

20 NCAC 03 .1007 CONDUCT OF THE HEARING

- (a) If a party or interested person fails to appear after notice was given, the hearing officer may proceed with the hearing and make its decision in the absence of the party or interested person.
- (b) The petitioner shall be given an opportunity to present arguments on matters of law and policy and an opportunity to present evidence on matters of fact as they relate to the issues set forth in Rule .1009 of this Section.
- (c) The staff for the Local Government Commission shall be given an opportunity, if they so request in writing at least ten days before the scheduled hearing date, to present arguments on matters of law and policy and an opportunity to present evidence on matters of fact as they relate to the issues set forth in Rule .1009 of this Section. A copy of any written request from the staff must be served upon the petitioner and any parties known to have a direct interest in the hearing at the time the request is made.
- (d) The rules of evidence for the hearing shall be as set forth in G.S. 150B-29.
- (e) Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the hearing officer.
- (f) The hearing officer is authorized to issue subpoenas upon his own motion or upon written request.
- (g) An informal record containing in substance the evidence, contentions and arguments presented at the hearing shall be made. A verbatim transcript of the hearing may be requested by the petitioner, a participating party or the staff to the Commission. The costs of the production of the original verbatim transcript shall be borne by the party requesting it.
- (h) The hearing officer is authorized to control the hearing, its length, and the order of the presentation of evidence and arguments and to require the submission of proposed findings and conclusions.

History Note: *Authority G.S. 159-3(f); 159B-25(b);
 Eff. November 1, 1990;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
 2018.*