

7-1-706 Application to commissioner to exercise power -- Procedure.

- (1) Except as provided in Sections 7-1-704 and 7-1-705, by filing a request for agency action with the commissioner, any person may request the commissioner to:
 - (a) issue any rule or order;
 - (b) exercise any powers granted to the commissioner under this title; or
 - (c) act on any matter that is subject to the approval of the commissioner.
- (2) Within 10 days of receipt of the request, the commissioner shall, at the applicant's expense, cause a supervisor to make a careful investigation of the facts relevant or material to the request.
- (3)
 - (a) The supervisor shall submit written findings and recommendations to the commissioner.
 - (b) The application, any additional information furnished by the applicant, and the findings and recommendations of the supervisor may be inspected by any person at the office of the commissioner, except those portions of the application or report that the commissioner designates as confidential to prevent a clearly unwarranted invasion of privacy.
- (4)
 - (a) If a hearing is held concerning the request, the commissioner shall publish notice of the hearing at the applicant's expense:
 - (i) in a newspaper of general circulation within the county where the applicant is located at least once a week for three successive weeks before the date of the hearing; and
 - (ii) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the date of the hearing.
 - (b) The notice required by Subsection (4)(a) shall include the information required by the department's rules.
 - (c) The commissioner shall act upon the request within 30 days after the close of the hearing, based on the record before the commissioner.
- (5)
 - (a) If no hearing is held, the commissioner shall approve or disapprove the request within 90 days of receipt of the request based on:
 - (i) the application;
 - (ii) additional information filed with the commissioner; and
 - (iii) the findings and recommendations of the supervisor.
 - (b) The commissioner shall act on the request by issuing findings of fact, conclusions, and an order, and shall mail a copy of each to:
 - (i) the applicant;
 - (ii) all persons who have filed protests to the granting of the application; and
 - (iii) other persons that the commissioner considers should receive copies.
- (6) The commissioner may impose any conditions or limitations on the approval or disapproval of a request that the commissioner considers proper to:
 - (a) protect the interest of creditors, depositors, and other customers of an institution;
 - (b) protect its shareholders or members; and
 - (c) carry out the purposes of this title.

Amended by Chapter 90, 2010 General Session