

63G-4-301 Agency review -- Procedure.

- (1)
 - (a) If a statute or the agency's rules permit parties to any adjudicative proceeding to seek review of an order by the agency or by a superior agency, the aggrieved party may file a written request for review within 30 days after the issuance of the order with the person or entity designated for that purpose by the statute or rule.
 - (b) The request shall:
 - (i) be signed by the party seeking review;
 - (ii) state the grounds for review and the relief requested;
 - (iii) state the date upon which it was mailed; and
 - (iv) be mailed to the presiding officer and to each party.
- (2)
 - (a) Within 15 days of the mailing date of the request for review, or within the time period provided by agency rule, whichever is longer, any party may file a response with the person designated by statute or rule to receive the response.
 - (b) The party who files a response under Subsection (2)(a) shall mail a copy of the response to each of the parties and to the presiding officer.
- (3) If a statute or the agency's rules require review of an order by the agency or a superior agency, the agency or superior agency shall review the order within a reasonable time or within the time required by statute or the agency's rules.
- (4) To assist in review, the agency or superior agency may by order or rule permit the parties to file briefs or other documents, or to conduct oral argument.
- (5) Notice of hearings on review shall be mailed to all parties.
- (6)
 - (a) Within a reasonable time after the filing of any response, other filings, or oral argument, or within the time required by statute or applicable rules, the agency or superior agency shall issue a written order on review.
 - (b) The order on review shall be signed by the agency head or by a person designated by the agency for that purpose and shall be mailed to each party.
 - (c) The order on review shall contain:
 - (i) a designation of the statute or rule permitting or requiring review;
 - (ii) a statement of the issues reviewed;
 - (iii) findings of fact as to each of the issues reviewed;
 - (iv) conclusions of law as to each of the issues reviewed;
 - (v) the reasons for the disposition;
 - (vi) whether the decision of the presiding officer or agency is to be affirmed, reversed, or modified, and whether all or any portion of the adjudicative proceeding is to be remanded;
 - (vii) a notice of any right of further administrative reconsideration or judicial review available to aggrieved parties; and
 - (viii) the time limits applicable to any appeal or review.

Renumbered and Amended by Chapter 382, 2008 General Session