

**7000.2000 FINAL DECISIONS AND ORDERS IN CONTESTED CASES.**

Subpart 1. **Time for filing comments and exceptions.** The board or commissioner shall take no final action with respect to a matter for which a contested case hearing has been held for at least ten days after the date of issuance of the administrative law judge's report. Any person may serve written comments on or exceptions to the findings of fact, conclusions, and recommendations of the administrative law judge at any time up to five days prior to the board meeting at which the matter will be considered for final decision by the board. Where the commissioner is to make a final decision, any person may serve upon the commissioner written comments on or exceptions to the findings of fact, conclusions, and recommendations of the administrative law judge. The written comments or exceptions must be submitted to the commissioner within ten days of the issuance of the administrative law judge's report. Any comments and exceptions must be based solely upon the record of the hearing.

Subp. 2. **Service of comments and exceptions.** Any person who serves written comments on or exceptions to the administrative law judge's report shall serve these comments or exceptions upon each board member, including the commissioner, and upon all parties.

Subp. 3. **Appearance at board meeting.** Any party may appear at the board meeting at which the matter will be considered for final decision and present oral comments and arguments, limited to evidence in the record, subject to time limitations and conditions that the commissioner prescribes in accordance with part 7000.0650, subpart 5.

Subp. 4. **Board decision.** The board shall make all final decisions and orders in those matters within its authority for which a contested case hearing has been held. The board's decision or order must be based solely on the record from the hearing. The decision or order must be accompanied by a concise statement of the findings and conclusions upon each contested issue of fact necessary to the decision.

Subp. 4a. **Commissioner decision.** The commissioner shall make all final decisions and orders in those matters within the authority of the commissioner for which a contested case hearing has been held. The commissioner's decision or order must be based solely on the record from the hearing. The decision or order must be accompanied by a concise statement of the findings and conclusions upon each contested issue of fact necessary to the decision.

Subp. 5. **Time.** The board or commissioner shall reach a final decision or order on the matter as expeditiously as possible after receipt of the administrative law judge's report and recommendation.

Subp. 6. **Manner.** The commissioner shall place the matter on the agenda for a board meeting. The decision or order must be announced at the board meeting, and in all cases the decision or order must be entered in the minutes of the board meeting.

Subp. 7. **Alternatives.** The board or commissioner may accept, modify, or reject the recommendation of the administrative law judge, in whole or in part. The board or commissioner may remand the matter to the administrative law judge for further proceedings.

Subp. 7a. **Informal disposition.** Informal disposition by stipulation, agreed settlement, or consent order may be made of any matter for which a contested case hearing is scheduled, or any contested issue, at any point in the proceeding, subject to board or commissioner approval of this informal disposition and its terms.

Subp. 8. **Notice.** The commissioner must serve a copy of every final decision or order in a matter for which a contested case hearing has been held on all parties to the matter and on all interested persons who have submitted to the board or commissioner a request to be notified of the decision.

**Statutory Authority:** *MS s 14.06; 116.07*

**History:** *L 1984 c 640 s 32; L 1987 c 186 s 15; 19 SR 1310; 20 SR 2629; 28 SR 1249*

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