

61-2g-504 Disciplinary hearing process.

- (1) The division and board shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in conducting any disciplinary proceedings under this chapter.
- (2) Before disciplinary action may be taken under this chapter, the division shall:
 - (a) notify the person against whom disciplinary action is sought; and
 - (b) commence an adjudicative proceeding.
- (3) If, after the hearing, the board determines, with the concurrence of the division, that a person described in Subsection (2) violated this chapter, the board may impose disciplinary action, with the concurrence of the division, by written order as provided in Section 61-2g-502.
- (4)
 - (a) The board may:
 - (i) conduct hearings with the assistance of an administrative law judge; or
 - (ii) delegate hearings to an administrative law judge.
 - (b) If a hearing is delegated by the board to an administrative law judge, the administrative law judge shall submit to the board and the director for their consideration:
 - (i) written findings of fact;
 - (ii) written conclusions of law; and
 - (iii) a recommended order.
- (5)
 - (a) An applicant, licensee, certificate holder, registrant, or person aggrieved, including the complainant, may obtain judicial review of an adverse ruling, order, or decision.
 - (b) If an applicant, licensee, certificate holder, or registrant prevails in an appeal and the court finds that the state action is undertaken without substantial justification, the court may award reasonable litigation expenses to the applicant, licensee, certificate holder, or registrant as provided under Title 78B, Chapter 8, Part 5, Small Business Equal Access to Justice Act.

Renumbered and Amended by Chapter 289, 2011 General Session