

89240 Denial of a License

(a)

The licensing agency shall deny an application for a license if it is determined that the applicant is not in compliance with applicable laws and regulations. (1) The licensing agency shall have the authority to deny an application for a license if the applicant has failed to pay any civil penalty for unlicensed operation assessed pursuant to Section 89255, Penalties for Unlicensed Homes, and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made. (2) The Department may deny any license as specified in Health and Safety Code section 1550. (3) An application for a license shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal punishment that does not constitute child abuse as defined in Penal Code sections 11165.6, 273a, and 273d, or Health and Safety Code section 1531.5, subsection (c) to his or her own child(ren).

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(2)

The Department may deny any license as specified in Health and Safety Code section 1550.

(3)

An application for a license shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal punishment that does not constitute child abuse as defined in Penal Code sections 11165.6, 273a, and 273d, or Health and Safety Code section 1531.5, subsection (c) to his or her own child(ren).

(b)

If the application for a license is denied, the licensing agency shall mail the applicant a written notice of denial. (1) The notification shall inform the applicant of the denial, set forth the reasons for the denial, and advise the applicant of the right to appeal.

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(c)

An applicant shall have the right to appeal the denial of the application pursuant to Health and Safety Code section 1526 and in accordance with Health and Safety Code section 1551.

(d)

Proceedings to hear an appeal of a denial shall be conducted pursuant to Health and Safety Code section 1551(a).

(e)

Notwithstanding any appeal action, the home that has been denied a license is

unlicensed and shall not operate pending adoption of a decision on the denial action by the Director.