

Introduced by Senator PadillaDecember 3, 2012

An act to amend Sections 44932, 44936, 44939, 44940, and 44944 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as introduced, Padilla. School employees: dismissal, suspension, and leave of absence procedures.

(1) Under existing law, a permanent school employee is prohibited from being dismissed, except for one or more of certain enumerated causes, including for immoral or unprofessional conduct and unsatisfactory performance. Upon a charging that there exists cause for the dismissal or suspension of a permanent employee, existing law authorizes the governing board of a school district to give notice to the employee of its intention to dismiss or suspend the employee, as specified. Existing law prohibits the governing board of a school district from giving notice of dismissal or suspension of a permanent employee between May 15 and September 15 of any year.

This bill would include serious or egregious unprofessional conduct, as specified, as a ground for dismissal of a permanent school employee, and would except from the prohibition of giving notice to the employee between May 15 and September 15 proceedings where the charges involve specified offenses.

(2) Existing law authorizes the governing board of a school district to immediately suspend a permanent employee under specified conditions, including immoral conduct, and give the employee notice of the suspension, as specified.

This bill would include serious or egregious unprofessional conduct, as defined, within the conditions that a governing board may immediately suspend a permanent employee.

(3) Existing law provides that a certificated employee may be charged with a mandatory leave of absence offense for certain specified sex offenses or controlled substance offenses with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinols. Existing law also provides that a certificated employee may be charged with an optional leave of absence offense for certain offenses, including controlled substance offenses, as specified, with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinols. Existing law requires the governing board of a school district to immediately place a certificated employee on compulsory leave of absence if the employee is charged with a mandatory leave of absence offense.

This bill would remove marijuana, mescaline, peyote, and tetrahydrocannabinols as exceptions to the controlled substance offenses for which a certificated employee may be charged with a mandatory leave of absence offense or an optional leave of absence offense.

Because this bill would increase the number of employees subject to immediate placement on compulsory leave of absence, thereby increasing the duties of school districts, the bill would impose a state-mandated local program.

(4) Existing law requires that a requested hearing on the dismissal or suspension of a permanent employee be conducted by a Commission on Professional Competence, as specified, and provides that the decision of the commission is deemed to be the final decision of the governing board of a school district. Existing law prohibits testimony from being given and evidence from being introduced relating to matters that occurred more than 4 years prior to the filing of the notice, and prohibits a decision relating to the dismissal or suspension of an employee from being made based on charges or evidence relating to matters that occurred more than 4 years before the filing of the notice of charges for the dismissal or suspension of the employee.

This bill would, for hearings on the dismissal or suspension of a permanent employee that involve certain sex offenses, controlled substance offenses, or child abuse offenses, as specified, require these hearings to be conducted solely by an administrative law judge of the Office of Administrative Hearings and would provide that the decision of the administrative law judge related to these specified offenses would be advisory, and require the final decision regarding the discipline of

the employee to be determined by action of the governing board of the school district, as specified. The bill would require the governing board, before making its final determination, to allow the employee to submit a written statement or response or, at the election of the governing board, an oral statement concerning the disciplinary action, and to only consider the record produced during the hearing conducted by the administrative law judge, and would require the governing board's final determination to be subject to review and appeal, as specified. The bill also would exempt hearings that involve these specified offenses from the prohibition on giving testimony and introducing evidence relating to matters that occurred more than 4 years before the date of the filing of the notice, and would, for hearings that involve the specified offenses, permit a decision relating to the dismissal or suspension of an employee to be made based on charges or evidence related to matters occurring more than 4 years before the date of the filing of the notice of charges for the dismissal or suspension of the employee.

