

7897.0190 CONTESTED CASE HEARINGS.

Subpart 1. **Right to a contested case hearing.** In lieu of an appeal under part 7877.0155, if the commission orders any of the following disciplinary sanctions, the licensee may elect to appeal by requesting a contested case hearing, to be held in accordance with the contested case procedures in Minnesota Statutes, chapter 14 and rules adopted pursuant thereto:

- A. revocation of a license;
- B. suspension of a Class A, B, or D license;
- C. suspension of a Class C license for more than 180 days; or
- D. a fine of more than \$5,000.

Subp. 2. **Contested case procedure.** The commission shall notify a licensee in writing of the sanction, and of the licensee's right to appeal by requesting a contested case hearing. A request for a contested case hearing must be made in writing and delivered to the commission's director by certified mail or personal service. If delivered by certified mail, the request must be postmarked within ten calendar days after the licensee received the commission's sanction order. If a request is delivered by personal service, it must be received by the commission's director within ten calendar days after the licensee received the commission's sanction order. If a licensee submits a timely request for a contested case hearing under this subpart, the disciplinary sanction shall be stayed until the commissioner issues a final order following the contested case hearing. However, the imposition of the sanction shall not be stayed if the commission had summarily suspended the license in the 90 days preceding the issuance of the sanction order and the licensee either did not appeal the summary suspension or the commission affirmed the summary suspension after appeal. Any contested case hearing shall be commenced and held in the manner provided for in Minnesota Statutes, chapter 14, and rules adopted pursuant thereto.

Subp. 3. **Exceptions.** Parties affected by the report of the administrative law judge shall have 20 days from the date of service of the report to file exceptions with the commission and request an opportunity to present written arguments to the commission.

Subp. 4. **Consideration of arguments.** If there has been a request for an opportunity to present written arguments, the commission shall, as soon as practicable, set dates for the filing of such arguments and give reasonable notice thereof to all parties to the contested case.

Subp. 5. **Decision or order.** The decision or order shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceeding shall be served personally or by first-class mail with a copy of the decision or order and accompanying statement of reasons.

Statutory Authority: *MS s 240.03; 240.08; 240.10; 240.16; 240.19; 240.22; 240.23*

History: *9 SR 2527; 11 SR 2201; 42 SR 1258*

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