

7865.0260 HEARINGS AND APPEALS OF INCOMPLETE OR DENIED LICENSE AND PERMIT APPLICATIONS.

Subpart 1. **Appeal of denial or determination; application fees.** An applicant may appeal the denial of an application pertaining to a license or permit according to the procedures in this part. All fees submitted with a license or permit application are considered earned and are not refundable.

Subp. 2. **Appeal of denial of application.** The denial of an application may be appealed by an applicant.

A. To appeal the denial, the applicant must file a written request with the board within 15 days of receiving the notice that the application has been denied. The request must contain a complete copy of the application and a statement describing the reasons the license or permit should not be denied. The appeal is not a contested case under Minnesota Statutes, chapter 14.

B. The board must refer the appeal to the executive committee. The executive committee must review the appeal within ten days of receipt and issue a written decision within ten days of its consideration of the appeal. If the committee reverses the denial, the license or permit must be issued effective the first day of the month following the committee's written decision. The executive committee's decision is a final agency decision.

Subp. 3. [Repealed, 35 SR 1276; 35 SR 1528]

Subp. 4. **Contested case hearing for denial of renewal application.** A licensed distributor, linked bingo game provider, or manufacturer may appeal the denial of a renewal application.

A. To appeal the denial, the licensee must file a written request for a contested case hearing with the board within 15 days of receiving notice that the application has been denied.

B. Upon receipt of the request, the board must schedule a contested case hearing before an administrative law judge under Minnesota Statutes, chapter 14.

C. The hearing must be held no later than 30 days after the board receives the request for the hearing unless the licensee and the board agree on a later date.

D. If the licensee fails to appear at the hearing after having been notified of it, the licensee is considered in default and the proceeding may be determined against the licensee on consideration of the written notice of denial, the allegations of which may be considered to be true.

E. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota

Statutes, section 14.61. The board may enter an order making the disposition that the facts require.

F. If no hearing is requested within 30 days of the service of the notice, the denial becomes final.

Statutory Authority: *MS s 14.055; 349.12; 349.151; 349.154; 349.155; 349.16; 349.162; 349.163; 349.1635; 349.165; 349.166; 349.167; 349.169; 349.17; 349.1711; 349.1721; 349.173; 349.19; 349.191; 349.211*

History: *31 SR 1239; 35 SR 1276; 35 SR 1528*

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