

DEPARTMENT OF AGRICULTURE
FINANCE AND TECHNOLOGY DIVISION
REGULATION NO. 900. HEARING PROCEDURES

(By authority of Act No. 197 of the Public Acts of 1952, being S24.101 et seq. of the Michigan Compiled Laws)

R 285.900.1 Procedure for conducting hearings.

Rule 1. (1) (a) Whenever the word "person" is used, it shall mean an individual, firm, partnership, co-partnership, corporation, or association.

(b) "Director" shall mean the director of agriculture.

(c) "Hearing" shall mean any contested case being heard by the director as provided by the statutes.

(2) Notification of any hearing before the director of agriculture or his duly authorized representative will be by registered mail, and will state the date, time and place the hearing is to be held and the reasons for holding such hearing. Such notice will be mailed at least 15 days prior to said hearing. (Most hearings will be held in the director's office in Lansing.)

(3) When an appearance is made at a hearing it shall be made either in person, by a duly authorized agent, or by counsel.

(4) The person or persons who have been served with a notice of the hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing, may appear and present an oral or written statement on the charges contained therein.

(5) If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the director may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

(6) The director may designate the deputy director to conduct an official hearing in the director's absence. In such case, the deputy director, after such hearing, shall file a written report thereof, including the evidence presented with the findings of fact and recommendations for appropriate action. Such written report shall be served upon the contested parties in the hearing. The director, before acting thereon, shall give the contesting parties notice that he intends to make a final decision on the contested case and provide the contesting parties with an opportunity to file exceptions and present arguments to him.

(7) At the contested hearing there shall be presented a fair and accurate statement of the information contained in the files of the department. The files and records of the department shall be available for inspection prior to or at the hearing and the whole or any part thereof, may be offered at said hearing as evidence on behalf of the department of agriculture.

History: 1979 AC.