

## **Rule 5 – Hearings**

*Effective January 31, 2016*

- (a) At any time the Director may direct a respondent to appear at a hearing and show cause why the Board should not issue a remedial order. Not less than thirty (30) days prior to the date set for such hearing, the Director shall transmit to the respondent written notice of such hearing, which must include:
  - (I) The date, time and place of such hearing; and
  - (II) That the respondent has the right to appear and be heard at such hearing, either in person or through legal counsel; and
  - (III) That the respondent has the burden of proving all of the facts relevant to his or her position; and
  - (IV) A concise statement setting forth the subject of the hearing, all facts relevant to the matter, and the statute, rule, or order, to which the matter relates; and
  - (V) Copies of all documents considered by the Board in setting the hearing; and
  - (VI) The nature of the proposed remedial order.
- (b) Not less than ten (10) days prior to the date set for a hearing pursuant to section (a) of this rule, the respondent shall file a response, including:
  - (I) A concise statement setting forth the respondent's position; and
  - (II) All facts relevant to the matter; and
  - (III) Copies of all documents the respondent wishes the Board to consider in the matter.
- (c) Any person may request a formal hearing before the Board through the filing of a petition, which must include:
  - (I) The name and address of the petitioner and whether the petitioner currently possesses basic or reserve certification; and
  - (II) A concise statement setting forth the subject of the hearing, all facts necessary to the matter, and the statute, rule, or order, to which the petition relates; and

- (III) Copies of all documents the petitioner wishes the Board to consider in the matter; and
  - (IV) What action the petitioner wishes the Board to take.
- (d) Not less than thirty (30) days prior to the date set for a hearing on a petition, the Board shall provide a written response to the petitioner, including:
- (I) The date, time and place of such hearing; and
  - (II) That the petitioner has the right to appear and be heard at such hearing, either in person or through legal counsel; and
  - (III) That the petitioner has the burden of proving all of the facts relevant to his or her petition; and
  - (IV) A summary of the staff's recommendation to the Board; and
  - (V) Copies of all documents submitted by the staff for the Board's consideration in the matter.
- (e) The Director and any petitioner or respondent may mutually agree to shorten or lengthen any of the time frames set forth in this rule.
- (f) Any final order entered pursuant to this rule shall constitute final agency action subject to judicial review under § 24-4-106, C.R.S.