

24 NCAC 06A .0322 HEARING OFFICER RESPONSIBILITIES

(a) It shall be the duty of the hearing officer to conduct a fair and impartial hearing to assure that the facts are fully elicited to adjudicate all issues and to avoid delay.

(b) The hearing officer shall have the authority to:

- (1) administer oaths and affirmations;
- (2) rule upon motions;
- (3) rule upon offers of proof and receive relevant evidence;
- (4) take or cause depositions to be taken whenever the needs of justice would be served;
- (5) regulate the course of the hearings and set the time and place for continued hearings;
- (6) hold conferences for the settlement or simplification of the issues;
- (7) 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, consolidation of issues or proceedings or severance of issues or proceedings prior to issuance of any final decision;
- (8) hear and examine witnesses and to receive into the record documentary or other evidence;
- (9) request the parties at any time, before, during, or after, the hearing to state their respective positions concerning any issues in the case or any argument or theory in support of their positions;
- (10) adjourn or continue the hearing as the needs of justice and good administration require;
- (11) amend the procedural Rules set forth in this Section as necessary to ensure the timely adjudication of disciplinary matters; and
- (12) take any other action necessary under the foregoing and authorized by the published Rules of the Commission or the General Statutes.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1C-022;
Eff. January 8, 2024;
Readopted Eff. March 27, 2024.*