

Sec. 31-1-2. Contested cases

(a) When the agency has reason to believe there has been a violation with respect to any statute or regulation it administers, it may issue a complaint by certified mail to the party against whom the agency is complaining.

(b) The notice in contested cases shall contain:

(1) A statement of the time, place, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and regulations involved;

(4) A short and plain statement of the matters asserted; and

(5) A statement that each party may, if he desires, be represented at the hearing by an attorney or other designated representative.

(c) If a party can reasonably show a need for additional time to prepare a defense to the alleged violations, an extension of time may be granted by moving the scheduled hearing to a later date. The granting of such a request is within the discretion of the commissioner or such hearing officer as has been designated by the commissioner.

(d) If a party can reasonably show that the complaint is unclear or ambiguous as to the nature of the acts in violation of the law, he may file with the department a written request for a more detailed statement of the nature of the charges against him. The granting or denial of such a request is within the discretion of the commissioner or such hearing officer as has been designated by the commissioner.

(e) Any person seeking to become a party shall file a written petition to become a party with the commissioner and mail copies to all parties, at least five days before the date of hearing. The commissioner or such hearing officer as has been designated by the commissioner shall grant such person status as a party if the petition states facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the decision in the contested case.

(f) Any party seeking to intervene shall file a written petition to intervene with the commissioner and mail copies to all parties, at least five days before the date of hearing. The commissioner or such hearing officer as has been designated by the commissioner may grant such person status as an intervenor if the petition states facts that demonstrate that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

(g) The five-day requirement in subsections (e) and (f) of section 31-1-2 of these regulations may be waived at any time before or after commencement of the hearing by the commissioner or hearing officer on a showing of good cause.

(h) If a petition is granted pursuant to subsection (f) of section 31-1-2 of these regulations, the commissioner or hearing officer may define the intervenor's participation in accordance with subsection (d) of section 4-177a of the General Statutes of Connecticut.

(i) Answers, motions and any other pleading or request which a party wishes to be considered prior to the hearing may be filed up to five days prior to the date of the hearing. The granting or denial of any such motion or request is within the discretion of the commissioner or such hearing officer as has been designated by the commissioner and shall not of itself entitle any party to a postponement of the hearing. For good cause shown, a

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hearing may be continued to a subsequent date.

(Effective February 2, 1990)