Sec. 10-145d-612. Revocation of certificate, permit and authorization

(a) **Causes.** Any certificate issued by the Board may be revoked by the Board in accordance with procedures hereinafter established if the Board finds that one or more of the following just causes exist:

(1) The holder of the certificate, hereinafter called "the holder," obtained the certificate through fraud or misrepresentation of a material fact;

(2) The holder has persistently neglected to perform the duties for which certification was granted;

(3) The holder is professionally unfit to perform the duties for which certification was granted;

(4) The holder is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that, in the opinion of the Board, continued certification would impair the standing of certificates issued by the Board; or

(5) Other due and sufficient cause.

(b) **Request for revocation.** A request for revocation of a certificate may be made by a board of education, by a superintendent of schools, or by any person with a legitimate interest, hereinafter called "the requesting party." Such request shall be in writing, signed and notarized and shall state in reasonable detail the facts upon which revocation is requested, which shall include but not be limited to relevant names of persons, dates and places. Any such request shall be filed with the Commissioner.

(c) **Dismissal.** If, in the opinion of the Commissioner, the request to revoke does not contain factual information in reasonable detail sufficient to commence an investigation, the Commissioner may either request additional information or dismiss without prejudice the request to revoke.

(d) **Investigation.** If, in the opinion of the Commissioner, the request to revoke does contain factual information in reasonable detail sufficient to commence an investigation, the Commissioner shall cause an investigation to be made. Investigatory subpoenas may be issued.

Based upon the results of the investigation, the Commissioner shall make a determination as to whether there is probable cause to institute revocation proceedings.

(e) **Findings of no probable cause.** If, after reviewing the results of the investigation, the Commissioner finds that in his judgment probable cause does not exist for the institution of revocation procedures, the Commissioner shall notify the certificate holder and the requesting party.

(f) **Finding of probable cause.** If, after reviewing the results of the investigation, the Commissioner finds that in his judgment probable cause does exist for the institution of revocation procedures, the Commissioner shall send, by registered mail, notice of such finding to the certificate holder. Such notice, in the form of an administrative complaint, shall contain the grounds upon which revocation procedures have been instituted.

The Commissioner also shall notify the certificate holder, in writing, that within 15 days after receipt of the notice, the certificate holder may either:

(1) Surrender his certificate to the Commissioner and waive, in writing, his right to a hearing, thereby terminating his right to serve in a position requiring such certificate; or

(2) Request, in writing, a hearing.

(g) **Provision for hearing.** If there is no surrender of certificate and waiver of hearing or, if no request for a hearing is made by the certificate holder within the time period contained in subsection (f) of this section, the Board, on its own motion, made not later than 90 days following the expiration of the aforesaid 15 days, may order a hearing be held or order the Commissioner to file a written report with the Board. Such report shall be filed with the Board not more than 90 days following the Board's order for the report.

If a hearing is requested by the certificate holder or if the Board orders a hearing on its own motion, such hearing shall be held not later than 60 days following such request or such order of the Board, unless the Commissioner and the certificate holder mutually agree to an extension. Not less than 14 days notice of such hearing shall be given. Said notice period may be mutually waived by the Commissioner and the certificate holder.

(h) **Hearing procedure.** At the discretion of the Board, the hearing shall be conducted before the Board, a subcommittee of the Board or an impartial hearing officer appointed by the Board. The hearing shall be open to the public.

The Commissioner shall represent the interests of the Department. A verbatim transcript of the hearing shall be made. Both the certificate holder and the Commissioner shall have the right to be heard in each other's presence, to be present throughout the hearing and to cross-examine witnesses, to present oral argument and, within 31 days following the close of the hearing, to file briefs. The Commissioner and the certificate holder may mutually agree to extend the time for filing briefs.

The Rules of Practice of the Board, Sections 10-4-11 through 10-4-19 of the Regulations of Connecticut State Agencies, as may be amended from time to time, govern the conduct of the hearing, except that if there is a conflict between the provisions of this Section and those Rules, the provisions of this Section prevail.

(i) **Decision by the Board.** Unless the Commissioner and the certificate holder mutually agree to an extension, within 60 days after the closing of the record of the hearing, the subcommittee of the Board or the hearing officer shall submit a proposed final decision. The Board, within 90 days after the closing of the record of the hearing, or after the filing of the proposed final decision of a subcommittee of the Board or hearing officer or the written report of the Commissioner, if no hearing is held, shall determine by a recorded roll-call vote whether the certificate of the holder shall be revoked.

An affirmative vote of a majority of the Board, present and voting, shall be necessary for revocation. Each member of the Board who votes shall certify either to attendance at the hearing or to having read the proposed final decision of the subcommittee or hearing officer or the report of the Commissioner. The members of the Board shall have available for review any brief filed or documentary evidence introduced at the hearing.

At the meeting during which the revocation matter is to be decided and prior to voting on revocation, the Board, if it has not heard the matter en banc, shall provide the Commissioner and the certificate holder with the opportunity to make an oral statement regarding the proposed final decision or the report of the Commissioner, if no hearing was held. The Board may limit the length of the statement. The Board shall not provide for the introduction of any evidence during the statements.

The Board shall state in a written opinion the reasons for its action and shall base its determination on evidence adduced at the hearing or, if no hearing is held, upon the written

report of the Commissioner. Notice of the action of the Board, together with its written opinion supporting its action, shall be furnished, promptly, to the Commissioner, the certificate holder and the requesting party.

(Effective July 1, 1995)