

**63G-4-203 Procedures for informal adjudicative proceedings.**

- (1) If an agency enacts rules designating one or more categories of adjudicative proceedings as informal adjudicative proceedings, the agency shall, by rule, prescribe procedures for informal adjudicative proceedings that include the following:
  - (a) Unless the agency by rule provides for and requires a response, no answer or other pleading responsive to the allegations contained in the notice of agency action or the request for agency action need be filed.
  - (b) The agency shall hold a hearing if a hearing is required by statute or rule, or if a hearing is permitted by rule and is requested by a party within the time prescribed by rule.
  - (c) In any hearing, the parties named in the notice of agency action or in the request for agency action shall be permitted to testify, present evidence, and comment on the issues.
  - (d) Hearings will be held only after timely notice to all parties.
  - (e) Discovery is prohibited, but the agency may issue subpoenas or other orders to compel production of necessary evidence.
  - (f) All parties shall have access to information contained in the agency's files and to all materials and information gathered in any investigation, to the extent permitted by law.
  - (g) Intervention is prohibited, except that the agency may enact rules permitting intervention where a federal statute or rule requires that a state permit intervention.
  - (h) All hearings shall be open to all parties.
  - (i) Within a reasonable time after the close of an informal adjudicative proceeding, the presiding officer shall issue a signed order in writing that states the following:
    - (i) the decision;
    - (ii) the reasons for the decision;
    - (iii) a notice of any right of administrative or judicial review available to the parties; and
    - (iv) the time limits for filing an appeal or requesting a review.
  - (j) The presiding officer's order shall be based on the facts appearing in the agency's files and on the facts presented in evidence at any hearings.
  - (k) A copy of the presiding officer's order shall be promptly mailed to each of the parties.
- (2)
  - (a) The agency may record any hearing.
  - (b) Any party, at the party's own expense, may have a reporter approved by the agency prepare a transcript from the agency's record of the hearing.
- (3) Nothing in this section restricts or precludes any investigative right or power given to an agency by another statute.

Renumbered and Amended by Chapter 382, 2008 General Session