

Article 3.  
Administrative Hearings.

**§ 150B-22. Settlement; contested case.**

It is the policy of this State that any dispute between an agency and another person that involves the person's rights, duties, or privileges, including licensing or the levy of a monetary penalty, should be settled through informal procedures. In trying to reach a settlement through informal procedures, the agency may not conduct a proceeding at which sworn testimony is taken and witnesses may be cross-examined. If the agency and the other person do not agree to a resolution of the dispute through informal procedures, either the agency or the person may commence an administrative proceeding to determine the person's rights, duties, or privileges, at which time the dispute becomes a "contested case." (1985 (Reg. Sess., 1986), c. 1022, s. 1(11); 1991, c. 418, s. 16.)

**§ 150B-22.1. Special education petitions.**

(a) Notwithstanding any other provision of this Chapter, timelines and other procedural safeguards required to be provided under IDEA and Article 9 of Chapter 115C of the General Statutes must be followed in an impartial due process hearing initiated when a petition is filed under G.S. 115C-109.6 with the Office of Administrative Hearings.

(b) The administrative law judge who conducts a hearing under G.S. 115C-109.6 shall not be a person who has a personal or professional interest that conflicts with the judge's objectivity in the hearing. Furthermore, the judge must possess knowledge of, and the ability to understand, IDEA and legal interpretations of IDEA by federal and State courts. The judges are encouraged to participate in training developed and provided by the State Board of Education under G.S. 115C-107.2(h)[(g)].

(c) For the purpose of this section, the term "IDEA" means The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq., (2004), as amended, and its regulations. (2006-69, s. 5.)

**§ 150B-23. Commencement; assignment of administrative law judge; hearing required; notice; intervention.**

(a) A contested case shall be commenced by paying a fee in an amount established in G.S. 150B-23.2 and by filing a petition with the Office of Administrative Hearings and, except as provided in Article 3A of this Chapter, shall be conducted by that Office. The party who files the petition shall serve a copy of the petition on all other parties and, if the dispute concerns a license, the person who holds the license. A party who files a petition shall file a certificate of service together with the petition. A petition shall be signed by a party or a representative of the party and, if filed by a party other than an agency, shall state facts tending to establish that the agency named as the respondent has deprived the petitioner of property, has ordered the petitioner to pay a fine or civil penalty, or has otherwise substantially prejudiced the petitioner's rights and that the agency:

- (1) Exceeded its authority or jurisdiction;
- (2) Acted erroneously;
- (3) Failed to use proper procedure;
- (4) Acted arbitrarily or capriciously; or
- (5) Failed to act as required by law or rule.

The parties in a contested case shall be given an opportunity for a hearing without undue delay. Any person aggrieved may commence a contested case hereunder.

A local government employee, applicant for employment, or former employee to whom Chapter 126 of the General Statutes applies may commence a contested case under this Article in the same manner as any other petitioner. The case shall be conducted in the same manner as other contested cases under this Article.

1 (a1) Repealed by Session Laws 1985 (Regular Session, 1986), c. 1022, s. 1(9).

2 (a2) An administrative law judge assigned to a contested case may require a party to the  
3 case to file a prehearing statement. A party's prehearing statement must be served on all other  
4 parties to the contested case.

5 (b) The parties to a contested case shall be given a notice of hearing not less than 15  
6 days before the hearing by the Office of Administrative Hearings. If prehearing statements have  
7 been filed in the case, the notice shall state the date, hour, and place of the hearing. If  
8 prehearing statements have not been filed in the case, the notice shall state the date, hour, place,  
9 and nature of the hearing, shall list the particular sections of the statutes and rules involved, and  
10 shall give a short and plain statement of the factual allegations.

