

**5000.0750 RECONSIDERATION; PROBABLE CAUSE DETERMINATION.**

Subpart 1. **Basis for reconsideration.** A respondent may request reconsideration of a probable cause determination by submitting to the commissioner a written statement that contains or identifies:

- A. evidence that was not available during the investigation;
- B. statutes or case law that may invalidate the probable cause determination; or
- C. substantial information indicating that the evidence relied on for the determination was falsified, inaccurate, or erroneously weighed.

Subp. 2. **Acknowledgment of request.** The commissioner shall, within ten days of receipt of the request, notify the respondent by first class mail of the receipt of the request and state whether the request is sufficiently substantial to warrant further consideration.

Subp. 3. **Action on request.** If the request warrants reconsideration of the determination of probable cause, the commissioner shall reconsider the determination and either:

- A. affirm the determination of probable cause;
- B. reverse the determination; or
- C. vacate the determination of probable cause and remand the case for further inquiry on its merits and issuance of a new determination.

The commissioner may refer a request for reconsideration to a person or panel designated pursuant to part 5000.0700, subpart 4.

Subp. 4. **Notice of decision.** When the commissioner has determined that action shall be taken on a request for reconsideration pursuant to subpart 3, notice of the decision shall be served upon the respondent by first class mail. A copy of this notice and of the reconsideration request shall be provided to the charging party by first class mail if the determination of probable cause is affirmed, and by certified mail if the determination is reversed or vacated.

Subp. 5. **Effect of decision.** A decision shall have the effect described in items A to D.

A. If the determination of probable cause is not reversed or vacated, the rights of the parties remain as they were prior to the decision.

B. If the determination of probable cause is reversed, the charging party has the right to request reconsideration by administrative appeal under part 5000.0700.

C. If the determination of probable cause is vacated and a subsequent determination of no probable cause is issued, the charging party has the right to request reconsideration under part 5000.0700.

D. If the determination of probable cause is vacated and a subsequent determination of probable cause is issued, that determination will not be reconsidered except on the initiative of the commissioner.

**Statutory Authority:** *MS s 363.05; 363A.06*

**History:** *11 SR 740*

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