

5615.0800 CONDUCT OF HEARING.

Subpart 1. **Role of board members.** Every hearing in a contested case shall be presided over by a member of the board. A case may be heard by six or more members of the board.

Subp. 2. **Legal counsel.** The attorney for the board shall advise the member or members of the board concerning the conduct of the hearing and rulings on the admission or exclusion of evidence and other matters of law.

Subp. 3. **Disqualification of board member.** Any member of the board shall voluntarily disqualify himself or herself and withdraw from any case in which the member cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of any board member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined by the other members of the board. No board member shall withdraw voluntarily or be subject to disqualification if the disqualification would prevent the existence of a quorum qualified to act in a particular case.

Subp. 4. **Record of hearings.** All proceedings at the hearing shall be reported in writing, and the board shall prepare an official record, which shall include testimony and exhibits in each contested case, but it shall not be necessary to transcribe the record unless requested for purposes of rehearing or court review.

Statutory Authority: *MS s 147.01*

History: *17 SR 1279*

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