DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

BARRIER FREE DESIGN BOARD

GENERAL RULES

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1966 PA 1 and Executive Reorganization Order No. 1996-2, MCL 125.1354 and 445.2001)

R 125.1001 Scope.

Rule 1. These rules shall govern board procedure for the implementation of its statutory authority contained in the act.

History: 1979 AC; 1988 AACS.

R 125.1002 Definitions.

Rule 2. (1) As used in these rules:

(a) "Act" means Act No. 1 of the Public Acts of 1966, as amended, being S125.1351 et seq. of the Michigan Compiled Laws.

(b) "Agency" means a state department, bureau, division, section, board, commission, trustee, authority, or officer created by the constitution, statute, or agency action.

(c) "Applicant" means the owner or the owner's builder, architect, engineer, or agent.

(d) "Appropriate administrative authority" means any of the following:

(i) The department of management and budget.

(ii) The department of education.

(iii) The department of labor.

(iv) A unit of state government which has the duty and responsibility for issuing building permits.

(v) A local unit of government which has the duty and responsibility for issuing building permits.

(e) "Authorized agent" means the personnel assigned to the board pursuant to section 5(11) of the act.

(f) "Barrier free design requirements" means the requirements contained in Act No. 230 of the Public Acts of 1972, as amended, being S125.1501 et seq. of the Michigan Compiled Laws, and the rules promulgated thereunder.

(g) "Board" means the barrier free design board created by section 5 of the act.

(h) "Business day" means any day except Saturday, Sunday, or a state holiday.

(i) "Code" means the state construction code promulgated pursuant to Act No. 230 of the Public Acts of 1972, as amended, being S125.1501 et seq. of the Michigan Compiled Laws.

(j) "Day" means a calendar day.

(k) "Owner" means the person conducting business at the public facility or facility used by the public.

(l) "Party" means a person or agency named or admitted, or properly seeking or entitled of right to be admitted, as a party in a contested case.

(m) "Person" means an individual, partnership, association, corporation, governmental subdivision, or public or private organization of any kind.

(n) "Petitioner" means a person who files a petition to intervene pursuant to R 125.1005.

(o) "Presiding officer" means the board or 1 or more administrative law judges designated by the board.

(2) The terms defined in the act have the same meanings when used in these rules.

(3) The terms defined in the code have the same meanings when used in these rules.

History: 1979 AC; 1988 AACS.

R 125.1003 Application for exception; form; review; alternatives; parties.

Rule 3. (1) When a person receives notice from the appropriate administrative authority that plans and specifications submitted for preliminary or final review do not comply with the barrier free design requirements, the person may modify the plans and specifications to comply with the requirements or shall submit an application for exception. A person may also submit an application for exception pursuant to R 125.1020.

(2) An application for an exception shall be on a form containing all information so designated by the board and shall be accompanied by detailed building or site drawings of all nonconforming areas. Dimensioned line drawings to scale are sufficient. Photographs or a brief written explanation, or both, may be included. Plans and specifications accompanying an application for an exception shall be sealed in accordance with Act No. 299 of the Public Acts of 1980, as amended, being S339.101 et seq. of the Michigan Compiled Laws.

(3) An application for an exception to the barrier free design requirements shall be mailed or delivered to the office of the Barrier Free Design Division, Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(4) Upon receipt of an application for an exception, the board's authorized agent shall review the application within 10 business days. If complete, the application shall be forwarded to the office of hearings with a request that a pre-hearing conference and hearing be scheduled. If the application is not complete, the applicant shall be notified of the additional items necessary to complete the application. If the additional items are not received within 30 days, a second request shall be sent to the applicant. If after an additional 30 days, the items have been not received, the file shall be closed and the known parties shall be notified.

(5) When requesting an exception, the applicant is encouraged to propose alternatives at the time the request is submitted or any time before the board takes final action. Alternatives to present methods of compliance that are submitted for consideration shall achieve a level of performance adequate to meet the intent of the act and the rules and shall not effectively deviate from the goals and objectives of the present barrier free design requirements, while assuring that the health, safety, and welfare of the people of the state are maintained.

(6) Parties to an exception application shall include all of the following parties:

(a) The applicant or the applicant's representative, or both.

(b) The appropriate administrative authority.

(c) Any other party which has been admitted after petitioning to intervene pursuant to R 125.1005.