(5) This bill also would make nonsubstantive and conforming changes to these provisions.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44932 of the Education Code is amended
- 2 to read:
- 3 44932. (a) ~~No~~A permanent employee shall *not* be dismissed
- 4 except for one or more of the following causes:
- 5 (1) Immoral *conduct* or unprofessional conduct.
- 6 (2) *Serious or egregious unprofessional conduct as defined in*
- 7 *Section 44939.*
- 8 (2)

- 1 (3) Commission, aiding, or advocating the commission of acts
- 2 of criminal syndicalism, as prohibited by Chapter 188 of the
- 3 Statutes of 1919, or in any amendment thereof.
- 4 ~~(3)~~
- 5 (4) Dishonesty.
- 6 ~~(4)~~
- 7 (5) Unsatisfactory performance.
- 8 ~~(5)~~
- 9 (6) Evident unfitness for service.
- 10 ~~(6)~~
- 11 (7) Physical or mental condition unfitting him or her to instruct
- 12 or associate with children.
- 13 ~~(7)~~
- 14 (8) Persistent violation of or refusal to obey the school laws of
- 15 the state or reasonable regulations prescribed for the government
- 16 of the public schools by the ~~State Board of Education~~ *state board*
- 17 or by the governing board of the school district employing him or
- 18 her.
- 19 ~~(8)~~
- 20 (9) Conviction of a felony or of ~~any~~ *a* crime involving moral
- 21 turpitude.
- 22 ~~(9)~~
- 23 (10) Violation of Section 51530 or conduct specified in Section
- 24 1028 of the Government Code, added by Chapter 1418 of the
- 25 Statutes of 1947.
- 26 ~~(10)~~
- 27 (11) Knowing membership by the employee in the Communist
- 28 Party.
- 29 ~~(11)~~
- 30 (12) Alcoholism or other drug abuse ~~which~~ *that* makes the
- 31 employee unfit to instruct or associate with children.
- 32 (b) The governing board of a school district may suspend
- 33 without pay for a specific period of time on grounds of
- 34 unprofessional conduct a permanent certificated employee or, in
- 35 a school district with an average daily attendance of less than 250
- 36 pupils, a probationary employee, pursuant to the procedures
- 37 specified in Sections 44933, 44934, 44935, 44936, 44937, 44943,
- 38 and 44944. This authorization shall not apply to ~~any~~ *a* school
- 39 district ~~which~~ *that* has adopted a collective bargaining agreement

1 pursuant to subdivision (b) of Section 3543.2 of the Government
2 Code.

3 SEC. 2. Section 44936 of the Education Code is amended to
4 read:

5 44936. (a) The notice of dismissal or suspension in a
6 proceeding initiated pursuant to Section 44934 shall not be given
7 between May ~~15th~~ 15 and September ~~15th~~ in any year. ~~It 15. The~~
8 *notice* shall be in writing and be served upon the employee
9 personally or by United States registered mail addressed to him ~~at~~
10 ~~his or her at the employee's~~ last known address. A copy of the
11 charges filed, containing the information required by Section 11503
12 of the Government Code, together with a copy of the provisions
13 of this article, shall be attached to the notice.

14 (b) *The notice of dismissal or suspension in a proceeding*
15 *initiated pursuant to charges described in Section 44939 may be*
16 *given at any time during the calendar year. This subdivision is*
17 *intended to codify the holding of Board of Education v. Commission*
18 *on Professional Competence (1976) 61 Cal.App.3d 664.*

19 SEC. 3. Section 44939 of the Education Code is amended to
20 read:

21 44939. (a) Upon the filing of written charges, duly signed
22 and verified by the person filing them with the governing board
23 of a school district, or upon a written statement of charges
24 formulated by the governing board, charging a permanent employee
25 of the district with *serious or egregious unprofessional conduct,*
26 *immoral conduct, conviction of a felony or of any crime involving*
27 *moral turpitude, with incompetency due to mental disability, with*
28 *willful refusal to perform regular assignments without reasonable*
29 *cause, as prescribed by reasonable rules and regulations of the*
30 *employing school district, with violation of Section 51530, with*
31 *knowing membership by the employee in the Communist Party or*
32 *with violation of any provision in Sections 7001 to 7007, inclusive,*
33 *the governing board may, if it deems such action necessary,*
34 *immediately suspend the employee from his or her duties and give*
35 *notice to ~~him~~ the employee of his or her suspension, and that 30*
36 *days after service of the notice, ~~he~~ the employee will be dismissed,*
37 *unless he or she demands a hearing.*

38 ~~It~~

39 (b) *If the permanent employee is suspended upon charges of*
40 *knowing membership by the employee in the Communist Party or*

