

3525.4300 HEARING PROCEDURES.

Subpart 1. **Generally.** The hearing officer shall preside over and conduct the hearing and shall rule on procedural and evidentiary matters. The hearing officer must ensure that issues for hearing are appropriately identified and that evidence is limited to that which is relevant to the issues and not cumulative. The hearing officer must limit the hearing to the amount of time necessary for each party to present its case and must establish the means for doing so. The hearing officer has authority to question witnesses and request information.

A written record of the hearing shall be made.

Subp. 2. **Protective orders.** When a party is asked to reveal data that the opposing party is not privileged to see, the party from whom the data is requested may bring the matter to the attention of the hearing officer who will review the data in camera and make protective orders that are reasonable and necessary or as otherwise provided by law. The hearing officer may refer the in camera review to another hearing officer if requested to do so by a party.

Subp. 3. **Responding to orders.** If the hearing officer orders that parties do an act or not do an act, the parties must comply with the order. Objections to orders must be made as part of the record as promptly as possible.

Subp. 4. **Copies.** The hearing officer must send copies of all orders or decisions to all parties simultaneously. Any party sending a letter, exhibit, brief, memorandum, subpoena request, or other document to the hearing officer must simultaneously send a copy to all other parties.

Subp. 5. **Representation by attorney.** A party need not be represented by an attorney. If a party is represented by an attorney and notifies the other parties of such representation, all communications pertaining to the hearing must be directed to that attorney.

Subp. 6. **Communication with hearing officer.** No party or attorney may communicate with the hearing officer on the merits of the case unless all parties have the opportunity to participate.

Subp. 7. **Witnesses.** Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing must be under oath or affirmation. At the request of a party or upon the hearing officer's own motion, the hearing officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses. The hearing officer has authority to question witnesses and request information.

Statutory Authority: *MS s 14.389; 120.17; 121.11; L 1994 c 647 art 3 s 23; L 1999 c 123 s 19,20; L 2003 1Sp9 art 3 s 19*

History: *14 SR 281; L 1991 c 265 art 3 s 38; 19 SR 2432; L 1998 c 397 art 11 s 3; 24 SR 1799; 26 SR 657; 28 SR 1292*

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