(d) The complainant, if a complaint has been filed pursuant to R 125.1017 before the filing of the exception request.

(7) The authorized agent shall post, in a conspicuous place on a public bulletin board near the offices of the barrier free design division, a copy of all memoranda of transmittal to the office of hearings of applications for exception to be scheduled for a pre-hearing conference and hearing pursuant to R 125.1003(4). The memorandum of transmittal shall include a statement that interested persons may petition to intervene pursuant to R 125.1005. Upon written request of a person, the authorized agent shall provide the person with a copy of the memoranda of transmittal, as well as any material related to the applications specifically identified by the person. These materials shall be made available pursuant to Act No. 442 of the Public Acts of 1976, as amended, being S15.231 et seq. of the Michigan Compiled Laws, and known as the freedom of information act.

History: 1979 AC; 1988 AACS.

R 125.1004 Hearing; notice; conduct by presiding officer.

Rule 4. (1) Within 10 business days after receipt of an application for exception or complaint of alleged noncompliance, the presiding officer shall give notice of the pre-hearing conference and hearing to the parties and the authorized agent.

(2) The notice of hearing shall comply with the requirements of section 71 of Act No. 306 of the Public Acts of 1969, as amended, being S24.271 of the Michigan Compiled Laws.

(3) In addition to the requirements of section 71 of Act No. 306 of the Public Acts of 1969, as amended, the notice shall contain a statement that all hearings shall be conducted in a barrier free location.

(4) A hearing shall be conducted by the presiding officer pursuant to Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws.

History: 1979 AC; 1988 AACS.

R 125.1005 Intervention.

Rule 5. (1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the initial hearing.

(2) The petition shall set forth the interest of the petitioner and show that the participation of the petitioner will assist in the determination of the issues in question and that the intervention will not unnecessarily delay the proceeding.

(3) The parties and the authorized agent shall be provided an opportunity to submit briefs on the petition to intervene.

(4) The presiding officer may grant a petition for intervention to such an extent and upon such terms as the board or the presiding officer
determines.

(5) The presiding officer shall prepare a report outlining his or her recommended decision on the petition to intervene and the report shall be sent to the petitioner and the parties. Before the board takes action on the report, the petitioner and the parties shall have a minimum of 10 days within which to submit additional written notarized arguments to the board. The board shall review the report and recommendation of the presiding officer regarding the petition to intervene and shall affirm, modify, or deny the report and recommendation. The board shall then remand the matter to the presiding officer for the conduct of a hearing on the exception application with all parties participating, including the petitioner if admitted as a party.

History: 1979 AC; 1988 AACS.

R 125.1006 Statement of position.

Rule 6. At any time before the commencement of a hearing, a person entitled to appear as a party or an intervener and the authorized agent may file a statement of position with respect to any issue to be heard.

History: 1979 AC; 1988 AACS.

R 125.1007 Withdrawal of request for hearing.

Rule 7. At any stage of the proceedings, an applicant for exception may withdraw the request for a hearing. The authorized agent shall notify all parties to the exception application of the withdrawal.

History: 1979 AC; 1988 AACS.

R 125.1008 Pre-hearing conference.

Rule 8. (1) At any time before a hearing, the presiding officer, on his or her own motion or a motion of a party, may direct the parties to exchange information or to participate in a pre-hearing conference for the purpose of considering matters which tend to simplify the issues or expedite the proceedings.

(2) The presiding officer may issue a pre-hearing statement which shall include the arrangements reached by the parties. The statement shall be served on the parties and shall be a part of the record.

History: 1979 AC; 1988 AACS.

R 125.1009 Failure to appear.

Rule 9. (1) If a party fails to appear for a hearing or pre-hearing conference after proper notice, that hearing or pre-hearing conference may proceed in the absence of a party. If the applicant or the applicant's representative fails to appear, the presiding officer shall prepare an order dismissing the exception request and shall recommend to the board that the request for exception be denied.

(2) The presiding officer, upon a request filed within 10 days after the scheduled hearing date and upon a showing of good cause, may excuse the failure to appear. If the failure to appear is excused, the hearing shall be rescheduled.

History: 1988 AACS.

R 125.1010 Transcript of testimony.