1 for ~~any~~ a violation of Section 7001, 7002, 7003, 7006, 7007, or
 2 51530, ~~he~~ *the employee* may, within 10 days after service upon
 3 him *or her* of notice of ~~such~~ *the* suspension, file with the governing
 4 board a verified denial, in writing, of the charges. In ~~such~~ *that*
 5 event, the permanent employee who demands a hearing within the
 6 30-day period shall continue to be paid his *or her* regular salary
 7 during the period of suspension and until the entry of the decision
 8 of the Commission on Professional Competence, if and during
 9 ~~such~~ *the time as he* ~~that~~ *the employee* furnishes to the school district
 10 a suitable bond, or other security acceptable to the governing board,
 11 as a guarantee that the employee will repay to the school district
 12 the amount of salary so paid to him *or her* during the period of
 13 suspension in case the decision of the Commission on Professional
 14 Competence is that ~~he~~ *the employee* shall be dismissed. If it is
 15 determined that the employee may not be dismissed, the school
 16 board shall reimburse the employee for the cost of the bond.

17 (c) *As used in this article, “serious or egregious unprofessional*
 18 *conduct” means misconduct reasonably related to any offense*
 19 *described in Sections 44010 and 44011 of this code, and Sections*
 20 *11165.2 to 11165.6, inclusive, of the Penal Code.*

21 SEC. 4. Section 44940 of the Education Code is amended to
 22 read:

23 44940. (a) For purposes of this section, “charged with a
 24 mandatory leave of absence offense” is defined to mean charged
 25 by complaint, information, or indictment filed in a court of
 26 competent jurisdiction with the commission of ~~any~~ *a* sex offense
 27 as defined in Section 44010, or with the commission of ~~any~~ *an*
 28 offense involving aiding or abetting the unlawful sale, use, or
 29 exchange to minors of controlled substances listed in Schedule I,
 30 II, or III, as contained in ~~Section~~ *Sections* 11054, 11055, and 11056
 31 of the Health and Safety ~~Code, with the exception of marijuana,~~
 32 ~~mescaline, peyote, or tetrahydrocannabinols.~~ *Code.*

33 (b) For purposes of this section, “charged with an optional leave
 34 of absence offense” is defined to mean a charge by complaint,
 35 information, or indictment filed in a court of competent jurisdiction
 36 with the commission of ~~any~~ *a* controlled substance offense as
 37 defined in Section 44011 or 87011, or a violation or attempted
 38 violation of Section 187 of the Penal Code, ~~or~~ Sections 11357 to
 39 11361, inclusive, *or* Section 11363, 11364, or 11370.1 of the
 40 Health and Safety Code, insofar as these sections relate to ~~any~~

1 ~~controlled substances except marijuana, mescaline, peyote, or~~
2 ~~tetrahydrocannabinols~~ *controlled substances*.

3 (c) For purposes of this section and Section 44940.5, the term
4 “school district” includes county offices of education.

5 (d) (1) ~~Whenever any~~ *If a* certificated employee of a school
6 district is charged with a mandatory leave of absence offense, as
7 defined in subdivision (a), upon being informed that a charge has
8 been filed, the governing board of the school district shall
9 immediately place the employee on compulsory leave of absence.
10 The duration of the leave of absence shall be until a time not more
11 than 10 days after the date of entry of the judgment in the
12 proceedings. No later than 10 days after receipt of the complaint,
13 information, or indictment described by subdivision (a), the school
14 district shall forward a copy to the Commission on Teacher
15 Credentialing.

16 (2) Upon receiving a copy of a complaint, information, or
17 indictment described in subdivision (a) and forwarded by ~~a~~ *the*
18 school district, the Commission on Teacher Credentialing shall
19 automatically suspend the employee’s teaching or service
20 credential. The duration of the suspension shall be until a time not
21 more than 10 days after the date of entry of the judgment in the
22 proceedings.

