

TITLE 600. REAL ESTATE APPRAISER BOARD

CHAPTER 15. DISCIPLINARY PROCEDURES

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[**Authority:** 59 O.S. § 858-706(A)]

[**Source:** Codified 5-15-92]

600:15-1-1. Purpose

The purpose of this chapter is to set forth the administrative procedures for disciplinary proceedings conducted pursuant to the Oklahoma Certified Real Estate Appraisers Act and the Administrative Procedures Act, Title 75, §§250 et seq.

[**Source:** Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93]

600:15-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Certified Real Estate Appraisers Act, cited as 59 Oklahoma Statutes, Sections 858-700 et seq.

"Administrator" means the Commissioner of the State Insurance Department.

"Board" means the Oklahoma Real Estate Appraiser Board.

"Certified Real Estate Appraiser" means those persons meeting the requirements for certification as set forth in the Oklahoma Certified Real Estate Appraisers Act.

"Clear and convincing evidence" means that considering all the evidence in the case, the proposition in question is highly probable and free from serious doubt.

"Department" means the State Insurance Department.

"Director" means the person designated by the Administrator as Director of the Real Estate Appraiser Division of the Oklahoma Insurance Department.

"Geographic area" means the county of an individual appraiser as determined by the mailing address most recently reported to the Board.

"Hearing Panel" means the three member panel selected by the Board to conduct a disciplinary hearing. Hearing Panel is selected from the Standards and Disciplinary Procedures Committee.

"Licensed Real Estate Appraiser" means those persons meeting the requirements for licensure as set forth in the Oklahoma Certified Real Estate Appraisers Act.

"Person" means an individual, company, association, organization, society, partnership, trust, corporation or estate.

"Probable Cause Committee" will be Board selected and will be comprised of four (4) members: a current member of the Board, and three (3) members selected by the Board from past members of the Board and the members of the Standards and Disciplinary Procedures Committee. Provided, at all times, at least two (2) members of the Committee shall be certified appraisers, of the two (2) certified appraisers, at least one (1) shall be a certified general appraiser. Provided further, that members shall be selected from four (4) different geographic areas.

"Respondent" means a Trainee, State Licensed, Certified Residential, or Certified General Real Estate Appraiser against whom a complaint has been received and not been finally resolved.

"Trainee Appraiser" means those persons meeting the requirements for licensure as a Trainee Appraiser as set forth in the Oklahoma Certified Real Estate Appraisers Act.

"Uniform standards" means the Uniform Standards of Professional Appraisal Practice, as authorized by the Appraisal Subcommittee pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which are the standards rules that meet the minimum requirements adopted by the Appraisal Foundation, and which are incorporated by reference.

[**Source:** Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 14 OK Reg 3030, eff 7-14-97; Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 20 OK Reg 557 eff 7-14-03; Amended at 22 OK Reg 1505 eff 7-14-05; Amended at 25 OK Reg 91, eff 11-1-07 (emergency); Amended at 25 OK Reg 1433 eff 7-14-08]

600:15-1-3. Screening officers and hearing officers [REVOKED]

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 19 OK Reg 1493 eff 7-14-02; Revoked at 20 OK Reg 557 eff 7-14-03]

600:15-1-4. Grievance procedure

(a) A grievance may be filed with the Board against a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser on a form prepared by the Board. In addition, where reasonable cause exists, a grievance may be brought against a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser directly by the Board.

(b) All complaints will be deemed grievances until the Board votes it a formal complaint.

(c) The Probable Cause Committee will review all grievances.

(d) The Probable Cause Committee will be selected by the Board, to serve, at the pleasure of the Board for a minimum of one quarter. The Board selected Prosecuting Attorney may be advisor to the Probable Cause Committee.

(e) The Probable Cause Committee is an advisory body to the Board whose function is to summarize the grievance and to make an informed recommendation regarding disposition of the grievance.

(f) The Probable Cause Committee will meet as needed depending on the volume of grievances to be reviewed. Any Board member acting as a member of the Probable Cause Committee shall be recused from all Board decisions relating to the grievance.

(g) The Board may direct the Department to turn over any or all grievances to the Probable Cause Committee for disposition in accordance with procedures found in 600:15-1-4 and 600:15-1-5.

(h) Probable Cause Committee members shall recuse from consideration, including both voice and vote, of any grievance concerning a Respondent from the same geographic area as the member.

