

63G-4-208 Procedures for formal adjudicative proceedings -- Orders.

In formal adjudicative proceedings:

- (1) Within a reasonable time after the hearing, or after the filing of any posthearing documents permitted by the presiding officer, or within the time required by any applicable statute or rule of the agency, the presiding officer shall sign and issue an order that includes:
 - (a) a statement of the presiding officer's findings of fact based exclusively on the evidence of record in the adjudicative proceedings or on facts officially noted;
 - (b) a statement of the presiding officer's conclusions of law;
 - (c) a statement of the reasons for the presiding officer's decision;
 - (d) a statement of any relief ordered by the agency;
 - (e) a notice of the right to apply for reconsideration;
 - (f) a notice of any right to administrative or judicial review of the order available to aggrieved parties; and
 - (g) the time limits applicable to any reconsideration or review.
- (2) The presiding officer may use the presiding officer's experience, technical competence, and specialized knowledge to evaluate the evidence.
- (3) A finding of fact that was contested may not be based solely on hearsay evidence unless that evidence is admissible under the Utah Rules of Evidence.
- (4) This section does not preclude the presiding officer from issuing interim orders to:
 - (a) notify the parties of further hearings;
 - (b) notify the parties of provisional rulings on a portion of the issues presented; or
 - (c) otherwise provide for the fair and efficient conduct of the adjudicative proceeding.

Renumbered and Amended by Chapter 382, 2008 General Session