23 (e) (1) ~~Whenever any~~ *If a* certificated employee of a school
24 district is charged with an optional leave of absence offense, as
25 defined in subdivision (b), the governing board of the school
26 district may immediately place the employee ~~upon~~ *on* compulsory
27 leave in accordance with the procedure in this section and Section
28 44940.5. ~~If any~~ *a* certificated employee is charged with an offense
29 deemed to fall into both the mandatory and the optional leave of
30 absence categories, as defined in subdivisions (a) and (b), that
31 offense shall be treated as a mandatory leave of absence offense
32 for purposes of this section. No later than 10 days after receipt of
33 the complaint, information, or indictment described by subdivision
34 (a), the school district shall forward a copy to the Commission on
35 Teacher Credentialing.

36 (2) Upon receiving a copy of a complaint, information, or
37 indictment described in subdivision (a) and forwarded by ~~a~~ *the*
38 school district, the Commission on Teacher Credentialing shall
39 automatically suspend the employee’s teaching or service
40 credential. The duration of the suspension shall be until a time not

1 more than 10 days after the date of entry of the judgment in the
2 proceedings.

3 SEC. 5. Section 44944 of the Education Code is amended to
4 read:

5 44944. (a) (1) In a dismissal or suspension proceeding initiated
6 pursuant to Section 44934, if a hearing is requested by the
7 employee, the hearing shall be commenced within 60 days from
8 the date of the employee's demand for a hearing. The hearing shall
9 be initiated, conducted, and a decision made in accordance with
10 Chapter 5 (commencing with Section 11500) of Part 1 of Division
11 3 of Title 2 of the Government Code. However, the hearing date
12 shall be established after consultation with the employee and the
13 governing board, or their representatives, and the Commission on
14 Professional Competence shall have all of the power granted to
15 an agency in that chapter, except that the right of discovery of the
16 parties shall not be limited to those matters set forth in Section
17 11507.6 of the Government Code but shall include the rights and
18 duties of any party in a civil action brought in a superior court
19 under Title 4 (commencing with Section 2016.010) of Part 4 of
20 the Code of Civil Procedure. Notwithstanding any provision to the
21 contrary, and except for the taking of oral depositions, no discovery
22 shall occur later than 30 calendar days after the employee is served
23 with a copy of the accusation pursuant to Section 11505 of the
24 Government Code. In all cases, discovery shall be completed prior
25 to seven calendar days before the date upon which the hearing
26 commences. If any continuance is granted pursuant to Section
27 11524 of the Government Code, the time limitation for
28 commencement of the hearing as provided in this subdivision shall
29 be extended for a period of time equal to the continuance. However,
30 the extension shall not include that period of time attributable to
31 an unlawful refusal by either party to allow the discovery provided
32 for in this section.

33 (2) If the right of discovery granted under paragraph (1) is
34 denied by either the employee or the governing board, all of the
35 remedies in Chapter 7 (commencing with Section 2023.010) of
36 Title 4 of Part 4 of the Code of Civil Procedure shall be available
37 to the party seeking discovery and the court of proper jurisdiction,
38 to entertain his or her motion, shall be the superior court of the
39 county in which the hearing will be held.

1 (3) The time periods in this section and of Chapter 5
2 (commencing with Section 11500) of Part 1 of Division 3 of Title
3 2 of the Government Code and of Title 4 (commencing with
4 Section 2016.010) of Part 4 of the Code of Civil Procedure shall
5 not be applied so as to deny discovery in a hearing conducted
6 pursuant to this section.

7 (4) The superior court of the county in which the hearing will
8 be held may, upon motion of the party seeking discovery, suspend
9 the hearing so as to comply with the requirement of ~~the preceding~~
10 ~~paragraph.~~ *paragraph (3).*

11 (5) (A) *A witness shall not be permitted to testify at the hearing*
12 *except upon oath or affirmation.*

13 (B) *Except for hearings that involve an offense defined in*
14 *Sections 44010 and 44011 of this code, and Sections 11165.2 to*
15 *11165.6, inclusive, of the Penal Code:*

16 (i) *Testimony shall not be given or evidence introduced relating*
17 *to matters that occurred more than four years before the date of*
18 *the filing of the notice.*

19 ~~(5) No witness shall be permitted to testify at the hearing except~~
20 ~~upon oath or affirmation. No testimony shall be given or evidence~~
21 ~~introduced relating to matters that occurred more than four years~~
22 ~~prior to the date of the filing of the notice. Evidence~~