(i) Board staff shall prepare and maintain records of attendance and individual votes on each matter presented to the PCC.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95; Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 20 OK Reg 557 eff 7-14-03; Amended at 22 OK Reg 1505 eff 7-14-05; Amended at 25 OK Reg 91, eff 11-1-07 (emergency) ; Amended at 25 OK Reg 1433 eff 7-14-08]

600:15-1-5. Issuance of formal complaint: setting date for formal hearing

(a) If the grievance and/or summary and recommendations of the Probable Cause Committee appear to the Board to warrant and support such action, the Board shall file a formal complaint and the Director shall set the date, time and place for a formal hearing.

(b) The Prosecuting Attorney may select from the Standards and Disciplinary Procedures Committee a certified appraiser to assist in the presentation before the Hearing Panel.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95; Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 20 OK Reg 557 eff 7-14-03; Amended at 22 OK Reg 1505 eff 7-14-05]

600:15-1-6. Notice of disciplinary proceedings

(a) Where the Board deems the Probable Cause Committee's response to the grievance warrants disciplinary proceedings, the Respondent shall be served with Notice of Disciplinary Proceedings which shall specify the rule, statute, or standard(s) of professional conduct allegedly violated by the Respondent. Service of such notice shall be by Certified Mail, Return Receipt Requested to the last address reported to the Board by the Respondent.

(b) No less than ten (10) days prior to the scheduled hearing, written notice shall be provided to the parties stating which individual Hearing Officers will comprise the Panel conducting the disciplinary proceedings. Upon a showing of good cause, any Hearing Panel member selected may be removed by either party. If the parties cannot agree upon a Hearing Panel, either party may make written application to the Board which shall then make an appointment.

(c) Following selection and acceptance of the three (3) member Hearing Panel, the three members shall elect one member to serve as Chairman of the Hearing Panel, to preside over the hearing for which they have been selected.

(d) By mutual agreement of the parties the hearing may be rescheduled by the Director at a different time, date or location with proper written notice of such change given to all parties.

(e) Disciplinary proceedings shall be conducted by a Hearing Panel.

(f) Hearing Officers shall be appointed by Board order. All such persons must be State Certified Residential or State Certified General Appraisers. All hearing officers shall be selected by the Board.

(g) The Board or the Hearing Panel may utilize as a hearing officer counsel to the Board to hear prehearing matters specified by the Board. The duties assigned to Board counsel may include, but are not limited to, any of the following:

- (1) to hear and rule on pretrial discovery disputes;
- (2) to hear and rule on Motions in Limine;
- (3) to review Motions to Dismiss in order to advise the Board or the Hearing Panel on questions of law arising therein;
- (4) to hear and rule on Motions for Continuance of a hearing;
- (5) to hear and rule on other preliminary motions;
- (6) to hear and rule on motions to have a panel member recused from a hearing;
- (7) to mark, identify, and admit or deny exhibits; and
- (8) to rule upon objections made during the hearing.

(h) Any pretrial motions, discovery motions, Motions to Dismiss, Motions for Continuance, must be submitted to the Director or to Board Counsel no less than ten (10) days before the date of any hearing in the proceeding is scheduled before a Hearing Panel or the Board.

(i) The Hearing Panel shall complete the case and issue any rulings, findings, conclusions or recommendations.

(j) Any person subject to the jurisdiction of the Board, who shall attempt to pressure, coerce, intimidate, or otherwise influence or affect the opinion of a board member, hearing officer, witness or complainant regarding a disciplinary matter, shall be subject to disciplinary action by the Board.

(k) In the event any hearing officer has any personal, social, or economic relationship with the complainant, appraiser named in any complaint, or any attorney involved in the proceedings, the hearing officer shall make full disclosure of that relationship to the Board who shall take appropriate administrative action to assure objectivity in the proceedings including, if necessary, replacement of any Hearing Panel member.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95; Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 20 OK Reg 557 eff 7-14-03; Amended at 22 OK Reg 1505 eff 7-14-05; Amended at 23 OK Reg 1113, eff 7-14-06]

600:15-1-7. Subpoenas and subpoenas duces tecum

(a) In all cases where a party desires to have subpoenas or subpoenas duces tecum issued to compel the attendance of witnesses, or production of documents, a written request shall be made by such party or his attorney, and directed to the Director or the Director's designee. The request shall specify the witness by name and address; and also identify any documents to be subpoenaed. The request shall acknowledge that any expense associated with the subpoena process shall

be paid by the party requesting the subpoena, including travel expense and daily attendance fees, in the amount as set by statute for other civil matters, at the time of the service of such subpoena.

