



CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660
949 644-3141 | 949 644-3073 FAX
newportbeachca.gov

August 21, 2026



Re: Administrative Citation ADM27186D

Dear Appellant:

Attached please find the Hearing Officer's findings regarding your appeal of administrative citation.

If you would like to appeal the decision made by the Hearing Officer, you may contact the Orange County Superior Court to obtain a review by filing a petition in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. To contact, please call (657) 622-5800 or visit their offices at 700 W Civic Center Dr, Santa Ana, CA 92701.

If you need additional information from the City, please call 949-644-3141.

Sincerely,

A handwritten signature in black ink that reads "Jessica Kan".

Jessica Kan
Revenue Manager

1 ALESHIRE & WYNDER, LLP
2 PAUL J EARLY
3 3550 Vine Street, Suite 200
4 Riverside, California 92507
5 Telephone: (951) 241-7338
6 Facsimile: (949) 223-1180
7 Administrative Hearing Officer

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BEFORE THE ADMINISTRATIVE HEARING OFFICER

FOR

THE CITY OF NEWPORT BEACH

IN RE

Appeal of Administrative Citation
ADM27186D
[REDACTED]

**FINDINGS OF FACT AND STATEMENT
OF DECISION OF THE
ADMINISTRATIVE HEARING OFFICER**

Hearing Officer: Paul Early
Date: July 23, 2026
Time: 2:20 pm

INTRODUCTION

1. This matter involves an appeal of the above-captioned Administrative Citation issued by the City of Newport Beach for a violation of Newport Beach Municipal Code ("NBMC") Section 10.28.007. Paul Early ("Hearing Officer"), sitting as the Hearing Officer under NBMC Section 1.05.070, heard this matter on the above-captioned date and time (the "Hearing"). The Hearing Officer is a licensed attorney in the State of California and serves as Hearing Officer under contract with the City of Newport Beach ("City"). Pursuant to NBMC Section 1.05.070, the Hearing Officer shall hear and decide whether the citations issued by the City were validly imposed.

2. City is a charter city and municipal corporation existing under the laws of the State of California.

3. The City was represented at the Hearing by Officer Miller ("City Representative").

4. [REDACTED] ("Applicant") appeared in support of the appeal.

5. The following Findings of Fact, Conclusions of Law, and Decision and Order are based on the evidence presented during the Hearing.

1 6. The Hearing Officer considered the testimony of all witnesses at the Hearing and all
2 documents made part of the administrative record. The mere fact that a witness's testimony or
3 document may not be specifically referred to below does not and shall not be construed to mean that
4 said testimony or document was not considered.

5 7. Pursuant to the Administrative Hearing Rules and Procedures of the City of Newport Beach,
6 the Hearing was digitally recorded.

7 8. The documents presented to the Hearing Officer during the hearing are attached hereto as
8 Exhibit A and form the administrative record of the hearing.

9 **ISSUES**

10 9. Applicant appeals the issuance of Administrative Citations for an excessively loud vehicle.

11 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12 10. This matter is before the Hearing Officer consistent with Section 1.05.070 of the NBMC.

13 11. NBMC Section 10.28.007 provides in pertinent part:

14 "It is unlawful for any person or property owner to make, continue, cause or allow to be
15 made any loud, unreasonable, unusual, penetrating or boisterous noise, disturbance or commotion
16 which annoys, disturbs, injures or endangers the comfort, repose, health, peace and quiet within the
17 limits of the City, and the acts and things listed in this chapter, among others, are declared to be
18 loud, disturbing, injurious and unreasonable noises in violation of this Chapter, but shall not be
19 deemed to be exclusive."

20 12. On April 18, 2026, the above-captioned Citation was issued against the Applicant for an
21 excessively loud vehicle.

22 13. The City Representative testified that he observed a [REDACTED] revving its engine. He believes
23 the sound from the revving and exhaust were unreasonably loud. He conducted a traffic stop. During
24 the stop, the Applicant admitted to the officer that he was revving his engine and that he was just
25 responding others asking him to do it.

26 14. Applicant admits to the underlying facts but disputes the legality of the city's ordinance and
27 that the sound was unreasonably loud.

1 15. Credibility determinations were made in favor of the Applicant and City. Both appeared to
2 be honest and believable, and all of the evidence provided by each was accepted as true.

3 16. This Hearing Officer has had several similar cases wherein appellants have argued that state
4 law preempts local regulation of noise on vehicles equipped with standard equipment which has
5 been approved by federal and state standards. This may be true but such an inquiry is outside the
6 scope of this hearing officer's purview. If correct, such a determination would invalidate the entirety
7 of the City's regulation as to noise emanating from vehicles. Such a determination should be made
8 by a court with the law fully briefed by all parties. This hearing Officer will not invalidate a
9 legislative act in its entirety based on an argument in an administrative hearing. Accordingly, this
10 Hearing Officer is proceeding under the assumption that the City's legislation is valid, unless
11 otherwise determined by a court of competent jurisdiction. An appeal of this decision to a higher
12 court may provide such relief.

13 17. Finally, the issue remains whether or not the noise from the Appellant's vehicle was a "loud,
14 unreasonable, unusual, penetrating or boisterous noise, disturbance or commotion which annoys,
15 disturbs, injures or endangers the comfort, repose, health, peace and quiet within the limits of the
16 City."

17 18. This is not a case where the City is claiming that the normal sounds of operation of a vehicle
18 are unreasonably loud. In this case, both parties agree that the Applicant was revving his engine in
19 an intentional manner to specifically generate a loud noise.

20 19. This Hearing Officer therefore finds that there is sufficient evidence that noise emanating
21 from the Appellant's vehicle was unreasonable or louder than common traffic on the street.

22 **DECISION AND ORDER**

23 20. The Hearing Officer hereby **DENIES** the Applicant's appeal and **UPHOLDS** the above-
24 captioned Administrative Citation.

25 21. Any person aggrieved by an administrative decision of a Hearing Officer may obtain review
26 of the administrative decision by filing a petition for review with the Orange County Superior Court
27 in accordance with the timelines and provisions as set forth in California Government Code Section
28 53069.4. There may be other time limits which also affect the ability to seek judicial review.

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Dated: July 27, 2026



Paul Early
Administrative Hearing Officer