

7315.2100 THE HEARING.

Subpart 1. **How conducted.** The hearing must be conducted as follows:

A. It shall be the duty of the presiding officer to inquire fully into the facts in dispute, to call, examine, and cross-examine witnesses and to require the production of documentary or other evidence as the presiding officer may deem necessary to be fully acquainted with all facts relating to the case.

B. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, must be stated orally, together with a statement of the grounds of the objection and included in the record of the hearing. No objection shall be deemed waived by further participation in the hearing.

C. The presiding officer may admit evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The presiding officer shall give effect to any rule or privilege recognized by law.

D. Witnesses must testify under oath and shall be subject to cross-examination by all parties.

E. Upon a showing of good cause the presiding officer may allow the taking of depositions to preserve testimony in the same manner as prescribed by the Minnesota Rules of Civil Procedure.

Subp. 2. **Transcript of board hearing.** A verbatim record must be taken by a hearing reporter or recording equipment of any hearing conducted pursuant to subpart 1.

Subp. 3. **Decorum.** The presiding officer may prohibit the operation of a television, newsreel, motion picture, still, or other camera and mechanical recording devices in the hearing room while the hearing is in progress if such operation shall be determined to have a significantly adverse effect on the hearing.

No person shall interfere with the free, proper, and lawful access to or egress from the hearing room. No person shall interfere or threaten interference with the hearing.

Statutory Authority: *MS s 14.06; 179A.05; 179A.25*

History: *8 SR 293; 15 SR 2107*

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