(b) The Department will cause subpoenas to be issued and mailed in conformity with said written requests; provided, that in said subpoena the witnesses names therein shall be advised that they may demand their travel fees and daily attendance fees from the party, or his representative, that neither the Board nor the State of Oklahoma will be responsible for any traveling fees, daily attendance fees, or other expenses incurred by such witness in attending any hearing before the Panel or Board.

(c) All requests for subpoenas and subpoenas duces tecum must be received by the Director or the Director's designee, by mail or otherwise, no later than ten (10) days prior to the date of the hearing at which the presence of any such witness or documents would be required.

(d) A party requesting issuance of subpoenas and subpoenas duces tecum shall be responsible for obtaining service and for the cost of that service.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95; Amended at 19 OK Reg 1493 eff 7-14-02]

600:15-1-8. Public hearings

All hearings shall be open to the public. Witness may be excluded upon proper invocation of the witness exclusion rule by either party or the Panel.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92]

600:15-1-9. Burden of proof

(a) The burden of proof shall be on the Board in all hearings.

(b) The standard of proof applicable shall be by clear and convincing evidence.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 14 OK Reg 3030, eff 7-14-97]

600:15-1-10. Right to counsel

(a) At all times during a disciplinary proceeding any party shall have the right to counsel provided that such counsel must be duly licensed to practice law by the Supreme Court of Oklahoma, and provided further that such counsel shall have the right to appear and act for and on behalf of the party he represents.

(b) In order to be recognized as counsel for respondent, such counsel shall file a written entry of appearance with the Director.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 19 OK Reg 1493 eff 7-14-02]

600:15-1-11. Rules of evidence

(a) The Panel may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent people in the conduct of their affairs.

(1) The panel shall give effect to the rules of privilege recognized by law in respect to:

(A) self-incrimination;

(B) confidential communications between husband and wife during the subsistence of the marriage relation;

(C) communication between attorney and client, made in that relation;

(D) confessions made to a clergyman or priest in his professional capacity in the course of discipline enjoined by the church to which he belongs;

(E) communications made by a patient to a licensed practitioner of one of the healing arts with reference to any physical or supposed physical disease or of knowledge gained by such practitioner through a physical examination of a patient in a professional capacity;

(F) records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States are made confidential and privileged.

(2) No greater exclusionary effect shall be given any such rule or privilege than would obtain in action in court. The Panel may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(b) Documentary evidence may be received in the form of copies, if the original is not readily available, or excerpts if such originals contain voluminous, irrelevant or extraneous material. Upon request, parties shall be given an opportunity to compare the copy with the original.

(c) A party may conduct cross-examinations required for a full and true disclosure of the facts.

(d) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Panel's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Panel's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 12 OK Reg 1811, eff 7-1-95; Amended at 19 OK Reg 1493 eff 7-14-02]

600:15-1-12. Failure to appear

If either the Respondent or the Board fails or refuses to appear without good cause, the Panel may, if no continuance is granted, either enter a default decision or proceed with the formal hearing and determine the matter in the absence of the party.

(1) Default decision.

(A) Any party may move for default against a party who has failed to appear after proper service.

(B) As a consequence of the default, the allegations against a non-appearing Respondent may be deemed admitted and an appropriate sanction recommended, within the Panel's discretion. If the non-appearing Party is the Board, the Panel may recommend that the complaint be dismissed with prejudice.

(C) A motion to vacate a default decision may be filed with the Board along with or in lieu of a request for oral argument before the Board within the time period specified for requests for oral argument in Board Rule 600:15-1-17.

(D) Timely filed motions to vacate shall be granted only for good cause shown. The burden of proof is on the moving party.

(E) "Good cause" for the purpose of this rule means lack of notice in accordance with the Administrative Procedures Act, the Oklahoma Certified Real Estate Appraisers Act, or the rules promulgated pursuant thereto, excusable neglect or unavoidable casualty.

(F) A decision by the Board denying a motion to vacate and the Board's ground(s) therefor shall be included with its final order on the merits issued in accordance with 600:15-1-17 and is subject to review in accordance with the Administrative Procedures Act and Oklahoma Certified Real Estate Appraisers Act and the rules promulgated pursuant thereto.

