**Section 450.20 Hearings**

a) Calling and Notice of Hearing. The Division may call a hearing respecting any complaint and fix the date and place of hearing. The Division shall mail to each party, at least 5 days prior to the hearing date, a notice stating:

1) the time and place of the hearing;

2) any statute or rule involved, and

3) unless the substance of the complaint was adequately stated in the original notice of complaint, the substance of the complaint.

b) Conduct of Hearing.

1) A hearing is an informal proceeding. The parties shall appear before a duly assigned Hearing Officer. Opportunity shall be afforded to the complainant and respondent to present evidence and argument on all issues involved and to cross-examine all witnesses who have testified. The Hearing Officer may question any party or witness.

2) The Division may, on its own motion, subpoena witnesses or tangible evidence. A party may, within a reasonable time before the hearing date, request the Division to subpoena witnesses or tangible evidence. Such request shall be granted when the Hearing Officer deems it appropriate.

3) Any relevant evidence which is not privileged is admissible without regard to whether such evidence is hearsay or otherwise inadmissible in a court of law. The Hearing Officer may exclude irrelevant, immaterial or unduly repetitious evidence.

4) Each party has the right to representation by counsel at his own expense.

5) Either party or the Division may cause the hearing to be transcribed at his or its own expense.

6) The Hearing Officer may make a finding, based on substantial evidence, that a violation of any statute under the Division's jurisdiction has occurred. The finding shall be reflected in a written order. The respondent and complainant shall be notified either personally or by mail of any such finding or order.

7) A Hearing Officer may administer an oath or affirmation to any person upon request of either party or upon his own initiative.

8) A Hearing Officer may expel any party or attorney from any hearing for improper, disorderly, or contemptuous conduct.

c) Failure to Appear at Hearing.

1) Upon failure of a duly notified respondent to appear at a hearing, the Division may cause a subpoena to be issued compelling the respondent to appear at a hearing on a future date certain. Failure of one party to appear at a scheduled hearing does not preclude the Hearing Officer from receiving evidence from and hearing arguments by the other party. The Hearing Officer may make a finding notwithstanding the absence of one of the parties.

2) Upon failure of the complainant to appear, the Hearing Officer may, in his discretion, terminate the matter.

d) Hearing Officer to be Impartial. No person with financial or other interest relative to a complaint shall serve as Hearing Officer. Any party may challenge the impartiality of any Hearing Officer by presenting an objection in writing to the Hearing Officer or to the Chief of the Division. The Chief of the Division shall consider and determine such objection.

e) Continuance of Date of Hearing. A continuance may be granted in the discretion of the Hearing Officer for good cause. A request for a continuance must be made not later than 48 hours prior to the hearing whenever possible. Requests for continuances made within 48 hours of the hearing will be granted only in a case of unexpected emergency.

f) Compliance with Order. Upon a finding by a Hearing Officer that a violation has occurred, the respondent shall have 5 days to comply with the order of the Division except that if a later date is specified in the order, the later date is the effective date.