23 (ii) *Evidence of records regularly kept by the governing board*
24 *concerning the employee may be introduced, but no decision*
25 *relating to the dismissal or suspension of ~~any~~ an employee shall*
26 *be made based on charges or evidence of any nature relating to*
27 *matters occurring more than four years ~~prior to~~ before the filing*
28 *of the notice.*

29 (b) *The hearing provided for in this section shall be conducted*
30 *as follows:*

31 (1) *A hearing that involves any offense defined in Sections 44010*
32 *and 44011 of this code, and Sections 11165.2 to 11165.6, inclusive,*
33 *of the Penal Code, shall be conducted solely by an administrative*
34 *law judge of the Office of Administrative Hearings.*

35 (2) *Hearings not specified in paragraph (1) shall be conducted*
36 *by the Commission on Professional Competence, which shall be*
37 *comprised as follows:*

38 ~~(b) (1) The hearing provided for in this section shall be~~
39 ~~conducted by a Commission on Professional Competence. One~~

1 (A) *One* member of the commission shall be selected by the
2 employee, one member shall be selected by the governing board,
3 and one member shall be an administrative law judge of the Office
4 of Administrative Hearings who shall be chairperson and a voting
5 member of the commission and shall be responsible for ~~assuring~~
6 *ensuring* that the legal rights of the parties are protected at the
7 hearing. If either the governing board or the employee for any
8 reason fails to select a commission member at least seven calendar
9 days ~~prior to~~ *before* the date of the hearing, the failure shall
10 constitute a waiver of the right to selection, and the county board
11 of education or its specific designee shall immediately make the
12 selection. If the county board of education is also the governing
13 board of the school district or has by statute been granted the
14 powers of a governing board, the selection shall be made by the
15 Superintendent, who shall be reimbursed by the school district for
16 all costs incident to the selection.

17 ~~(2)~~

18 (B) The member selected by the governing board and the
19 member selected by the employee shall not be related to the
20 employee and shall not be employees of the district initiating the
21 dismissal or suspension and shall hold a currently valid credential
22 and have at least five years' experience within the past 10 years
23 in the discipline of the employee.

24 (c) (1) The decision of the Commission on Professional
25 Competence, *with regard to a hearing conducted pursuant to*
26 *paragraph (2) of subdivision (b)*, shall be made by a majority vote,
27 and the commission shall prepare a written decision containing
28 findings of fact, determinations of issues, and a disposition that
29 shall be, solely, one of the following:

30 (A) That the employee should be dismissed.

31 (B) That the employee should be suspended for a specific period
32 of time without pay.

33 (C) That the employee should not be dismissed or suspended.

34 (2) The decision of the ~~Commission on Professional Competence~~
35 *commission, with regard to a hearing conducted pursuant to*
36 *paragraph (2) of subdivision (b)*, that the employee should not be
37 dismissed or suspended shall not be based on nonsubstantive
38 procedural errors committed by the school district or governing
39 board unless the errors are prejudicial errors.

1 (3) The commission shall not have the power to dispose of the
2 charge of dismissal by imposing probation or other alternative
3 sanctions. The imposition of suspension pursuant to subparagraph
4 (B) of paragraph (1) shall be available only in a suspension
5 proceeding authorized pursuant to subdivision (b) of Section 44932
6 or Section 44933.

7 (4) (A) The decision of the ~~Commission on Professional~~
8 ~~Competence~~ *commission with regard to a hearing conducted*
9 *pursuant to paragraph (2) of subdivision (b)* shall be deemed to
10 be the final decision of the governing board.

11 (B) *The decision of the administrative law judge with regard to*
12 *a hearing conducted pursuant to paragraph (1) of subdivision (b)*
13 *shall be advisory, and the final decision regarding the discipline*
14 *of the employee shall be determined by action of the governing*
15 *board of the school district. The governing board shall, before*
16 *making its final determination, allow the employee to submit a*
17 *written statement or response or, at the election of the governing*
18 *board, an oral statement concerning the disciplinary action and*
19 *shall only consider the record produced during the hearing*
20 *conducted by the administrative law judge. The governing board's*
21 *final determination shall be subject to review and appeal pursuant*
22 *to Section 1094.5 of the Code of Civil Procedure.*

23 (5) The governing board may adopt from time to time rules and
24 procedures not inconsistent with this section as may be necessary
25 to effectuate this section.

