

**9220.0370 CONTESTED CASE HEARING.**

Subpart 1. **Hearing required.** The agency shall hold a contested case hearing if it finds all of the following:

A. that a person requesting the contested case hearing has raised a material issue of fact or of the application of facts to law related to the commissioner's proposed action;

B. that the agency has jurisdiction to make determinations on the issues of fact or of the application of facts to law raised by the persons requesting the contested case hearing;

C. that the record before the agency is not adequate to allow the agency to resolve a material issue of fact or of the application of fact to law raised by the person requesting the hearing, and that a contested case hearing would result in the creation of a record that would allow the agency to resolve the issues raised; and

D. that the person requesting the contested case hearing would be affected by the agency's action.

Subp. 2. **Hearing notice and order.** If the agency decides to hold a contested case hearing, the commissioner shall prepare a notice of and order for hearing. The notice of and order for hearing must contain:

A. the information required by part 1400.5600 to the Office of Administrative Hearings;

B. a reference to the public notice of the agency action and the date of issuance of the public notice;

C. identification of the affected parties and a concise description of the issues that have been raised by any party; and

D. the address of the agency office where interested persons may inspect or obtain copies of the public notice of the agency action, and other information relevant to the agency action.

**Statutory Authority:** *MS s 115A.914*

**History:** *12 SR 2513; L 1999 c 73 s 5*

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