

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. The appellant must submit to the board a written appeal within 45 days of notification of the board's decision. The appeal must state, with specificity, the reasons for the appeal. An appeal that is received by the board at least 14 days in advance of a regularly scheduled board meeting shall be considered by the board at its first regularly scheduled meeting following the receipt of the appeal. An appeal received by the board less than 14 days in advance of a regularly scheduled board meeting shall be considered at the board's next subsequent regularly scheduled meeting.

Subp. 2. **Board action on appeals.** The board shall take one or more of the following actions in response to 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 direct staff to propose a remedy at a subsequent meeting;

C. request that the appellant appear before the board at a subsequent meeting to address the appeal; or

D. refer the appeal to mediation or to the Office of Administrative Hearings for a contested case proceeding.

Subp. 3. **Dispute resolution.** If the board determines that the appellant failed to show sufficient cause for the appeal, the appellant may request that the matter be reconsidered through mediation. If the board grants that request, the costs of mediation shall be shared equally. If the board denies that request, the appellant may request that the matter be referred to the Office of Administrative Hearings for a contested case proceeding. The appellant has 14 days from receipt of the board's decision not to mediate to make a written request that the matter be referred to the Office of Administrative Hearings.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

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