

10A NCAC 05E .0120 AUTHORITY OF PRESIDING OFFICER

The Division Hearing Officer shall preside over decision review hearings. The Hearing Officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

- (1) issue notices, orders and like documents;
- (2) rule on motions and other procedural matters pending before him;
- (3) administer oaths and affirmations;
- (4) receive, rule on, exclude or limit evidence;
- (5) fix the time for filing and responding to motions and other documents not otherwise fixed by these Rules;
- (6) fix or adjust the date, time and place of hearing;
- (7) hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters which may aid in the expeditious disposition of the proceeding;
- (8) require parties to state their position with respect to the various issues in the proceeding;
- (9) examine witnesses and direct witnesses to testify;
- (10) issue final decisions; and
- (11) take any action otherwise directly or impliedly authorized by these Rules.

History Note: Authority G.S. 143B-10; 143B-138; 143B-181.1; 42 U.S.C., Sec. 3027(a)(5); 45 C.F.R., Part 1321; 45 C.F.R., Part 74, Appendix G; Eff. October 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.