

7406.0330 MOVE OF EXISTING OFFICE LOCATION.

Subpart 1. **In general.** A deputy registrar appointment is for the operation of an existing office in a specific location approved by the commissioner and specified in the certificate of appointment. A move of an existing office must be considered under parts 7406.0300 and 7406.0310, be within the same county, and be approved by the commissioner before the move may occur.

Subp. 2. **Variance.** A deputy registrar 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 deputy registrar may apply for a variance by submitting a written request, on a form prescribed by the commissioner, to the commissioner. The commissioner shall consider the following factors when reviewing the deputy registrar's request for a variance:

- A. each rule part from which the waiver is requested and why the proposed office location does not meet requirements of the rule part;
- B. the reasons for the request to move from the existing office location;
- C. the distance of the proposed office location from the deputy registrar's existing office;
- D. whether the proposed office location would service the same community or neighborhood and is in close proximity to the original location;
- E. whether the proposed office location is in another county;
- F. comments, opposition, and support from other existing offices of the proposed office location;
- G. building considerations of the proposed office location, including, but not limited to:
 - (1) parking space;
 - (2) compliance with part 7406.0400; and
 - (3) whether the existing office is a publicly or privately operated office;
- H. destruction or other loss of the existing office building, including loss of building lease;
- I. the number of previous moves of the existing office and the reasons for the moves;
- J. whether the proposed move is a result of or in connection with any misfeasance or malfeasance on the part of the deputy registrar; and
- K. other information requested by the registrar or supplied by the deputy registrar.

Subp. 3. **Commissioner's decision.** The commissioner shall review the deputy registrar's 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. The commissioner shall give the deputy registrar written justification for a decision to deny the variance. Failure to submit the required information under this subpart, within 30 days of the commissioner's request for information, is cause to deny a deputy registrar's request for a variance.

Subp. 4. **Right to review of commissioner's decision.** A deputy registrar may contest the denial of a variance of the commissioner by requesting a hearing. The deputy registrar shall submit, within 15 days of the receipt of the commissioner's decision, a request for a hearing. The request for a hearing must set forth in detail the reasons why the deputy registrar contends the decision of the commissioner should be reversed. The hearing must follow the hearing procedures in parts 7406.1100 to 7406.2500.

Statutory Authority: *MS s 14.06; 168.33; 299A.01*

History: *20 SR 2784; 29 SR 97*

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