13 NCAC 07A .0717 DECISIONS

(a) Proposed Findings of Fact, Conclusions, and Rules or Orders. Within 10 days after receipt of notice that the transcript of the testimony has been filed, or such additional time as the presiding hearing officer may allow, each party may file with the hearing officer proposed findings of fact, conclusions of law, and rule or order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all other parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, and rules or order and supporting briefs, the hearing officer shall transmit his recommendations to the Commissioner.

(c) Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, rule or order, and the hearing officer's recommendations, the Commissioner shall make and serve upon each party his decision, which shall become final upon the 20th day after service thereof, unless exceptions are filed thereto, as provided in .0718 of this Section. The decision of the Commissioner shall include:

(1) a statement of findings and conclusions, with reasons and basis therefore, upon each material issue of fact, law, or discretion presented on the record; and

(2) the appropriate rule, order, relief, or denial thereof; The recommendations of the hearing officer shall be based upon a consideration of the whole record and shall state all facts officially noticed and relied upon. It shall be made on the basis of a preponderance of reliable and probative evidence.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.