

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MICHIGAN ADMINISTRATIVE HEARING SYSTEM

HEARING PROCEDURES

(By authority conferred on the executive director of the Michigan administrative hearing system by section 210 of 1956 PA 218, MCL 500.210, and Executive Reorganization Order Nos. 2005-1 and 2011-4, MCL 445.2021 and 445.2030)

R 500.2101 Rescinded.

History: 1983 AACs; 2015 AACs.

R 500.2102 Interpretation of rules.

Rule 2. These rules shall be construed to secure a just, speedy, efficient, and fair determination of the issues presented, consistent with due process and the safeguarding of the rights of the parties.

History: 1983 AACs.

R 500.2103 Petition for a contested case; required information.

Rule 3. Except as otherwise provided by the commissioner, a person who seeks to have the commissioner commence a contested case shall submit a written petition for a contested case to the commissioner. The petition shall set forth all of the following:

- (a) Facts or conduct that warrant a contested case.
- (b) Specific sections of applicable rules and statutes, if known.
- (c) The remedies sought.
- (d) The identity of the persons involved. This rule does not affect the commissioner's authority to commence a contested case on the commissioner's own motion.

History: 1983 AACs.

R 500.2104 Petition for a contested case; determination of commissioner; notice to petitioner.

Rule 4. (1) Within 30 days after receipt of a petition for a contested case, the commissioner shall, in conformity with any applicable statute or rule, determine whether to take any of the following actions:

- (a) Request the petitioner to amend the petition.
- (b) Demand an answer to the petition.
- (c) Investigate the allegations set forth in the petition.
- (d) Issue a notice of opportunity to show compliance.
- (e) Issue a notice of hearing.

- (f) Order a public hearing.
- (g) Decline to take further action against the petition.
- (h) Take over appropriate action within the commissioner's authority.
- (2) The commissioner shall notify the petitioner of the decision and shall provide the petitioner with a brief written explanation of the reasons for the decision.

History: 1983 AACS.

R 500.2105 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2106 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2107 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2108 Appearance by attorney.

Rule 8. An attorney who represents a party in a contested case shall promptly file an appearance with the commissioner.

History: 1983 AACS.

R 500.2109 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2110 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2111 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2112 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2113 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2114 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2115 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2116 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2117 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2118 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2119 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2120 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2121 Rescinded.

History: 1983 AACSB; 2015 AACSB.

R 500.2122 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2123 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2124 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2125 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2126 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2127 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2128 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2129 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2130 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2131 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2132 Proposal for decision; motion for oral argument; opportunity for rebuttal; service of notice.

Rule 32. Upon filing exceptions to a proposal for decision, a party may make a motion for oral argument before the commissioner. Oral argument shall be by leave of the commissioner and may be limited in scope and duration. When oral argument is granted, notice shall be served on the parties. All parties shall be given an opportunity for rebuttal. The commissioner may limit the scope and duration of rebuttal.

History: 1983 AACS.

R 500.2133 Final decisions and orders; date.

Rule 33. Except as otherwise provided by law, the commissioner shall issue a final decision or order not later than 30 days after the date for the filing of any exceptions or, if oral argument is permitted pursuant to section 81(1) of the act, not later than 30 days after oral argument.

History: 1983 AACS.

R 500.2134 Rescinded.

History: 1983 AACS.

R 500.2135 Presiding officer; designation and authorization.

Rule 35. The commissioner, a person designated by statute, or 1 or more hearing officers designated and authorized by the commissioner to conduct contested cases shall preside in a contested case. Upon commencement of a contested case, the commissioner shall designate the presiding officer in conformity with applicable law.

History: 1983 AACS.

R 500.2134 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2136 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2137 Rescinded.

History: 1983 AACS; 2015 AACS.

R 500.2138 Rescinded.

History: 1983 AACCS; 2015 AACCS.

R 500.2139 Public hearing.

Rule 39. The commissioner may order a public hearing for the purpose of obtaining information and providing the public with an opportunity to present data, views, and arguments on issues upon which the commissioner is authorized to make a determination.

History: 1983 AACCS.

R 500.2140 Public hearing; notice; advance notice request; publication.

Rule 40. (1) Notice of a public hearing shall be given not less than 10 days before the public hearing and shall include all of the following:

- (a) A reference to the statutory authority under which the determination is to be made.
 - (b) The time and place of the public hearing and a statement of the manner in which data, views, and arguments may be submitted to the commissioner at other times by any person.
 - (c) A description of the subjects and issues involved.
- (2) A person who makes a written request to the commissioner for advance notice of a proposed action that may affect that person shall receive copies of the notice.
- (3) The notice shall be published as a display advertisement in not less than 3 newspapers of general circulation in different parts of the state. At least 1 of the newspapers shall be published in the Upper Peninsula.

History: 1983 AACCS.

R 500.2141 Public hearing; presentation of testimony.

Rule 41. The commissioner shall determine the order in which testimony is presented and may question those persons who present testimony. Subject to any limitation the commissioner may prescribe, the commissioner may permit persons to question other persons who present testimony. The commissioner may set time limits on testimony.

History: 1983 AACCS.

R 500.2142 Rescission.

Rule 42. R 501.301 to R 501.308 of the Michigan Administrative Code, appearing on pages 5053 to 5055 of the 1979 Michigan Administrative Code, are rescinded.

History: 1983 AACCS.