

32B-3-203 Initiating a disciplinary proceeding.

Subject to Section 32B-3-202:

- (1) The department may initiate a disciplinary proceeding described in Subsection (2) if the department receives:
 - (a) a report from an investigator alleging that a person subject to administrative action violated this title or the rules of the commission;
 - (b) a final adjudication of criminal liability against a person subject to administrative action on the basis of an alleged violation of this title; or
 - (c) a final adjudication of civil liability in accordance with Chapter 15, Alcoholic Product Liability Act, against a person subject to administrative action on the basis of an alleged violation of this title.
- (2) If the condition of Subsection (1) is met, the department may initiate a disciplinary proceeding to determine:
 - (a) whether a person subject to administrative action violated this title or rules of the commission; and
 - (b) if a violation is found, the appropriate sanction to be imposed.
- (3)
 - (a) Unless waived by the respondent, a disciplinary proceeding shall be held:
 - (i) if required by law;
 - (ii) before revoking or suspending a license, permit, or certificate of approval issued under this title; or
 - (iii) before imposing a fine against a person subject to administrative action.
 - (b) Inexcusable failure of a respondent to appear at a scheduled disciplinary proceeding hearing after receiving proper notice is an admission of the charged violation.
 - (c) The validity of a disciplinary proceeding is not affected by the failure of a person to attend or remain in attendance.

Amended by Chapter 369, 2012 General Session