(2) If the Panel decides to proceed with the formal hearing in the absence of any party, the Panel will make its decision based upon presentation and consideration of evidence and argument on all issues involved, and its recommendation shall not be considered a default decision.

(3) In lieu of personally appearing, a Respondent, unless issued a subpoena to appear at the hearing, may submit a written statement, subject to the following requirements:

- (A) The statement must be filed in the administrative office of the Board at least (7) days prior to the hearing date;
- (B) The statement must be notarized;
- (C) The Respondent must acknowledge in the statement that Respondent received notice of the hearing and, that by not personally appearing, the Respondent is waiving the right to cross-examine witnesses, rehabilitate his or her statement, or present further evidence on his or her own behalf.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95; Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 25 OK Reg 1433 eff 7-14-08]

600:15-1-13. Decision of hearing panel

A decision of any two (2) of the three (3) hearing panel members shall be sufficient for making rulings or disciplinary recommendations to the Board. All such rulings by the hearing panel with respect to admission of evidence or on objections brought by any party before or during a disciplinary hearing shall be final.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 19 OK Reg 1493 eff 7-14-02]

600:15-1-14. Disciplinary alternatives

(a) The Panel may make any of the following disciplinary recommendations with respect to a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser:

- (1) Revocation of the certificate with or without the right to reapply;
- (2) Suspension of the certificate for a period not to exceed five (5) years;
- (3) Probation, for a period of time and under such terms and conditions as deemed appropriate by the Board;
- (4) Stipulations, limitations, restrictions, and conditions relating to practice;
- (5) Censure, including specific redress, if appropriate;
- (6) Reprimand;
- (7) Satisfactory completion of an educational program or programs;
- (8) Administrative fines as authorized by the Oklahoma Certified Real Estate Appraisers Act;
- (9) Payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees;
- (10) Recommend a dismissal of the complaint.

(b) Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order or default.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 19 OK Reg 1493 eff 7-14-02; Amended eff 11-1-06 emergency; Amended at 24 OK Reg 2319 eff 7-14-07]

600:15-1-15. Conditions during suspension

(a) When the Board orders the suspension of a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser, the suspended appraiser shall be subject to the following terms and conditions during the suspension period:

(1) Immediately following the final order of suspension, the suspended appraiser may not be identified as a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser. All reference to certification/licensure must be immediately removed from all letterheads, business cards, appraisal report covers and other printed materials under the reasonable control of the appraiser.

(2) Promptly following the final order of suspension, the suspended appraiser shall return his/her license or certificate to the Board.

(3) The term of suspension shall begin on the date the license or certificate and pocket card are received by the Director.

(b) Where the appraiser is identified as a Trainee, State Licensed, State Certified Residential or State Certified General in trade journals, professional directories, telephone books and industry listings, the appraiser shall promptly notify all such publications that he/she is now suspended and request future publications, listings and directories to not identify him/her as a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser during the suspension period. A copy of such notification shall also be provided to the Board.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 19 OK Reg 1493 eff 7-14-02]

600:15-1-16. Proposed findings of fact, conclusions of law and disciplinary recommendations

(a) When the record is closed and submitted for a proposed decision, the Panel will issue proposed Findings of Fact, Conclusions of Law and Disciplinary Recommendations to the Board for its consideration and final order. Interested parties will receive copies of the Panel's proposed decision by certified mail. The Findings of Fact, Conclusions of Law and Disciplinary Recommendations will include a statement of facts, the issues and contentions, conclusions based on the findings of fact and applicable law, and recommendation to the Board for issuance of the final order.

(b) Upon request of the parties, the Panel may permit the parties to submit proposed Findings of Fact, Conclusions of Law and Disciplinary Recommendations which may be adopted by the Panel.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 19 OK Reg 1493 eff 7-14-02]

600:15-1-17. Oral argument before the Board

(a) Within fifteen (15) days following mailing of the Proposed Findings of Fact, Conclusions of Law and Recommendations of the Panel, the aggrieved party may file an application for oral argument before the Board. Oral argument shall be limited to the Recommended Discipline of the Hearing Panel.

