

7404.0330 MOVE OF EXISTING OFFICE LOCATION.

Subpart 1. **In general.** A move of an existing office must meet the requirements of part 7404.0300, be within the same county, and be approved by the commissioner before the move. This part does not apply to the location of state-operated application or examination sites.

Subp. 2. **Variance.** An agent may apply to the commissioner for a variance from the requirements of subpart 1, except that no existing office is allowed to move to a different county.

A. An agent may apply for a variance by submitting a written request to the commissioner.

B. The variance request must specify and the commissioner shall consider the following factors when reviewing the variance request:

- (1) each rule part from which the variance is requested and why the proposed office location does not meet requirements of part 7404.0300;
- (2) the reasons for the request to move from the existing office location;
- (3) the distance of the proposed office location from the agent's existing office;
- (4) whether the proposed office location would serve the same community or neighborhood and is in close proximity to the original location;
- (5) whether the proposed office location is in another county;
- (6) any comments in opposition or support from other existing agent offices of the proposed office location;
- (7) building considerations of the proposed office location including:
 - (a) parking space; and
 - (b) compliance with part 7404.0400;
- (8) destruction or other loss of the existing office building, including loss of building lease;
- (9) the number of previous moves of the existing office and the reasons for the moves;
- (10) whether the proposed move is a result of or in connection with misfeasance or malfeasance on the part of the agent; and
- (11) other information requested by the commissioner or supplied by the agent.

Subp. 3. **Commissioner's decision.** The commissioner shall review the request for a variance and grant or deny it within 60 days after its receipt or within 60 days after the date of the commissioner's request for additional information, whichever is later.

A. The commissioner shall give the agent written justification for a decision to deny the variance.

B. Failure to submit the required information under this subpart within 30 days of the commissioner's request for information is cause to deny an agent's request for a variance.

Subp. 4. **Right to review commissioner's decision.** An agent may contest the denial of a variance of the commissioner by requesting a hearing.

A. The agent shall submit, within 15 days of the receipt of the commissioner's decision, a request for a hearing.

B. The request for a hearing must set forth in detail the reasons why the agent contends the decision of the commissioner should be changed.

C. The hearing must follow the hearing procedures in parts 7406.1100 to 7406.2600.

Statutory Authority: *MS s 14.06; 171.06; 171.061; 373.35*

History: *23 SR 1454; 32 SR 1283*

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