

7000.1900 CRITERIA TO HOLD CONTESTED CASE HEARING.

Subpart 1. **Board or commissioner decision to hold contested case hearing.** The board or commissioner must grant the petition to hold a contested case hearing or order upon its own motion that a contested case hearing be held if it finds that:

A. there is a material issue of fact in dispute concerning the matter pending before the board or commissioner;

B. the board or commissioner has the jurisdiction to make a determination on the disputed material issue of fact; and

C. there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of a contested case hearing would allow the introduction of information that would aid the board or commissioner in resolving the disputed facts in making a final decision on the matter.

Subp. 2. **Scope of contested case.** If the board or commissioner decides to hold a contested case hearing, the board or commissioner shall identify the issues to be resolved and limit the scope and conduct of the hearing in accordance with applicable law, due process, and fundamental fairness. Alternatively, the board or commissioner may request the administrative law judge to identify the issues and determine the appropriate scope and conduct of the hearing in accordance with applicable law, due process, and fundamental fairness.

Subp. 3. **Board or commissioner decision not to hold contested case hearing.** If the board or commissioner decides not to hold a contested case hearing, the board or commissioner may hold a public informational meeting as provided in part 7000.0550, subpart 4.

Statutory Authority: *MS s 14.06; 116.07*

History: *19 SR 1310; 28 SR 1249*

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