

**1900.3310 APPEALS OF DISPUTED DESIGNATION.**

Subpart 1. **Initiating an appeal.** An organization seeking or affirming designation through the submission of preliminary biennial plans that disputes the decision of the board regarding the designation of regional arts council status may appeal the decision of the board. This appeal will be conducted in the following manner:

- A. the appellant organization must submit a written request for consideration of an appeal within 45 days of notification of the board's decision;
- B. the request must state the reasons for the appeal; and
- C. the board shall review the request at its first meeting following the receipt of the request.

Subp. 2. **Board action on appeals.** The board shall take one of the following actions in response to the request for consideration of an appeal:

- A. determine that the appellant does not show sufficient cause for an appeal in which case the appellant may follow subpart 3;
- B. determine that the appellant does show sufficient cause for appeal and request that the appellant appear before the board at a subsequent meeting to address the appeal; or
- C. refer the appeal to mediation or to an administrative law judge as a contested case.

Subp. 3. **Dispute resolution.** Following the appeal to the board, if the appellant continues to dispute the decision of the board regarding the organization's appeal, either party may request a mediation process. If the other party chooses not to mediate, the further appeal shall be conducted as a contested case. If both parties agree to mediation, the costs of mediation shall be shared equally.

**Statutory Authority:** *MS s 129D.04*

**History:** *21 SR 5*

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