

1400.8609 HEARING RECORD.

Subpart 1. **Maintaining.** The administrative law judge shall maintain the official record in each case until the issuance of the report, at which time the record, except for the audiomagnetic recordings thereof, shall be sent to the agency. The audiomagnetic recordings shall be retained by the office for five years from the date that the record is returned to the agency. Unless an agency requests a longer retention period for a specific case, the recordings may be erased or otherwise destroyed at the end of the five-year period.

Subp. 2. **Content.** The record shall contain:

- A. the notice of hearing and all motions and orders which have been reduced to writing;
- B. evidence received or considered;
- C. an audiomagnetic recording of the hearing;
- D. the administrative law judge's report;
- E. all memoranda or data submitted by any party in connection with the case; and
- F. the transcript of the hearing, if one was prepared.

Subp. 3. **Closing hearing record.** The hearing record of the contested case proceeding shall be closed upon the completion of the testimony, or receipt of the final written memorandum or transcript, if any, or late-filed exhibits which the parties and the administrative law judge have agreed should be received into the record, whichever occurs latest.

Subp. 4. **Transcript.** The audiomagnetic recording of the hearing shall be transcribed if requested by a party or if ordered by the chief administrative law judge. The party requesting a transcript is responsible for the cost. The parties may agree to divide the cost. When the chief administrative law judge requests a transcript, the agency is responsible for the cost.

Statutory Authority: *MS s 14.51; 15.474; 116C.66; 216E.16*

History: *9 SR 2276; L 1984 c 640 s 32; 15 SR 1595; 17 SR 1279; 26 SR 391*

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