

1400.5500 DUTIES OF ADMINISTRATIVE LAW JUDGE.

Consistent with law, the judge shall perform the following duties:

- A. grant or deny a demand for a more definite statement of charges;
- B. grant or deny requests for discovery including the taking of depositions;
- C. receive and recommend action upon requests for subpoenas where appropriate and consistent with part 1400.7000;
- D. hear and rule on motions;
- E. preside at the contested case hearing;
- F. administer oaths and affirmations;
- G. grant or deny continuances;
- H. examine witnesses as necessary to make a complete record;
- I. prepare findings of fact, conclusions, and recommendations or a final order where required by law;
- J. make preliminary, interlocutory, or other orders as deemed appropriate;
- K. recommend a summary disposition of the case or any part thereof where there is no genuine issue as to any material fact or recommend dismissal where the case or any part thereof has become moot or for other reasons;
- L. permit testimony, upon the request of a party or upon his or her own motion to be prefiled in whole or in part where the prefiling will expedite the conduct and disposition of the case without imposing an undue burden on any party;
- M. grant or deny a request to substitute initials or numbers for proper names in the hearing record or in findings of fact, conclusions, and recommendations or order;
- N. appoint an interpreter where necessary to provide a fair hearing;
- O. set a reasonable limit on the time allowed for testimony after considering the requests of the parties;
- P. change the location of the hearing based upon the request of a party where necessary to provide a fair hearing;
- Q. do all things necessary and proper to the performance of the foregoing; and
- R. in his or her discretion, perform such other duties as may be delegated by the agency ordering the hearing.

Statutory Authority: *MS s 14.06; 14.131; 14.51; 15.474; 363.06; 363A.28*

History: *9 SR 2276; 26 SR 391*

Published Electronically: *August 6, 2013*