

7411.1925 ADMINISTRATIVE REVIEW OR HEARING.

When the commissioner notifies a program or an instructor of a license revocation, suspension, or refusal to renew, or when the commissioner notifies a program of withdrawal of the program's approval, the affected program or instructor may request a review or hearing on the action in accordance with this part.

A. A license revocation, suspension, or refusal to renew or the withdrawal of approval is not effective until the time for requesting a review or hearing has lapsed or, if a review or hearing is requested, until completion of these proceedings.

B. The notice of revocation, suspension, or refusal to renew or the approval withdrawal is adjudged received three days after mailing to the last known address of the program or instructor as listed in the records of the commissioner.

C. The program or instructor may ask the commissioner to review the revocation, suspension, refusal, or withdrawal.

(1) The program or instructor may request a review by submitting a statement, together with written materials supporting the position of the program or instructor.

(2) In addition to submitting written materials, the program or instructor may request to appear before the commissioner to show cause why the revocation, suspension, refusal, or withdrawal should be rescinded.

(3) The request for review must be submitted within ten days after the program or instructor receives notice of the revocation, suspension, refusal, or withdrawal.

(4) The commissioner shall perform the review and notify the program or instructor within ten days after the review whether the revocation, suspension, refusal, or withdrawal will be affirmed or rescinded.

D. The program or instructor may request a contested case hearing under Minnesota Statutes, chapter 14, only after undergoing the review process in item C.

(1) The request must be in writing and must be received within 30 days after the program or instructor receives notice of the revocation, suspension, refusal, or withdrawal or within ten days after the party receives notice of an adverse determination under item C, whichever period is longer.

(2) When a contested case hearing is requested, the commissioner shall arrange a contested case hearing before an administrative law judge under Minnesota Statutes, chapter 14. After the hearing, the administrative law judge may recommend that the commissioner affirm, modify, or reverse the revocation, suspension, refusal, or withdrawal.

Statutory Authority: *MS s 14.06; 169.26; 169.446; 169.974; 171.02; 171.05; 171.055; 171.0701; 171.33 to 171.41; 299A.01*

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