##### 7533.1 Supervisor Agrees With the Recommendation

LPPH ~~August 2015~~ DRAFT 8712-CCL

Procedure

If the supervisor agrees with the recommendation, the supervisor:

a. makes any necessary edits to the initial recommendation, or requests the inspector make the edits;

b. selects the *Supervisor Approved* checkbox on the *Administrative Penalty Details* page;

c. saves a draft of the *Notice of Recommendation for Administrative Penalty* CLASS Form 2994; and

d. sends a copy of the *Notice of Recommendation for Administrative Penalty* CLASS Form 2994 to the legal mailbox, along with a copy of each inspection, assessment, or investigation form in which a violation identified in the administrative penalty were cited.

#### 7542 Processing the Order to Pay the Administrative Penalty

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Procedure

A supervisor does not need legal to review or approve the order to impose the administrative penalty unless significant edits or changes were made to the original recommendation to impose the administrative penalty.

To issue the order to pay an administrative penalty, the supervisor updates the *Administrative Penalty Details* page in CLASS by:

a. changing the Due Process Hearing status to *Waived* and entering the *Acceptance Letter Received* date, if the operation or controlling person sent written notice accepting the penalty;

b. changing the *Due Process Hearing* status to *Upheld* if a State Office Administrative Hearing was conducted and the decision to uphold the administrative penalty is upheld;

c. creating and finalizing the *Administrative Penalty Order* CLASS Form 2995; and

d. sending the *Administrative Penalty Order* CLASS Form 2995 and the *Administrative Fee* CLASS Form 2993 to the operation or controlling person.

If the operation or controlling person fails to respond within 30 days of receiving the *Notice of Recommendation to Impose an Administrative Penalty,* CLASS Form 2994, the supervisor leaves the *Acceptance Date* field blank and follows steps c and d above. A date is only entered in the *Acceptance Date* field if the operation or controlling person sent written notice formally accepting the penalty.

The supervisor monitors for payment of the administrative penalty in CLASS.

Also see:

[7535.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7535_1) Actions to Take if Any, But Not All, Violation Identified in the Administrative Penalty is Overturned During the Administrative Review

[7561](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7561) When Administrative Penalties Remain Unpaid