11 (c) Notice shall be given by one of the methods for service of process under G.S. 1A-1,  
12 Rule 4(j) or Rule 4(j3). If given by registered or certified mail, by signature confirmation as  
13 provided by the United States Postal Service, or by designated delivery service authorized  
14 pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, notice shall be deemed to have been  
15 given on the delivery date appearing on the return receipt, copy of the proof of delivery  
16 provided by the United States Postal Service, or delivery receipt. If giving of notice cannot be  
17 accomplished by a method under G.S. 1A-1, Rule 4(j) or Rule 4(j3), notice shall then be given  
18 in the manner provided in G.S. 1A-1, Rule 4(j1).

19 (d) Any person may petition to become a party by filing a motion to intervene in the  
20 manner provided in G.S. 1A-1, Rule 24. In addition, any person interested in a contested case  
21 may intervene and participate in that proceeding to the extent deemed appropriate by the  
22 administrative law judge.

23 (e) All hearings under this Chapter shall be open to the public. Hearings shall be  
24 conducted in an impartial manner. Hearings shall be conducted according to the procedures set  
25 out in this Article, except to the extent and in the particulars that specific hearing procedures  
26 and time standards are governed by another statute.

27 (f) Unless another statute or a federal statute or regulation sets a time limitation for the  
28 filing of a petition in contested cases against a specified agency, the general limitation for the  
29 filing of a petition in a contested case is 60 days. The time limitation, whether established by  
30 another statute, federal statute, or federal regulation, or this section, shall commence when  
31 notice is given of the agency decision to all persons aggrieved who are known to the agency by  
32 personal delivery or by the placing of the notice in an official depository of the United States  
33 Postal Service wrapped in a wrapper addressed to the person at the latest address given by the  
34 person to the agency. The notice shall be in writing, and shall set forth the agency action, and  
35 shall inform the persons of the right, the procedure, and the time limit to file a contested case  
36 petition. When no informal settlement request has been received by the agency prior to  
37 issuance of the notice, any subsequent informal settlement request shall not suspend the time  
38 limitation for the filing of a petition for a contested case hearing. (1973, c. 1331, s. 1; 1975, 2nd  
39 Sess., c. 983, s. 65; 1985, c. 746, s. 1; 1985 (Reg. Sess., 1986), c. 1022, ss. 1(9), (10), 6(2), (3);  
40 1987, c. 878, ss. 3-5; c. 879, s. 6.1; 1987 (Reg. Sess., 1988), c. 1111, s. 5; 1991, c. 35, s. 1;  
41 1993 (Reg. Sess., 1994), c. 572, s. 2; 2009-451, s. 21A.1(a); 2011-332, s. 2.1; 2011-398, s. 16.)  
42

#### 43 **§ 150B-23.1. Mediated settlement conferences.**

44 (a) Purpose. – This section authorizes a mediation program in the Office of  
45 Administrative Hearings in which the chief administrative law judge may require the parties in  
46 a contested case to attend a prehearing settlement conference conducted by a mediator. The  
47 purpose of the program is to determine whether a system of mediated settlement conferences  
48 may make the operation of the Office of Administrative Hearings more efficient, less costly,  
49 and more satisfying to the parties.

50 (b) Definitions. – The following definitions apply in this section:

1 (1) Mediated settlement conference. – A conference ordered by the chief  
2 administrative law judge involving the parties to a contested case and  
3 conducted by a mediator prior to a contested case hearing.

4 (2) Mediator. – A neutral person who acts to encourage and facilitate a  
5 resolution of a contested case but who does not make a decision on the  
6 merits of the contested case.

7 (c) Conference. – The chief administrative law judge may order a mediated settlement  
8 conference for all or any part of a contested case to which an administrative law judge is  
9 assigned to preside. All aspects of the mediated settlement conference shall be conducted  
10 insofar as possible in accordance with the rules adopted by the Supreme Court for the  
11 court-ordered mediation pilot program under G.S. 7A-38.

12 (d) Attendance. – The parties to a contested case in which a mediated settlement  
13 conference is ordered, their attorneys, and other persons having authority to settle the parties'  
14 claims shall attend the settlement conference unless excused by the presiding administrative  
15 law judge.

