

4525.0150 GENERAL PROVISIONS.

Subpart 1. **Scope.** This part applies to all complaints, investigations, and audits conducted under this chapter and Minnesota Statutes, chapter 10A.

Subp. 2. **Notice, where sent.** Whenever notice is required, if a respondent is registered with the board, notices must be sent by electronic and United States mail to the most recent addresses that the respondent provided in a registration statement filed with the board.

Subp. 3. **Opportunity to be heard.** When a provision in this chapter or Minnesota Statutes, chapter 10A, provides that a complainant or a respondent has an opportunity to be heard by the board, the complainant or respondent must be given an opportunity to appear in person at a board meeting before the board makes a determination on the matter. The complainant or respondent is not required to appear before the board.

A complainant or respondent who has an opportunity to be heard may submit a written statement to the board in addition to or in lieu of an appearance before the board. A written statement under this part must be submitted prior to or at the board meeting at which the matter will be heard. The executive director must provide any submitted statement to the board before the board makes a determination on the matter.

The opportunity to be heard does not include the right to call witnesses or to question opposing parties, board members, or board staff.

The board may set a time limit for statements to the board when necessary for the efficient operation of the meeting.

When notice of the opportunity to be heard has been sent as required in subpart 2, the failure to appear in person or in writing at the noticed meeting constitutes a waiver of the opportunity to be heard at that meeting.

Subp. 4. **Continuance.** The board may continue a matter to its next meeting if:

- A. the parties agree;
- B. the investigation is not complete;
- C. the respondent shows good cause for the continuance; or
- D. the delay is necessary to equitably resolve the matter.

Subp. 5. **Authority reserved to board.** The provisions of this chapter do not affect the board's authority under Minnesota Statutes, section 10A.02, subdivision 10, to order an investigation or audit in any matter.

Statutory Authority: *MS s 10A.02*

History: *39 SR 757*

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