

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

INSURANCE BUREAU

UNIFORM TRADE PRACTICES - INDEPENDENT HEARING OFFICER

(By authority conferred on the commissioner of insurance by sections 210 and 2030 of Act No. 218 of the Public Acts of 1956, as amended, being SS500.210 and 500.2030 of the Michigan Compiled Laws)

R 500.1051 Qualifications.

Rule 1. To qualify as an independent hearing officer for purposes of section 2030 of Act No. 218 of the Public Acts of 1956, as amended, being S500.2030 of the Michigan Compiled Laws, a candidate shall meet all of the following criteria:

(a) The candidate shall be an attorney who is licensed in this state to practice law.

(b) The candidate shall not be a current employee of this state.

(c) The candidate shall be able to hear and decide contested cases which involve alleged violations of Act No. 218 of the Public Acts of 1956, as amended, being S500.100 et seq. of the Michigan Compiled Laws, and known as the insurance code of 1956, with fairness and impartiality.

History: 1983 AACCS.

R 500.1053 Advertisement of position; content; review of applications; notice to candidate of qualification or disqualification.

Rule 3. The commissioner shall advertise the position of independent hearing officer in the state bar journal or comparable publication. The advertisements shall indicate the qualifications for the job and that application forms shall be requested from the American arbitration association. The association shall review the applications to determine if candidates are qualified and periodically shall submit a list of all qualified candidates, together with their applications, to the commissioner. The American arbitration association is responsible for informing each candidate of whether or not he or she is qualified. If a candidate is determined to be unqualified, the candidate shall be notified of the reason for the disqualification.

History: 1983 AACCS.

R 500.1055 Independent hearing officer list; compilation; public inspection.

Rule 5. The commissioner shall compile the lists of names submitted by the American arbitration association into an official, independent hearing officer list which shall be available for public inspection.

History: 1983 AACCS.

R 500.1057 Request for designation of independent hearing officer.

Rule 7. A person who is the subject of proceedings brought pursuant to the Michigan uniform trade practices act, sections 2001 to 2050 of Act No. 218 of the Public Acts of 1956, as amended, being SS500.2001 to 500.2050 of the Michigan Compiled Laws, hereinafter called respondent, shall have 20 days from the date the notice of hearing in a contested case is received to request that the commissioner designate an independent hearing officer. The right to such a designation shall be exercised in writing and shall be received by the commissioner on or before the twentieth day after the date that the notice of hearing is received. Failure to request the designation of an independent hearing officer within such time shall operate as a waiver of the right to an independent hearing officer designated under these rules. The respondent shall be informed in the notice of hearing of the right to an independent hearing officer and of the time by which the request shall be made.

History: 1983 AACCS.

R 500.1059 Selection of independent hearing officer; procedure.

Rule 9. Upon receiving a timely request from a respondent for the designation of a independent hearing officer, the commissioner shall select the name of a qualified candidate from the compiled list. To encourage participation by all qualified persons, the commissioner shall avoid undue reliance on any one person. The commissioner shall make an initial screening for bias and shall require the candidate to complete a current personal disclosure statement. In addition to other relevant information, the statement shall disclose any personal acquaintance with any of the parties to the contested case or their counsel and the nature of such acquaintance. If the statement reveals facts that establish or create the appearance of partiality, the commissioner shall select other names from the compiled list until a qualified, impartial candidate is found and shall designate, by order, that candidate as the hearing officer for the contested case. The order shall be promptly served upon the parties to the case and shall provide notice to the respondent of the respondent's right to a peremptory dismissal of the first hearing officer selected, if such right is exercised within 20 days after notification. If the respondent peremptorily dismisses the first designated hearing officer, the commissioner shall select another qualified, impartial candidate who shall not be subject to peremptory dismissal from the compiled list and shall designate, by order, that candidate as the hearing officer. The order shall be promptly served upon the parties to the case.

History: 1983 AACCS.