

1405.1800 HEARING RECORD.

Subpart 1. **Preparation.** Pursuant to Minnesota Statutes, sections 14.04 to 14.36, the Office of Administrative Hearings, upon certification of the official record of the case by the board to it, shall prepare and maintain the official record in each proceeding.

Subp. 2. **Contents.** The record in a hearing shall contain: all pleadings, motions, and orders; evidence received or considered; offers of proof, objections, and rulings thereon; the administrative law judge's findings of fact, conclusions, and recommendations; all memoranda or data submitted by any person and considered by the administrative law judge in connection with the case; and the transcript of each hearing, if any.

Subp. 3. **Recorder or reporter.** Unless the chief administrative law judge determines that the use of a court reporter is more appropriate, an audiomagnetic recording device shall be used to keep a record at any hearing which takes place under parts 1405.0200 to 1405.2800.

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. 4. **Transcript.** The verbatim record shall be transcribed if requested by a person or in the discretion of the chief administrative law judge. If a transcription is made, the chief administrative law judge may require the requesting person and other persons who request copies of the transcript to pay a reasonable charge therefor. The charge shall be set by the chief administrative law judge, and all moneys received for transcripts shall be payable to the commissioner of management and budget and shall be deposited in the state Office of Administrative Hearings account in the state treasury.

Subp. 5. **Environmental documents.** The environmental impact assessment prepared pursuant to parts 4400.1210 and 4400.3210 shall be entered into the record at a point during the hearing process which will allow all persons an opportunity to review and comment on the material. In addition, all comments and responses to comments which the board desires to consider shall be entered into the record promptly after they are received.

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

History: *L 1984 c 640 s 32; 15 SR 1595; 17 SR 1279; L 2003 c 112 art 2 s 50; L 2009 c 101 art 2 s 109*

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