**Section 166.290 Proposal for Decision**

a) After the hearing is concluded, the Hearing Officer or when the Hearing Officer is incapacitated or otherwise unable to prepare a proposal for decision a designated Agency employee who has read the record shall file with the Director or the Director's designee and serve upon the parties a proposal for decision based exclusively on:

1) Evidence and arguments presented during the course of the hearing or otherwise made a part of the record;

2) Stipulations of fact; and

3) Matters officially noticed.

b) The Proposal for Decision shall be final in form and dispositive of all issues in the case.

c) The Proposal for Decision shall contain:

1) A short statement of the nature of the proceedings;

2) Complete references to the specific statutes or regulations at issue;

3) A list of exhibits admitted in evidence;

4) Specific findings on each issue of fact necessary to the proposed decision;

5) Specific conclusions on each issue of law necessary to the proposed decision based upon the findings of fact and applicable constitutional principles, statutes, and rules or regulations;

6) An appropriate recommendation for the disposition of the entire contested case including a statement of reasons based upon the findings of fact and conclusions of law;

7) No substantive finding of fact or conclusion of law nor any recommendation in the proposal for decision shall be binding upon the Director.