

**5530.1300 ARBITRATOR DISCIPLINARY OR REMOVAL PROCEDURES.****Subpart 1. Commissioner authority.**

A. The commissioner has authority to investigate all complaints and allegations against roster members regarding professional performance and compliance with this chapter.

B. The commissioner must advise, counsel, suspend, or remove a roster member when the results of an investigation demonstrate that a roster member has violated the performance, professional, or ethical standards under this chapter.

**Subp. 2. Preliminary investigation.**

A. When the commissioner receives a complaint of a roster member's violation of this chapter, the commissioner must conduct an informal investigation to determine if there is probable cause to believe that the roster member has violated a requirement of this chapter.

B. If there is no probable cause to believe that a violation occurred, the commissioner may not take further action.

C. If the commissioner determines that probable cause exists, the commissioner must suspend the roster member from further referrals pending the conclusion of proceedings under this part.

**Subp. 3. Notice of violation.**

A. When the commissioner finds probable cause to believe that a violation of this chapter has occurred that warrants the commissioner to remove or suspend the roster member, the commissioner must provide written notice to the roster member and the advisory committee.

B. The written notice must:

(1) state that the commissioner is determining whether to remove or suspend the roster member and the commissioner's rationale for the action;

(2) provide an opportunity for the roster member to respond in writing; and

(3) set 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 the disciplinary matter is requested by the affected roster member, the commissioner or the commissioner's representative must convene and conduct a hearing according to part 5510.1910, subparts 2a, 6, 8, 9, 10, 12, 13, and 14. Advisory committee members may attend the hearing or may review, if any, the hearing recording or transcript.

**Subp. 5. Commissioner determination.**

A. The commissioner must determine the action to be taken on the roster member's status on the roster on the basis of:

(1) the hearing record if a hearing is conducted under subpart 4;

- (2) recommendations from the advisory committee; and
  - (3) performance, professional, or ethical standards under this chapter.
- B. The commissioner's determination is a final decision.

**Statutory Authority:** *MS s 179.02; 179.82; 179A.04; 179A.16; 626.892*

**History:** *14 SR 1383; 46 SR 1387*

**Published Electronically:** *July 27, 2022*