

**7620.0340 DECISION.**

Subpart 1. **Basis.** No factual information or evidence which is not part of the record shall be considered by the board or the administrative law judge in deciding an issue in an appeal, except that official notice may be taken of pertinent facts.

Subp. 2. **Recommended decision.** Within two working days after the hearing is closed, the local conservation board or the administrative law judge shall issue a recommended decision in writing, including the findings and conclusions on which the decision is based. A copy of the recommendation shall be served by first class mail on all parties to the appeal and delivered to the commissioner with the whole record of the appeal. Service is effective on the postmark date.

Subp. 3. **Decision by commissioner.** The commissioner may affirm or reverse a decision of a local conservation board or an administrative law judge or may remand the appeal for further hearing on specified parts. The commissioner must notify the appellant of an intent to reverse or remand a decision within two working days after receipt of the recommended decision. The commissioner shall issue a written statement setting forth the grounds for reversing a recommended decision no later than five working days after receipt of the recommendation, and a copy of the statement shall be served on the appellant and sent to the local conservation board or administrative law judge by first class mail. Failure of the commissioner to give timely notice of intent to reverse or remand a recommended decision will act to automatically affirm the recommended decision.

Subp. 4. **Judicial review.** The appellant may seek judicial review of a final decision of the commissioner in accordance with the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14.

**Statutory Authority:** *MS s 216C.15*

**History:** *L 1984 c 640 s 32; L 1987 c 312 art 1 s 9, c 384 art 2 s 1*

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