Rule 10. A hearing shall be recorded verbatim. The first party or person requesting a copy of a transcript shall pay the costs of preparing the transcript. Other parties requesting a copy of the transcript after it is prepared shall pay all costs associated with the duplication of the transcripts. If any persons or parties desire a copy of the transcript, the costs of preparing the transcript may be divided among the parties or persons making the request if they agree to share the expense of having the transcript prepared.

History: 1988 AACS.

R 125.1011 Duties and powers of presiding officer.

Rule 11. (1) The presiding officer shall conduct a fair and impartial hearing, assure that the facts are fully elicited, adjudicate all issues, and avoid delay.

(2) With respect to cases assigned to him or her between the time the case is assigned and the report is issued subject to the provisions of chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being S24.271 et seq. of the Michigan Compiled Laws, the presiding officer shall have the powers set forth in section 80 of Act No. 306 of the Public Acts of 1969, as amended, being S24.280 of the Michigan Compiled Laws. The presiding officer shall also have authority to prepare proposed declaratory rulings pursuant to R 125.1025.

History: 1988 AACS.

R 125.1012 Report of presiding officer.

Rule 12. (1) The presiding officer shall conduct a hearing, in which case such presiding officer shall prepare a written report. The report of the presiding officer shall include statements of fact, including those factors identified in R 125.1014(2), as applicable, conclusions of law, and a recommended decision.

(2) When the report is filed with the authorized agent of the board and the parties, jurisdiction shall rest solely in the board. All motions, petitions, and other pleadings filed subsequent to the filing of the report shall be addressed to the authorized agent.

(3) A party may file comments on, or clarifications or objections to, the report of the presiding officer, including written arguments, with the board. Any comment, clarification, or objection shall be notarized and received by the board's authorized agent before the board meeting.

History: 1988 AACS.

R 125.1013 Authority of board.

Rule 13. (1) In reviewing a report of the presiding officer, the board, by concurrence of a majority vote of the members present at the meeting, shall have all the powers which it would have if it had presided at the hearing. The board may affirm, modify, or reverse the presiding officer's determination. In reviewing a proposed declaratory ruling of the presiding officer, the board, by concurrence of a majority of the members present at the meeting, may affirm, modify, or revise the declaratory ruling.

(2) If the board finds that the record is inadequate, the board may order the matter remanded to the presiding officer and shall identify those items upon which additional information is needed.

(3) The board may hear oral argument.

(4) The board, upon request, shall permit a party to submit a brief relative to an issue raised in the matter before it. The board may request briefs from the parties.

(5) A final decision or order shall be made only upon consideration of the record as a whole or such portion thereof as may be cited by a party to the proceeding and as supported by and in accordance with the competent, material, and substantial evidence.

(6) Prior to a final decision, the board, on its own motion or at the request of a party, may order the matter to the presiding officer for rehearing.

(7) After a final decision, the board may order a rehearing in accordance with section 87 of Act No. 306 of the Public Acts of 1969, as amended, being S24.287 of the Michigan Compiled Laws, under the following provisions:

(a) Within 60 days after the issuance of a final order at the request of a party who demonstrates appropriate justification for any of the following reasons:

(i) The exception request has been denied with prejudice based on the fact that the applicant failed to appear at the hearing. The rehearing will only be granted in this case when the applicant demonstrates good cause for having failed to appear.

(ii) The project design has changed and the record upon which the board based its decision is no longer accurate.

(iii) Substantial, relevant information which would have a bearing upon the decision of the board becomes available, when such information was not available at the previous hearing.

(b) On its own motion if the record of testimony made at the hearing is found to be inadequate for purposes of judicial review.

History: 1988 AACS.

R 125.1014 Criteria for final board decisions on exception applications; compelling need.

Rule 14. (1) All final board decisions on exception requests shall be based on the record and on a finding of fact and conclusion of law that the applicant proves or fails to prove compelling need to warrant an exception from any or all barrier free design requirements. The applicant has the burden of proving that an exception should be granted. An exception is in effect a special license to deviate from rules which have uniform applicability to all facilities. Compelling need may involve exceptional circumstances, such as site limitations, structural limitations, jurisdictional conflicts, or severe economic difficulty. Compelling need may be present if the literal application of a specific barrier free design

requirement would result in exceptional, practical difficulty to the applicant. Evidence admitted to prove or refute compelling need shall be governed by rules applicable to a nonjury civil case in circuit court and evidence relied on by a reasonably prudent person in the conduct of his or her affairs.

