

1 Adopt 2 Cal. Code Regs. Section 18361.11 to read:

2 **§ 18361.11. Default Proceedings.**

3 (a) Notice of Default

4 (1) Where a respondent has failed to timely file a notice of defense pursuant to Section
5 11506, and the Enforcement Division pursues a default judgment from the Commission pursuant
6 to Section 11520, the Enforcement Division shall send notice, a copy of the proposed Default
7 Decision and Order, and a copy of the proposed Exhibit in Support of a Default Decision and
8 Order, by first class mail, to the respondents against whom the default judgment has been
9 entered at least 15 calendar days before the Commission hearing at which the default is
10 scheduled to be heard.

11 (2) Notice shall be considered served from the date the default notice is postmarked.

12 (b) Briefing Procedure

13 (1) The Enforcement Division shall provide to the Commission a proposed Default
14 Decision and Order, along with a proposed Exhibit in Support of a Default Decision and Order
15 no later than 10 calendar days before the Commission hearing at which the default is scheduled
16 to be heard.

17 (2) The respondent may provide a response brief, along with any supporting materials, no
18 later than five calendar days before the Commission hearing at which the default is scheduled to
19 be heard. The response brief shall be served on the Commission Assistant, who shall provide a
20 copy to the Enforcement Division.

21 (c) Default Hearing Procedure

1 (1) The Commission, in its discretion, may choose whether or not to consider any
2 argument, evidence or material of any kind from respondents that is not provided more than five
3 calendar days before the Commission hearing at which the default is scheduled to be heard.

4 (2) The Commission has full discretion to consider and take action based on any evidence
5 without notice to the respondents, consistent with Section 11520.

6 (d) Motion to Vacate Default Judgments

7 (1) If a default judgment is entered into against a respondent, the Enforcement Division
8 shall serve, by first class mail, notice of the default judgment, signed Default Decision and
9 Order, an Exhibit in Support of a Default Decision and Order and a copy of this regulation to the
10 respondent.

11 (2) Within seven calendar days after service on the respondent of a decision based on the
12 respondent's default, the respondent may serve, by first class mail or in person, a written motion
13 requesting that the decision be vacated and stating the grounds relied on. The Commission in its
14 discretion may vacate the decision and grant a hearing on a showing of good cause consistent
15 with Section 11520.

16 (3) The Motion to Vacate a Default Judgment shall be the only administrative remedy
17 available to a respondent after entry of a default judgment.

18 Note: Authority cited: Section 83112, Government Code. Reference: Section 83116,
19 Government Code.