

24 NCAC 06A .0315 PREHEARING CONFERENCE AND STIPULATIONS

- (a) The hearing officer may direct the parties to conduct an informal pre-hearing conference, or the parties may request such a conference, which shall be scheduled at a time and place agreed upon by the parties. If the parties do not agree on the time and place of the pre-hearing conference, the hearing officer may set the time and place of the pre-hearing conference, giving reasonable written notice to all parties in the proceedings.
- (b) At the discretion of the hearing officer, all or part of the pre-hearing conference may be conducted by telephone or other electronic means, so long as each party has an opportunity to participate.
- (c) The hearing officer shall conduct the pre-hearing conference to address, where applicable:
- (1) exploring settlement possibilities;
 - (2) formulating, clarifying, and simplifying the issues to be contested at the hearing;
 - (3) preparing stipulations of facts or findings;
 - (4) ruling on the identity and number of witnesses;
 - (5) determining the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form and the extent to which telephone, video tape, or other electronic means will be used as a substitute for proceedings in person;
 - (6) determining what depositions, discovery orders, or subpoenas will be needed; and
 - (7) other matters identified by the hearing officer.
- (d) The parties in a Disciplinary Hearing may agree upon any fact involved in the controversy by stipulation in writing filed with the hearing officer; which stipulation shall be used as evidence at the hearing and be binding on the parties thereto. Parties should agree upon facts when practicable.
- (e) Written stipulations shall be filed with the hearing officer no later than 5:00 p.m. Eastern Time, three business Days prior to the scheduled hearing.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1C-015;
Eff. January 8, 2024;
Readopted Eff. March 27, 2024.*