

21 NCAC 50 .1006 INFORMAL PROCEDURES

(a) The Board and party or parties may agree at a pre-hearing conference to simplify the hearing by: decreasing the number of issues to be contested at the hearing; accepting the validity of proposed evidence; accepting the findings in another case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.

(b) The Board may establish a resolution committee consisting of the Executive Director and one or two persons appointed by the Executive Director to conduct an informal conference when it appears there may not be a need for a formal hearing. At least two Resolution Committee members must be present and participate in Committee proceedings. Any party who does not agree with a proposal for resolution resulting from an informal conference may notify the Board within 30 days. The matter will subsequently be heard de novo by a majority of the Board or as otherwise provided by 21 NCAC 50 .1005, or this Rule. If there is no objection to the proposed resolution within 30 days, the proposed resolution will be received and considered by a majority of the Board as a recommendation by the staff, any Board member involved and the licensee for adoption.

(c) As a part of the contested case hearing process, the Board may elect to conduct a summary proceeding in a contested case. The procedure for a summary proceeding is substantially as follows:

- (1) After issuance of a notice of hearing in accordance with 21 NCAC 50 .1004, the matter is considered by a single board member without a record. Each party may tender affidavits, documents and a closing statement. Live testimony shall not be received.
- (2) Each party may present a suggestion as to the terms of a Recommended Order. The board member will consider the materials and suggestions and issue a Recommended Decision in summary proceeding. If there is no objection within 30 days, the Recommended Order shall be received and considered by a majority of the Board as a recommendation by the staff, any Board member involved and the respondent for adoption.
- (3) Any party who does not agree with the recommended decision may notify the Board within 30 days.

(d) Any matter not resolved pursuant to the procedure in Paragraph (b) or (c) of this Rule shall be heard de novo by a majority of the Board or as otherwise provided by 21 NCAC 50 .1005. The de novo hearing shall be conducted as other contested case hearings are conducted pursuant to 21 NCAC 50 .1000. The Board member who conducted the summary proceedings shall be disqualified from the de novo hearing.

*History Note: Authority G.S. 87-18; 150B-41;
Eff. May 1, 1989;
Amended Eff. January 1, 2010; February 1, 2004; August 1, 2000; November 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*