

**24 NCAC 03 .0507 DUTIES AND POWERS OF BOARD AND HEARING EXAMINER**

It shall be the duty of the Board or its hearing examiner to conduct a fair and impartial hearing, to assure that the facts are fully elicited to adjudicate all issues and avoid delay. The Board or hearing examiner shall have authority to:

- (1) administer oaths and affirmations;
- (2) issue authorized subpoenas;
- (3) rule upon motions to revoke subpoenas;
- (4) rule upon offers of proof and receive relevant evidence;
- (5) take or cause depositions to be taken whenever the needs of justice would be served;
- (6) regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;
- (7) hold conferences for the settlement or simplification of the issues;
- (8) dispose of procedural requests or similar matters, including motions to amend or dismiss pleadings, to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of the decision;
- (9) hear and examine witnesses and to receive into the record documentary or other evidence;
- (10) request the parties at any time, before, during, or after the hearing to state their respective positions concerning any issues in the case or theory in support thereof;
- (11) adjourn or continue the hearing as the needs of justice and good administration require; and
- (12) take any other action necessary under the foregoing and authorized by the published rules and regulations of the Board or the General Statutes.

*History Note:* Authority G.S. 95-135;  
Temporary Rule Eff. October 2, 1991 For a Period of 180 Days to Expire on March 30, 1992;  
Eff. February 3, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.