



Hearing Procedures

1. **Convening the hearing.** The commission's chairperson shall convene the hearing and shall briefly state the charges against the respondent.
2. **Quorum.** Four members of the commission shall constitute a quorum for the purpose of conducting a hearing and reaching a conclusion on the complaint.
3. **Conducting the hearing.** The commission's chairperson shall:
 - a. Conduct a fair and impartial hearing.
 - b. Take action to avoid unnecessary delay in the disposition of hearings.
 - c. Maintain order.
 - d. Continue the hearing from day to day as shall be necessary.
 - e. Grant postponements of the hearing or any other matter, for good cause, at the discretion of the chairperson.
 - f. Advise each witness that the hearing and all matters related to the complaint are confidential and that the witness may not disclose to any other person any information about the complaint or the hearing or the names of the people involved.
4. **Ex parte communications.** After the notice of hearing has been sent to the respondent, none of the parties or their representatives may communicate on an *ex parte* basis with the commission, on any substantive matter pertaining to the complaint. All substantive communications to the commission pertaining to the complaint shall be sent to the commission office and shall be directed to the specially appointed counsel to the commission, and copies shall be sent to the executive director and the respondent or the respondent's representative.
5. **Offers of proof and receipt of evidence.** The commission's chairperson shall have the power to rule on offers of proof and receipt of evidence in accordance with the following general principles:
 - a. The hearing need not be conducted according to technical rules of evidence, and any relevant evidence, including hearsay of probative value, shall be admissible.
 - b. Oral testimony shall be taken only under oath or affirmation.
 - c. Evidence which possesses probative value commonly accepted by reasonable and prudent people shall be admitted. The rules of privilege shall be given effect, and incompetent, immaterial, and unduly repetitious evidence may be excluded.
 - d. Documentary evidence may be received in the form of copies or excerpts, or through incorporation by reference. A copy of each document entered into evidence shall be made for each member of the commission, the executive director, and the respondent, and the counsel to the commission, unless the

chairperson determines that producing that many copies would be cumbersome or wasteful. In that case, the commission members and their counsel may share the number of copies that the chairperson shall have directed be made. The copy given to the chairperson shall be the official copy and shall be so marked.

- e. The commission may take notice of judicially cognizable facts of general, technical, or scientific facts within their specialized knowledge, and may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.
6. **Subpoenas.** Upon the application of the respondent the executive director shall direct that a subpoena be issued to produce a witness and/or document. The respondent shall pay the costs of issuing the subpoena.
 7. **Opening statements.** The executive director may make a brief opening statement followed by a brief opening statement given by or on behalf of the respondent.
 8. **Presentation of evidence:**
 - a. The executive director shall present the case to the commission.
 - b. The respondent may be represented by an attorney, and may cross examine any witnesses presented by the executive director.
 - c. After cross examination by the respondent, the executive director may re-direct questions to the witness.
 - d. After the executive director has presented his case before the commission, the respondent may present any witnesses, or any other evidence.
 - e. The executive director may cross examine any witness presented by the respondent.
 - f. After cross examination by the executive director, the respondent may re-direct questions to the witness.
 - g. Rebuttal evidence shall be admissible, but evidence raising new issues shall not be permitted upon rebuttal.
 9. **Closing statement.** At the conclusion of the presentation of all the evidence, the executive director and the respondent may, in that order, present a brief closing statement.
 10. **Consideration of the evidence.** In its deliberations, the commission may consider only evidence that is in the record. The record shall consist of only that evidence which was presented during the hearing, and shall not include any previously submitted reports.
 11. **Maintaining the evidence in the record.** The commission shall maintain all records related to the case in the commission office for four years.
 12. **Hearing record.** The hearing shall be recorded and the recording shall be kept in the commission office for a reasonable period of time after the case is concluded.