

## **Part 3 Agency Review**

### **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

### **63G-4-302 Agency review -- Reconsideration.**

- (1)
  - (a) Within 20 days after the date that an order is issued for which review by the agency or by a superior agency under Section 63G-4-301 is unavailable, and if the order would otherwise constitute final agency action, any party may file a written request for reconsideration with the agency, stating the specific grounds upon which relief is requested.
  - (b) Unless otherwise provided by statute, the filing of the request is not a prerequisite for seeking judicial review of the order.
- (2) The request for reconsideration shall be filed with the agency and one copy shall be mailed to each party by the person making the request.
- (3)
  - (a) The agency head, or a person designated for that purpose, shall issue a written order granting the request or denying the request.
  - (b) If the agency head or the person designated for that purpose does not issue an order within 20 days after the filing of the request, the request for reconsideration shall be considered to be denied.

Renumbered and Amended by Chapter 382, 2008 General Session