

LAKE COUNTY DISTRICT 2 LOCAL WINEGRAPE COMMISSION

GRIEVANCE PROCEDURES

Commission law (California Food and Agricultural Code Section 74972) requires that the Commission establish procedures for the purpose of according individuals aggrieved by its actions or determinations an informal hearing. The established procedures shall be as follows.

Any producer or vintner subject to Commission law who is aggrieved by the actions or determinations of the Commission may request an informal hearing before a special Grievance Committee of the Commission in accordance with the following:

1. Any grievance against the Commission shall be directed in writing to the Commission office and contain the name and mailing address of the aggrieved producer or vintner, a statement describing the grievance, and a request for an informal hearing. The grievance must be filed with the Commission within ninety (90) days after the date the claim first arose or, in assessment matters, within ninety (90) days after the assessment report and/or payment at issue was due pursuant to the Commission's established assessment collection procedures.
2. Within fifteen (15) days after receiving written notice of a grievance and request for a hearing, the Executive Committee shall appoint a three-person committee to act as a special Grievance Committee. The Grievance Committee may include Commission members, alternates, or any other producer or vintner who is subject to Commission law.
3. The Grievance Committee shall have up to sixty (60) days after its members are appointed in which to investigate, or cause to be investigated, the grievance.
4. The Grievance Committee shall conduct an informal hearing within forty-five (45) days after the date of completing its investigation and shall notify the aggrieved party of the date, time, and place of the hearing at least ten (10) days prior to the date of hearing.
5. The Grievance Committee shall receive oral and written evidence from the aggrieved party, witnesses, and any other interested persons, including Commission members, alternates and staff.

6. The Grievance Committee shall submit its findings and recommendation(s) to the Commission within sixty (60) days after the hearing.
7. The Commission shall review the record and approve, modify and approve, or deny the recommendation(s) of the Grievance Committee at its next regular meeting. The final decision of the Commission shall be reflected in the minutes of the meeting and communicated in writing to the aggrieved party.
8. The aggrieved party may appeal the final decision of the Commission to the Secretary of the Department of Food and Agriculture within ninety (90) days after receiving notice of the Commission's final decision.
9. The determination of the Secretary shall be subject to judicial review upon petition filed with the appropriate Superior Court.
10. If a grievance includes claims relating to the reporting or payment of assessments, penalties, and/or interest, the aggrieved party shall not be relieved of his or her obligation to file assessment reports and pay assessments, penalties and interest to the Commission as required by Commission law or procedures during the grievance process. In the event the aggrieved party prevails in all or any part of the grievance, the amount of assessment payments, penalties and/or interest which were the subject of the grievance shall be refunded to the aggrieved party, but only to the extent that he or she prevailed in the grievance.