(2) In addition to section 5a(2) of the act, factors which may be considered in determining whether compelling need has been demonstrated include the following, if applicable:

(a) Circumstances which required compliance, such as any of the following:

(i) Use group change.

(ii) New construction.

(iii) Occupancy load change.

(iv) Alteration other than ordinary maintenance.

(v) Addition.

(b) The total project cost, including all of the following:

(i) The total construction or remodeling cost.

(ii) Land acquisition cost.

(iii) Cost for furnishings.

(iv) Purchase price of the structure.

(c) Nature of the business or facility.

(d) Anticipated public traffic.

(e) Hours and days of operation.

(f) Financial position of the business or agency.

(g) Age of the business.

(h) Lease provisions, if the applicant is a lessee of the facility; and the name and address of the owner, if the owner refuses to allow compliance with the barrier free design requirements.

(i) Tax abatements, tax credits, and tax deductions for which the project qualifies.

(j) Age of existing building.

(k) Size of all levels and areas of the project and the size of the area or areas proposed to be inaccessible.

(l) Use of the area proposed to be inaccessible.

(m) Aspects of the project that do comply with the barrier free design requirements.

(n) Number of employees who will be using the area or facility.

(o) Description of the job duties of the employees.

(p) Vertical distance from grade to entrance level.

(q) Vertical distance or distances between floor levels.

(r) Width and layout of existing stairways.

(s) Cost of compliance in relation to the total project cost, the size of the area proposed to be inaccessible, and the use of the area proposed to be inaccessible.

(t) Existing structural limitations.

(u) Site restrictions, such as any of the following:

(i) Size of site.

(ii) Greenbelt or set-back requirements.

(iii) Off-street parking requirements.

(iv) Unusual soil or site conditions.

(v) Spatial and financial feasibility of alternatives to compliance, such as any of the following:

(i) Ramp with slightly steeper slope.

(ii) Alternative lifting devices such as a special elevating device or wheelchair lifting device.

(iii) Accessible entrance other than the nearest entrance.

(iv) Unisex barrier free bathroom.

(w) Feasibility of an exception for a stated period of time after which compliance with the requirements would be achieved and the plan or proposal for compliance.

(x) Duplication of facilities available.

(y) Historic designation and character of the facility, as determined by the Michigan bureau of history, department of state, or the United States department of the interior as specified in R 408.30428.

(z) Similar projects previously reviewed by the board.

(aa) Whether the applicant complied with the requirements contained in section 10 of Act No. 230 of the Public Acts of 1972, as amended, being S125.1501 et seq. of the Michigan Compiled Laws, known as the construction code act.

(bb) Whether the project was started or constructed, or both, pursuant to a permit based on plans or specifications that complied with the barrier free design requirements, in accordance with section 11 of Act No.230 of the Public Acts of 1972, as amended, being S125.1511 of the Michigan Compiled Laws, known as the construction code act.

(cc) Any other factual information related to the project which the applicant believes should be considered by the board.

History: 1988 AACS.

R 125.1015 Conduct of the board; decorum; orders.

Rule 15. (1) The presiding officer at a hearing and the chairperson at a board meeting shall remain impartial and avoid any appearance of partiality. Parties shall be guaranteed their due process and equal protection rights. Parties and board members shall be treated courteously at all times. Inquiries by board members shall be directed through the chairperson and shall not be argumentative. Board members shall not engage in argumentative discussions among themselves in the presence of other persons at the board meeting.

(2) The presiding officer at a hearing and the chairperson at a board meeting shall ensure decorum. Any person, including a board member, may be excluded from the hearing or board meeting or the hearing or board meeting may be adjourned, when necessary, to avoid undue disruption of the proceeding.

History: 1988 AACS.

R 125.1016 Notice of board action.

Rule 16. After board consideration of a complaint of alleged noncompliance or a request for exception, the board's authorized agent shall notify the parties on behalf of the board of the board action, within 10 business days, by preparing a final order, remand order, rehearing order, or other communication to the parties.

History: 1988 AACS.

R 125.1017 Complaint; filing; referral; parties.

Rule 17. (1) A person may file a complaint which alleges noncompliance with the barrier free design requirements with the appropriate administrative authority or directly with the barrier free design board. Within 5 days after receipt of the complaint and before taking direct action, the authorized agent shall make a written acknowledgement of the complaint to the person making the complaint and shall refer the complaint to the appropriate administrative authority requesting an investigation and written response within 15 business days. A complaint may be filed anonymously.

