

7000.0755 COMMISSIONER'S RECORDS AND FINAL DECISION MAKING.

Subpart 1. **General.** The commissioner shall make a final decision in all matters on behalf of the agency, except for those matters that are within the board's specific authority pursuant to Minnesota Statutes, section 116.02, subdivision 6, or those matters where the board has exercised its authority pursuant to Minnesota Statutes, section 116.02, subdivision 8. The record relating to the commissioner's final decisions shall consist of the records described in subparts 2 to 4.

Subp. 2. **Rulemaking records upon which commissioner makes a decision.** The record upon which the commissioner shall make a final decision concerning the adoption or amendment of a rule where there is no public hearing consists of the documents listed in part 1400.2310 and the administrative law judge's written statement of required modifications or disapproval, if any.

Subp. 3. **Contested case record upon which the commissioner makes a decision.** The record upon which the commissioner shall make a final decision after a contested case hearing consists of the record as described in part 1400.7400.

Subp. 4. **Record upon which the commissioner makes other decisions.** The record upon which the commissioner shall make a final decision in all matters other than rulemaking and contested case hearings consists of the following:

A. relevant written materials submitted to the commissioner or agency staff within an established comment period, including requests for an informational meeting and petitions for contested case hearings;

B. written materials submitted to the commissioner or agency staff within a time period established by the commissioner; and

C. written documents containing relevant information, data, or materials referenced and relied upon by agency staff in recommending a proposed action or decision.

Statutory Authority: *MS s 116.07*

History: *28 SR 1249*

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