

Sec. 10-293-20. Proposal for decision in a contested case

(a) The board will proceed in the following manner in contested cases where a majority of the board has not heard the case or read the record. If the decision is to be adverse to a complainant, applicant, petitioner, or any other party, the decision shall not be adopted by the board until a proposal for decision is served upon all of the parties, and until an opportunity has been afforded to each party adversely affected by the proposed decision to file exceptions, to present briefs, and to make oral argument before the board. The board may limit the period of time for argument by serving notice of such limitation upon all of the parties simultaneously with the proposal for decision. For good cause shown, the board may enlarge the period of time for argument if the request is made in writing, stating the reasons therefor, and filed with the board on or before the Friday immediately prior to the proceeding at which such proposal for decision is scheduled to be discussed and/or acted upon by the board.

(b) In the proposal for decision to be served upon the parties, the hearing officer will set forth his/her reasons therefor and a statement of each issue of fact or law that he/she finds necessary to reach the conclusion contained in the proposed decision.

(c) Compliance with the above-stated requirement concerning the proposal for decision may be waived by a written stipulation of the parties.

(Effective July 23, 1987)