(2) Except in the case of a complaint filed anonymously, the complainant and all other parties shall receive copies of all correspondence and notices throughout the processing of a complaint and shall be notified of the final resolution.

(3) Parties to a complaint shall include all of the following:

(a) The complainant or the complainant's representative, or both.

(b) The owner or the owner's representative, or both.

(c) The appropriate administrative authority.

(d) Any other party who has been admitted after petitioning to intervene pursuant to R 125.1005.

History: 1988 AACS.

R 125.1018 Complaint; failure to respond to referral; inadequate response.

Rule 18. (1) An appropriate administrative authority may establish necessary administrative guidelines to process a complaint of noncompliance with the barrier free design requirements pursuant to the act and similar to the procedures set forth in R 125.1019.

(2) When the appropriate administrative authority has failed to respond to a request for investigation, or if the response is considered inadequate, the authorized agent shall consult with the board and request approval to conduct the investigation. All parties shall be notified of the board meeting when the complaint will be considered and shall be notified of the board's decision regarding the investigation.

History: 1988 AACS.

R 125.1019 Investigation; administrative guidelines; finding of invalidity; determination of violation; notice.

Rule 19. (1) Upon receipt of approval from the board to conduct an investigation of a complaint of alleged noncompliance with the barrier free design requirements, the authorized agent shall begin the investigation of the allegations of the complaint.

(2) The board shall formally adopt written administrative guidelines for the conduct of a complaint investigation. The investigation shall be conducted within 15 business days after the receipt of board approval.

(3) A notice shall be sent to the owner of the building, structure, or improved area in question indicating that a complaint has been received and that an investigation will be made. The notice shall indicate the item or items alleged to be not in compliance. The notice shall also indicate the code requirements related to the item or items alleged to be not in compliance.

(4) A report summarizing the findings of the investigation shall be prepared and provided to all parties.

(5) If the investigation made pursuant to subrule (2) of this rule does not disclose a violation of the barrier free design requirements, the report prepared pursuant to subrule (4) of this rule shall include a statement that the complaint is invalid and the rationale for the finding of invalidity, and a notice of the determination of invalidity shall be issued. The file shall remain open for 20 business days from the date of the notice of the determination of invalidity pursuant to R 125.1021, after which the file shall be closed. At the time the notice of the determination of invalidity is issued, the complainant shall be notified of the recourse available pursuant to R 125.1021. The authorized agent shall refer complaints over which jurisdiction is lacking or which are found to be invalid to other agencies when appropriate.

(6) If the investigation made pursuant to subrule (2) of this rule discloses evidence of noncompliance with the act or a rule or an order issued under the act, the report prepared pursuant to subrule (4) of this rule shall include a statement that the complaint is valid and state the items in violation. The authorized agent shall send, by certified mail, a written first notice of violation to the owner of the building, structure, or improved area citing the code section violated and the construction in violation. The other parties shall receive copies of the notice. The notice shall inform the owner of the corrections required and instruct the owner of the action to be taken and the administrative recourse available as provided for in R 125.1020. The notice shall include a statement that failure to request a hearing to contest the finding of violation or submit an application for exception within 15 business days after receipt of the first notice of violation constitutes a waiver of those options. If the owner does not respond to the first notice of violation within 15 business days, a second and final notice of violation shall be sent by certified mail.

History: 1988 AACS.

R 125.1020 Finding of violation; election of remedies.

Rule 20. Within 15 business days of receipt of a first notice of violation, the owner may elect 1 of the following remedies:

(a) The owner may concur that a violation exists and agree to begin immediate efforts to correct the violation and notify the appropriate administrative authority and the authorized agent of such action and the date the corrections will be completed. The authorized agent shall work with the appropriate administrative authority to assure that the facility is reinspected to determine compliance. If the complaint was referred by the board, the board shall be notified, in writing, when and how
compliance was achieved.

