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## State Water Resources Control Board

### STATUS CONFERENCE RULING

In the matter of the  
Proposed Disciplinary Action against

**Benjamin B. Magana, Jr.**

(Drinking Water Distribution Operator Grade 3, Certificate No. 34232).

#### **TO ALL PARTIES:**

On November 2, 2022, the Executive Director of the State Water Resources Control Board (State Water Board or Board) sent notice to Benjamin B. Magana, Jr. (Respondent) of a Proposed Disciplinary Action by the Board's Office of Enforcement (Office of Enforcement) to revoke Mr. Magana's Grade D3 water distribution operator certificate (Certificate No. 34232).

On December 16, 2022, the Respondent requested a hearing before the State Water Board regarding the Proposed Disciplinary Action. On May 11, 2023, the State Water Board's Executive Director issued a memorandum assigning the proposed revocation of Benjamin B. Magana, Jr.'s Drinking Water Distribution Operator Grade 3 Certificate No. 34232 to the State Water Board's Administrative Hearings Office (AHO) for a hearing and preparation of a proposed order. On June 16, 2023, the AHO issued a Notice of Public Hearing, which set a hearing in the matter for August 22 and 23, 2023, starting at 10 a.m.

On July 24, 2023, Nickolaus Knight, an attorney with the Board's Office of Enforcement, advised the AHO by e-mail that the Division's Prosecution Team and Mr. Magana had reached a settlement in principle to resolve the Proposed Disciplinary Action. Mr. Knight requested that the AHO suspend the hearing dates while the parties reduce the agreement to writing and the Prosecution Team seeks approval of the settlement from the Executive Director of the Board.

Based on the representation from Mr. Knight that the Prosecution Team and Mr. Magana reached a settlement in principle and jointly requested suspension of the hearing, the AHO suspended the hearing in the matter that was scheduled for August 22 and 23, 2023, and suspended the associated pre-hearing deadlines listed in the June 16 Notice of Hearing.

## **STATUS CONFERENCE RULING**

The AHO held a status conference on August 22, 2023. During the status conference, Mr. Knight stated that he provided draft settlement documents to Mr. Magana on August 21, 2023, and that he expected the parties would sign a final settlement agreement within approximately sixty days. The hearing officer directs the Prosecution Team to provide a written status report to the AHO about the status of a signed settlement agreement between the Prosecution Team and Mr. Magana **by September 21, 2023** if the parties have not submitted a signed settlement agreement to the AHO before this date.

August 28, 2023

Date

/s/ Nicole L. Kuenzi

Nicole L. Kuenzi

Presiding Hearing Officer

Enclosures:

- Service List

## SERVICE LIST

### **By e-mail only**

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#### **Nickolaus Knight**

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