

**5530.1300 DISCIPLINARY OR REMOVAL PROCEDURES.**

Subpart 1. **General.** Membership on the roster is a privilege and no arbitrator has a right to placement on the roster. The commissioner has authority to investigate all complaints and allegations regarding the professional performance and compliance with this chapter by members of the roster. The commissioner shall advise, counsel, suspend, or remove roster members when the results of an investigation demonstrate violation by the arbitrator of the performance, professional, or ethical standards established by this chapter.

Subp. 2. **Preliminary investigation.** When the commissioner receives a complaint regarding violation of this chapter by a member of the roster, the commissioner shall conduct an informal investigation of the matter to determine if there is probable cause to believe that a roster member has violated any requirements of this chapter. In the absence of a violation, the commissioner shall take no further action. If further action on the matter is warranted, the commissioner shall suspend the roster member from further referrals pending the conclusion of proceedings under this chapter.

Subp. 3. **Notice.** When the commissioner finds probable cause to believe that a violation of this chapter has occurred and that removal or disciplinary suspension of a roster member should be considered, the commissioner shall provide written notice to the roster member and the advisory committee. The written notice must contain the nature of the action being considered and the reasons for it. The notice shall provide an opportunity for the roster member to respond in writing and shall fix a date for a hearing on the matter before the commissioner or a designated representative, if the roster member wishes to contest the proposed action.

Subp. 4. **Hearing.** If a hearing on a disciplinary matter is requested by the affected roster member, the commissioner or the commissioner's representative shall convene and conduct a hearing pursuant to part 5510.1910, subparts 6, 8, 9, 10, 12, 13, and 14. Advisory committee members may attend the hearing or review the audio-magnetic recording from the proceedings.

Subp. 5. **Determination.** The commissioner shall determine the action to be taken with respect to the member's status on the roster, based on the record of the hearing, the recommendations of the advisory committee, and this chapter. The determination is a final decision.

**Statutory Authority:** *MS s 179.02*

**History:** *14 SR 1383*

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