

**63G-4-202 Designation of adjudicative proceedings as informal -- Standards --
Undesignated proceedings formal.**

- (1) The agency may, by rule, designate categories of adjudicative proceedings to be conducted informally according to the procedures set forth in rules enacted under the authority of this chapter if:
 - (a) the use of the informal procedures does not violate any procedural requirement imposed by a statute other than this chapter;
 - (b) in the view of the agency, the rights of the parties to the proceedings will be reasonably protected by the informal procedures;
 - (c) in the view of the agency, the agency's administrative efficiency will be enhanced by categorizations; and
 - (d) the cost of formal adjudicative proceedings outweighs the potential benefits to the public of a formal adjudicative proceeding.
- (2) Subject to the provisions of Subsection (3), all agency adjudicative proceedings not specifically designated as informal proceedings by the agency's rules shall be conducted formally in accordance with the requirements of this chapter.
- (3) Any time before a final order is issued in any adjudicative proceeding, the presiding officer may convert a formal adjudicative proceeding to an informal adjudicative proceeding, or an informal adjudicative proceeding to a formal adjudicative proceeding if:
 - (a) conversion of the proceeding is in the public interest; and
 - (b) conversion of the proceeding does not unfairly prejudice the rights of any party.

Renumbered and Amended by Chapter 382, 2008 General Session