

Department of Transportation (DOT) Hearings: Regulations

1. **Purpose.** To specify the procedure and conduct of DOT hearings.
2. **Preparation and notice for hearing.**
 - a. *Notice.* The Director or his designee must provide all parties written notice of the hearing by U.S. mail at least fifteen (15) days in advance. The notice must state:
 - i. the date, time, place, and nature of the hearing, as set by the Director or his designee;
 - ii. where and by when people may submit written testimony in advance; and
 - iii. contact information for someone other than the Hearing Officer who is able to:
 1. answer questions or concerns, or
 2. address requests for special accommodations.
 - b. *Public Notice.* If the hearing must be held open to the public pursuant to applicable law, DOT must post on its website all information required for inclusion in the notice under 2.a.i-iii above.
 - c. *Appointment of Hearing Officer.*
 - i. The Director shall serve as the Hearing Officer, or designate another DOT employee to serve as the Hearing Officer.
 - ii. The Hearing Officer shall not serve as the contact person to the parties or the public in advance of the hearing, and shall not correspond directly with the parties between the scheduling of the hearing and time of the hearing itself. However, this shall not preclude the Hearing Officer from reviewing written testimony or any other relevant documentation in preparation for the hearing.
3. **Conduct of hearing.**
 - a. *In general.* Except as otherwise provided by law or these Regulations, formal rules of evidence and trial procedures do not apply.
 - b. *Recordings.* All hearings shall be recorded by audio or video.
 - c. *Failure to Appear.* If a party fails to appear for the hearing, and all applicable provisions of law and these Regulations have been followed, the Hearing Officer may hold the hearing in the party's absence and continue with issuing a final decision pursuant to Section 4 below.
 - d. *Evidence.*
 - i. On a genuine issue of fact, a party is entitled to:
 1. call witnesses;
 2. offer evidence, including rebuttal evidence; and
 3. present summation and argument.
 - ii. The Hearing Officer must admit, review and consider any evidence that is timely submitted, unless the Hearing Officer determines that it is:
 1. Subject to exclusion pursuant to a privilege recognized by applicable law.
 2. Irrelevant, or
 3. Unduly repetitious.

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- e. *Duties of Hearing Officer.*
 - i. The Hearing Officer must:
 - 1. Conduct the hearing in an orderly but informal manner;
 - 2. Maintain order and decorum to facilitate an efficient hearing;
 - 3. Remain fair and impartial throughout all proceedings; and,
 - 4. Ensure that all parties have the opportunity to present any evidence submitted pursuant to Section 3.d. above.
 - ii. The Hearing Officer may:
 - 1. admit documentary evidence in the form of copies or excerpts or through incorporation by reference; and
 - 2. take official notice of a fact that is judicially noticeable or that is general, technical, or scientific and within the specialized knowledge of DOT.

4. Final decisions.

- a. *Form and contents.* A final decision must:
 - i. be in writing;
 - ii. be issued within fifteen (15) days of the date of the hearing; and
 - iii. contain separate statements of:
 - 1. the findings of fact;
 - 2. the conclusions of law; and
 - 3. the decision or order.
- b. *Distribution.* A copy of the final decision must be mailed or delivered to each party or that party's attorney of record.
- c. *Right to appeal.* Unless otherwise provided for under applicable law or regulation, a final decision issued pursuant to these Regulations shall be considered the final decision issued by DOT.

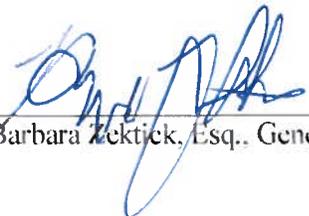
Approved by:



William Johnson, Director

5/15/14
Date

Approved as to form and legal sufficiency by:



Barbara Zektick, Esq., General Counsel

5/14/14
Date