(b) The owner may disagree that a violation exists and may request a hearing to contest the finding of noncompliance. Failure to request a hearing within 15 business days after receipt of the first notice of violation shall constitute a waiver of a right to a hearing. Upon

receipt of a request for a hearing, the authorized agent shall notify the office of hearings of the request and the presiding officer shall arrange a hearing date and prepare notices to all parties, including the complainant and the appropriate administrative authority without undue delay. The hearing shall be held pursuant to chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being S24.271 et seq. of the Michigan Compiled Laws; R 125.1004, R 125.1005, R 125.1006, R 125.1008, R 125.1009, R 125.1010, and R 125.1011; and the report issued pursuant to R 125.1012.

(c) The owner may agree that a violation exists and submit an application for exception pursuant to R 125.1003 to seek additional time to allow correction efforts to be made or to seek a full exception from the requirements. Failure to submit an application for exception within 15 business days of receipt of the first notice of violation shall constitute a waiver of the right to submit an application for exception.

History: 1988 AACS.

R 125.1021 Finding of invalidity; complainant rights.

Rule 21. Within 20 business days of the date of the notice of invalidity, the complainant may elect 1 of the following alternatives:

(a) The complainant may accept the findings. If the authorized agent receives no communication from the complainant within that time frame, it will be presumed that the complainant accepts the findings and the file shall be closed.

(b) The complainant may provide additional information. If the additional information challenges the finding of invalidity, the complaint shall be processed pursuant to R 125.1018(2).

(c) A complainant may contest the finding of invalidity and may request a formal hearing to determine the validity or invalidity of the complaint. If the complainant requests a formal hearing, all of the following procedures shall be followed:

(i) Upon receipt of a request for hearing by the complainant, the authorized agent shall notify the office of hearings of the request and the presiding officer will arrange a hearing date and prepare notices to all parties and the authorized agent, without undue delay.

(ii) The hearing shall be conducted pursuant to chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being S24.271 et seq. of the Michigan Compiled Laws; R 125.1004, R 125.1005, R 125.1006, R 125.1008, R 125.1009, R 125.1010, and R 125.1011; and a report issued pursuant to R 125.1012.

(iii) All parties shall be informed of the board's decision. If the board determines the complaint to be valid and that a violation exists, the complaint shall be processed pursuant to R 125.1019. If the board determines that there is not a violation and that the complaint is invalid, the file shall be closed. If appropriate, a referral shall be made to another agency if the board lacks jurisdiction.

History: 1988 AACS.

R 125.1022 Criteria for final board decisions on complaints of alleged noncompliance.

Rule 22. All final board decisions on complaints of alleged noncompliance shall be based on the record and on a finding of fact and conclusion of law that a violation exists or does not exist. When the hearing is conducted subsequent to a request made pursuant to R 125.1020(b), the owner has the burden of proving that a violation does not exist. When a hearing is conducted subsequent to a request made pursuant to R 125.1021(c), the complainant has the burden of proving that a violation exists and may request that any investigation report issued pursuant to an investigation conducted in accordance with R 125.1019 is considered and made part of the record. Evidence admitted to prove or refute a finding shall be governed by rules applicable to a nonjury civil case in circuit court and evidence relied on by a reasonably prudent person in the conduct of his or her affairs.

History: 1988 AACS.

R 125.1023 Ex parte communication.

Rule 23. In accordance with section 85 of Act No. 306 of the Public Acts of 1969, as amended, being S24.285 of the Michigan Compiled Laws, a board member, the presiding officer, and the authorized agent shall not communicate directly or indirectly with any person or party in connection with any issue of fact or issue of law, except on notice and opportunity for all parties to participate, regarding an exception application or complaint of alleged noncompliance not concluded.

History: 1988 AACS.

R 125.1024 Inspection and reproduction of documents; costs.

Rule 24. (1) Subject to the provisions of Act No. 442 of the Public Acts of 1976, as amended, being S15.231 et seq. of the Michigan Compiled Laws, restricting public disclosures of information, a person may, at the offices of the board, inspect and copy a document filed in a proceeding. A person may also request copies of a document by writing to the Barrier Free Design Division, Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) Actual costs of reproduction shall be borne by the person seeking the document.

History: 1988 AACS.

R 125.1025 Rescinded.

History: 2001 AACS.

R 125.1026 Amendment or rescission of rules.

Rule 26. The board may at any time, upon its motion or initiative or upon written suggestion of an interested person setting forth reasonable grounds therefor, propose amendments or rescissions to any of these rules pursuant to Act No. 306 of the Public Acts

of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws, and known as the administrative procedures act.

History: 1988 AACS.