

CHAPTER 33-22-03 PREHEARING MATTERS

Section

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33-22-03-01. Informal disposition.

Informal disposition may be made of any matter for which a hearing is scheduled, or any issue therein, by stipulation, or consent order at any point therein, subject to the approval of such informal disposition, or any terms thereof, by the department.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-05, 28-32-06, 28-32-07, 28-32-08, 28-32-09, 28-32-11

33-22-03-02. Prehearing conference.

A prehearing conference may be held at any time at the discretion of the department or hearing officer prior to any hearing. The prehearing conference shall be an informal proceeding conducted fairly and expeditiously by the hearing officer, for purposes of identifying and simplifying the issues to be determined, identifying and limiting the number of witnesses, and reaching an agreement on any or all issues of law or fact without the necessity for further hearing thereon. In addition to any offer of settlement, the following are appropriate for consideration at a prehearing conference:

1. The simplification of issues.
2. The necessity or desirability of amendment to the pleadings.
3. The exchange and acceptance of service of exhibits proposed to be offered in evidence.
4. The obtaining of admission as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which may properly shorten the hearing.
5. The limitation of the number of witnesses.
6. Such other matters as may properly be dealt with to aid in expediting the orderly conduct of the proceeding.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-05, 28-32-06, 28-32-07, 28-32-08, 28-32-09, 28-32-11

33-22-03-03. Conference results stipulated.

Upon conclusion of prehearing conference, the parties shall immediately reduce the results thereof to the form of a written stipulation which recites the matters agreed upon, and the stipulation shall be filed with the department. Any such stipulation may be received in evidence at a hearing and, when so received, shall be binding on the parties with respect to the matters therein stipulated.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-05, 28-32-06, 28-32-07, 28-32-08, 28-32-09, 28-32-11

33-22-03-04. Consolidation.

The department, upon its own motion, or upon motion by any party, may order two or more proceedings involving a similar question of law or facts to be consolidated for hearing where rights of the parties or the public interest will not be prejudiced by such procedure.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-05, 28-32-06, 28-32-07, 28-32-08, 28-32-09, 28-32-11