

63A-14-604 Process for making a decision -- Deliberations.

- (1)
 - (a) After each party presents a closing argument, the commission shall, at the direction of the chair, begin private deliberations.
 - (b) The deliberations described in Subsection (1)(a) may be held:
 - (i) immediately after conclusion of the closing arguments; or
 - (ii) at a future meeting of the commission, on a date and time determined by a majority of the members of the commission.
- (2)
 - (a) The chair shall conduct the deliberations.
 - (b) Upon a motion made by a commission member, the commission may exclude commission staff from all or a portion of the deliberations by a majority vote of the commission.
- (3)
 - (a) During deliberations, for each allegation reviewed by the commission, each member shall determine and cast a vote stating whether the allegation is:
 - (i) proved, by clear and convincing evidence, to have merit; or
 - (ii) not proved to have merit.
 - (b) A verbal roll call vote shall be taken on each allegation and each member's vote shall be recorded.
- (4)
 - (a) An allegation is determined to not have merit unless four of the five members of the commission vote that the allegation has merit.
 - (b) An allegation that is not determined to have merit is dismissed.
- (5)
 - (a) Before issuing an order or a finding under Section 63A-14-605, the commission may, upon a majority vote, reconsider and hold a new vote on an allegation.
 - (b) A motion to reconsider a vote may only be made by a member of the commission who voted in favor of the vote to be reconsidered.
- (6) At the conclusion of deliberations, the commission shall prepare an order or a finding in accordance with Section 63A-14-605.

Enacted by Chapter 426, 2013 General Session