26 (6) The governing board and the employee shall have the right
27 to be represented by counsel.

28 (d) (1) If the member selected by the governing board or the
29 member selected by the employee is employed by ~~any~~ a school
30 district in this state, the member shall, during ~~any~~ service on a
31 Commission on Professional Competence, continue to receive
32 salary, fringe benefits, accumulated sick leave, and other leaves
33 and benefits from the district in which the member is employed,
34 but shall receive no additional compensation or honorariums for
35 service on the commission.

36 (2) If service on a ~~Commission on Professional Competence~~
37 *commission* occurs during summer recess or vacation periods, the
38 member shall receive compensation proportionate to that received
39 during the current or immediately preceding contract period from
40 the member's employing district, whichever amount is greater.

1 (e) (1) If the Commission on Professional Competence
2 determines *in a hearing conducted pursuant to paragraph (2) of*
3 *subdivision (b)* that the employee should be dismissed or
4 suspended, the governing board and the employee shall share
5 equally the expenses of the hearing, including the cost of the
6 administrative law judge. The state shall pay any costs incurred
7 under paragraph (2) of subdivision (d), the reasonable expenses,
8 as determined by the administrative law judge, of the member
9 selected by the governing board and the member selected by the
10 employee, including, but not limited to, payments or obligations
11 incurred for travel, meals, and lodging, and the cost of the substitute
12 or substitutes, if any, for the member selected by the governing
13 board and the member selected by the employee. The Controller
14 shall pay all claims submitted pursuant to this paragraph from the
15 General Fund, and may prescribe reasonable rules, regulations,
16 and forms for the submission of the claims. The employee and the
17 governing board shall pay their own attorney's fees.

18 ~~(2) If the Commission on Professional Competence determines~~
19 *commission determines in a hearing conducted pursuant to*
20 *paragraph (2) of subdivision (b)* that the employee should not be
21 dismissed or suspended, the governing board shall pay the expenses
22 of the hearing, including the cost of the administrative law judge,
23 any costs incurred under paragraph (2) of subdivision (d), the
24 reasonable expenses, as determined by the administrative law
25 judge, of the member selected by the governing board and the
26 member selected by the employee, including, but not limited to,
27 payments or obligations incurred for travel, meals, and lodging,
28 the cost of the substitute or substitutes, if any, for the member
29 selected by the governing board and the member selected by the
30 employee, and reasonable attorney's fees incurred by the employee.

31 (3) As used in this section, "reasonable expenses" shall not be
32 deemed "compensation" within the meaning of subdivision (d).

33 (4) If either the governing board or the employee petitions a
34 court of competent jurisdiction for review of the decision of the
35 commission, the payment of expenses to members of the
36 commission required by this subdivision shall not be stayed.

37 (5) (A) If the decision of the commission *in a hearing conducted*
38 *pursuant to paragraph (2) of subdivision (b)* is finally reversed or
39 vacated by a court of competent jurisdiction, either the state, having
40 paid the commission members' expenses, shall be entitled to

1 reimbursement from the governing board for those expenses, or
2 the governing board, having paid the expenses, shall be entitled
3 to reimbursement from the state.

4 (B) Additionally, either the employee, having paid a portion of
5 the expenses of the hearing, including the cost of the administrative
6 law judge, shall be entitled to reimbursement from the governing
7 board for the expenses, or the governing board, having paid its
8 portion and the employee's portion of the expenses of the hearing,
9 including the cost of the administrative law judge, shall be entitled
10 to reimbursement from the employee for that portion of the
11 expenses.

12 (f) The hearing provided for in ~~this section~~ *paragraph (2) of*
13 *subdivision (b)* shall be conducted in a place selected by agreement
14 among the members of the commission. In the absence of
15 agreement, *and for hearings conducted pursuant to paragraph (1)*
16 *of subdivision (b)*, the place shall be selected by the administrative
17 law judge.

18 SEC. 6. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.