**Section 761.300 Disqualification of Hearing Examiner**

a) A Hearing Examiner assigned to a proceeding may, upon written request to and approval of the Chief Hearing Examiner, recuse himself or herself from the proceeding.

b) Whenever any party believes a Hearing Examiner for any reason should be disqualified from conducting, or continuing to conduct, a proceeding assigned to him or her, such party may file a motion to disqualify the Hearing Examiner, setting forth by affidavit the alleged grounds for disqualification. The Hearing Examiner shall have 5 days after filing of the motion within which to enter a written ruling thereon. A copy of such ruling shall be served upon all parties.

c) Any ruling by a Hearing Examiner denying a request for recusal under this Section may be reviewed by the Commission. Review shall be sought no more that 3 days from the denial of the motion to recuse or disqualify. The party seeking review of the ruling shall file with the Chief Clerk a verified petition, together with any offer of proof, and shall serve a copy of the petition upon the Hearing Examiner and all parties to the proceeding. Other parties and the staff representative may file responses within 3 days after the filing of the petition. The Hearing Examiner shall have 3 days from the filing of the petition within which to file a report to the Commission with the Chief Clerk, who shall serve copies of such report on the parties and staff representative.