(b) If such application for oral argument is received, the Director shall set a date, time and place for the hearing and notice shall be given to each side by certified mail no less than thirty (30) days prior to the hearing. Respondent's typewritten briefs shall be submitted to the Board no less than twenty (20) days prior to such hearing. Petitioner's typewritten brief shall be

submitted to the Board no less than ten (10) days prior to the hearing. Deadlines may be extended by the Director upon good cause shown. If the respondent fails to apply for oral argument or file a brief in a timely manner, the Board may consider respondent to have waived the opportunity for oral argument. Time limits for oral arguments will be set by the Board at the time of the hearing.

(c) The Board will issue the final order in each case whether or not application for oral argument is made. The Board may, in its discretion, vacate, modify, or affirm, in part or whole, the proposed decision of the Panel.

(d) In the event no request for oral argument is made by the Respondent within the fifteen (15) day period, a final order consistent with the Panel's findings, conclusions and recommendations shall be presented to the Board for approval, or in its discretion, vacation or modification; and following approval, copies will be mailed to the Respondent. The Board may, on its own motion, require oral argument before the Board.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95; Amended at 19 OK Reg 1493 eff 7-14-02]

600:15-1-18. Rehearing, reopening or reconsideration of Board decision

(a) An order issued by the Board shall be subject to rehearing, reopening or reconsideration by the Board within ten (10) days of the date of its entry. The grounds for such action shall be either:

- (1) newly discovered or newly available evidence, relevant to the issues;
- (2) need for additional evidence adequately to develop the facts essential for a proper decision;
- (3) probable error committed by the Panel or Board in the proceeding or in its decision that would be grounds for reversal on judicial review of the order;
- (4) need for further consideration of the issues and the evidence in the public interest; or
- (5) a showing that issues not previously considered should be examined in order to properly dispose of the matter.

(b) The order of the Board granting rehearing, reconsideration or review, or the petition of a party therefore, shall set forth the grounds which justify such action. Nothing in the chapter shall prevent rehearing, reopening or reconsideration of a matter by the Board in accordance with other statutory provisions applicable to the Board, or, at any time, on the grounds of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. On reconsideration, reopening or rehearing, the matter may be heard by the Board, or it may be remanded to the Hearing Panel. The hearing shall be confined to those grounds upon which the reconsideration, reopening or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 12 OK Reg 1811, eff 7-1-95; Amended at 19 OK Reg 1493 eff 7-14-02]

600:15-1-19. Record of hearing

(a) A record by means of electronic recording of the hearing will be made of all disciplinary hearings.

(b) A person affected by the hearing may cause, at such person's expense, a transcript of the proceedings to be prepared or a full stenographic record of the proceedings to be made by a competent court reporter.

(c) If transcribed such transcript shall be part of the record of the hearing and a copy shall be furnished to any third party having a direct interest therein at the request and expense of such party.

(d) The record of the hearing and the file containing the pleadings shall be maintained in a place designated by the Board. The tape recording of the proceedings shall be maintained until the time for appealing the final Board order has run.

(e) The record of an individual proceeding shall include:

- (1) all pleadings, motions and intermediate rulings;

- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections, and rulings thereon;
- (5) proposed findings and exceptions;
- (6) any decision, opinion, or report by the Panel presiding at the hearing;
- (7) all disciplinary procedures, memoranda or data submitted to the Panel or members of the Board in connection with their consideration of the case.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 25 OK Reg 1433 eff 7-14-08]

600:15-1-20. Request for declaratory ruling

Any person who may be affected by the existence of any of these foregoing public rules may request in writing an interpretation or ruling regarding the application of such rule to the facts furnished with the inquiry. Any such request shall state fully the facts concerning the rule which may apply, and the particular rules about which the question exists. The request or inquiry will be assigned to the Board for review. Thereafter, the Board will make a final determination of the interpretation or ruling. The Board's interpretation of the rule will be furnished in writing to the person making the request, within a reasonable time.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93]

600:15-1-21. Request for rule adoption, amendment or repeal

All interested persons may ask the Board to promulgate, amend or repeal a rule; such requests will be in writing and filed with the Department. The request shall specify reasons for its submission, the alleged need or necessity for the change, whether or not the proposed change will conflict with any existing rule, and what, if any, statutory provisions are involved. If the Board approves the proposed change, notice will be given that such proposal will be formally considered for adoption. If, however, the Board determines that the proposal or request is not appropriate, the change will be denied and the decision reflected in the records of the Board. A copy will be sent to the interested person who submitted the request.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93]

600:15-1-22. Severability provision

If any provision of this chapter, or application of such provision to any person or circumstances, shall be held invalid, the remainder of the chapter, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92]

