

PETITION TO THE OFFICE OF ADMINISTRATIVE LAW

RE: Alleged Underground Regulation

FROM: _____ (Petitioner)

DATE: _____

Use of this form is optional. It requests the information required by California Code of Regulations, title 1, section 260, for a petition challenging an alleged underground regulation. Although you are not required to use this specific form, the mandatory information required by California Code of Regulations, title 1, section 260, including the supporting documentation, must be included in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

1. Identifying Information:

Your name:

Your address:

Your telephone number (if you have one):

Your email (if you have one):

2. State agency or department being challenged:

3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be as precise as possible.

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to the state agency which has issued, used, enforced, or attempted to enforce the purported underground regulation:

Name of person in agency to whom petition was sent:

Agency:

Address:

Telephone number:

I certify that all of the above information is true and correct to the best of my knowledge.

Signature of Petitioner

Date

Please note that if the state agency whose rule you are challenging is the California Department of Corrections and Rehabilitation (CDCR) or any prison or facility within the CDCR, the correct address to which to send a copy of the petition is:

Regulations and Policy Management Branch

CDCR

P.O. Box 942883

Sacramento, CA 94283-0001

Additional information, including OAL's recommendations for submitting a petition, may be found on the OAL web site at www.oal.ca.gov.

If you have additional questions, contact the OAL Reference Attorney by calling (916) 323-6815, or by sending an e-mail message to staff@oal.ca.gov.

Deliver this petition, along with all supporting information, to:

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Attention: Chapter 2 Compliance Unit

You may also fax your petition to 916-323-6826

OAL will only accept petitions and accompanying documentation delivered in hard copy, either through the mail, or by hand delivery in person or by a commercial delivery service (FedEx, UPS, etc), or by fax. We do not accept petitions via e-mail.