

Sec. 31-272-16. Final decision

(a) When the hearing is conducted by a hearing officer, the final decision shall be rendered by a majority of the Board. The final decision may be based on the proposed final decision and any exceptions and briefs filed. When the hearing is conducted by the Board, the final decision shall be based on the hearing record and any briefs filed. The Board shall adopt the proposed final decision rendered by the hearing officer as its own in any case in which the complaint was filed by the Board or one of its members.

(b) A final decision shall be in writing and shall include the Board's findings of fact and conclusions of law necessary to its decision. Findings of fact shall be based exclusively on the evidence in the record and on matters noticed.

(c) The Board shall state in the final decision the name and address of the complainant, the authorized agent, and, if appropriate, the party represented by the agent.

(d) The final decision shall be served on the authorized agent, investigator and complainant by United States mail. The final decision shall be effective when mailed or on a later date specified by the Board.

(e) When the hearing is conducted by a hearing officer, the Board shall render a final decision within ninety days from the date set for the filing of briefs by the hearing officer in the proposed final decision. When the hearing is conducted by the Board, the Board shall render a final decision within ninety days of the close of evidence or the date set by the Board for the filing of briefs, whichever is later.

(Effective July 1, 1992)