

Sec. 14-137-37. Informal procedures

To the extent permitted by law the following informal procedures shall be available to any person or licensee affected by any order or licensing requirement of the department:

(a) **Informal conferences.** Informal conferences may be scheduled by the department to attempt to resolve any appropriate matter within its statutory jurisdiction. Informal conferences also may be scheduled at the request of licensees. Notification of such an informal conference may be by telephone or by regular or certified mail, in the discretion of the commissioner or other authorized official or hearing officer of the department. The notice shall contain (1) a statement of the time, date, and place of the conference; (2) a reference to the statutory sections allegedly violated, or with respect to which any question of application exists; (3) a short statement of the facts surrounding the alleged violation or intended application of the statutory section(s) by the department; and (4) a statement that the respondent or person requesting the conference may be accompanied by counsel, if he or she so desires. Informal conferences need not be recorded and transcribed. Formal rules of procedure and evidence shall not be observed.

(b) **Opportunity to show compliance.** Unless otherwise required or authorized by statute, or by judicial order or decision, no revocation, suspension, annulment or withdrawal of a license is lawful unless prior to the institution of department proceedings, the department gave notice by mail to the holder thereof of facts or conduct which warrant the intended action, and the holder thereof was given the opportunity to show compliance with all lawful requirements for the retention of the license.

(1) Notification of such compliance conference shall be by certified mail. Said notice shall contain:

- (A) A statement of the time, date and place of the compliance conference;
- (B) A reference to the statute(s) or regulation(s) allegedly violated;
- (C) A clear and concise factual statement sufficient to inform each respondent of the facts or practices alleged to be in violation of the law; and
- (D) A statement that each respondent may be represented by counsel.

(2) Compliance conferences shall be recorded but need not be transcribed, and the rules of evidence are not applicable.

(3) The commissioner shall designate a hearing officer or other person to preside at such compliance conference. After said compliance conference, said designated presiding officer shall report in writing his recommendations to the commissioner.

(4) Any agreement reached as a result of a compliance meeting shall not preclude the department from further proceeding against the alleged violator.

(Effective August 4, 1988)