a status conference for **August 22, 2023, at 10 a.m.** The AHO will vacate the status conference if the parties submit a signed settlement agreement to the AHO that fully resolves the Proposed Disciplinary Action before the date of the status conference. If the parties do not submit a signed settlement agreement before the date of the status conference, the hearing officer will consider during the status conference whether to reschedule the hearing in this matter and set associated pre-hearing deadlines.

### **STATUS CONFERENCE**

The AHO hearing officer will hold a status conference on the date and at the time specified on the first page of this notice by Zoom teleconference. No in-person appearances will be allowed. The status conference will be held and electronically recorded by Zoom teleconference. The AHO will not retain a court reporter for the pre-hearing conference. Any party may arrange for a court reporter at the party's own expense.

During the status conference, the AHO hearing officer will discuss the status of any signed settlement agreement and consider whether to reschedule hearing dates and associated pre-hearing deadlines in this matter.

July 28, 2023  
Date

/s/ Nicole L. Kuenzi  
Nicole L. Kuenzi  
Hearing Officer

Enclosures:

- Service List

## SERVICE LIST

### **By e-mail only**

#### **Benjamin B. Magana, Jr.**

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#### **Nickolaus Knight**

#### **Bryan Elder**

#### **Tomas Eggers**

#### **Michael Yoakum**

Prosecution Team

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#### **Administrative Hearings Office**

State Water Board

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