16 (e) Mediator. – The parties shall have the right to stipulate to a mediator. Upon the  
17 failure of the parties to agree within a time limit established by the presiding administrative law  
18 judge, a mediator shall be appointed by the presiding administrative law judge.

19 (f) Sanctions. – Upon failure of a party or a party's attorney to attend a mediated  
20 settlement conference ordered under this section, the presiding administrative law judge may  
21 impose any sanction authorized by G.S. 150B-33(b)(8) or (10).

22 (g) Standards. – Mediators authorized to conduct mediated settlement conferences  
23 under this section shall comply with the standards adopted by the Supreme Court for the  
24 court-ordered mediation pilot program under G.S. 7A-38.

25 (h) Immunity. – A mediator acting pursuant to this section shall have judicial immunity  
26 in the same manner and to the same extent as a judge of the General Court of Justice.

27 (i) Costs. – Costs of a mediated settlement conference shall be paid one share by the  
28 petitioner, one share by the respondent, and an equal share by any intervenor, unless otherwise  
29 apportioned by the administrative law judge.

30 (j) Inadmissibility of Negotiations. – All conduct or communications made during a  
31 mediated settlement conference are presumed to be made in compromise negotiations and shall  
32 be governed by Rule 408 of the North Carolina Rules of Evidence.

33 (k) Right to Hearing. – Nothing in this section restricts the right to a contested case  
34 hearing. (1993, c. 321, s. 25(b); c. 363, ss. 1, 3; 1995, c. 145, s. 1.)  
35

36 **§ 150B-23.2. Fee for filing a contested case hearing.**

37 (a) Filing Fee. – In every contested case commenced in the Office of Administrative  
38 Hearings by a person aggrieved, the petitioner shall pay a filing fee, and the administrative law  
39 judge shall have the authority to assess that filing fee against the losing party, in the amount of  
40 one hundred twenty-five dollars (\$125.00), unless the Office of Administrative Hearings  
41 establishes a lesser filing fee by rule.

42 (b) Time of Collection. – All fees that are required to be assessed, collected, and  
43 remitted under subsection (a) of this section shall be collected by the Office of Administrative  
44 Hearings at the time of commencement of the contested case (except in suits in forma  
45 pauperis).

46 (c) Forms of Payment. – The Office of Administrative Hearings may by rule provide  
47 for the acceptable forms for payment and transmission of the filing fee.

48 (d) Waiver or Refund. – The Office of Administrative Hearings shall by rule provide  
49 for the fee to be waived in a contested case in which the petition is filed in forma pauperis and  
50 supported by such proofs as are required in G.S. 1-110 and in a contested case involving a  
51 mandated federal cause of action. The Office of Administrative Hearings shall by rule provide

1 for the fee to be refunded in a contested case in which the losing party is the State. (2009-451,  
2 s. 21A.1(b).)

3  
4 **§ 150B-24. Venue of hearing.**

5 (a) The hearing of a contested case shall be conducted:

- 6 (1) In the county in this State in which any person whose property or rights are  
7 the subject matter of the hearing maintains his residence;  
8 (2) In the county where the agency maintains its principal office if the property  
9 or rights that are the subject matter of the hearing do not affect any person or  
10 if the subject matter of the hearing is the property or rights of residents of  
11 more than one county; or  
12 (3) In any county determined by the administrative law judge in his discretion to  
13 promote the ends of justice or better serve the convenience of witnesses.

14 (b) Any person whose property or rights are the subject matter of the hearing waives his  
15 objection to venue by proceeding in the hearing. (1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1987, c.  
16 878, s. 6.)  
17

18 **§ 150B-25. Conduct of hearing; answer.**

19 (a) If a party fails to appear in a contested case after proper service of notice, and if no  
20 adjournment or continuance is granted, the administrative law judge may proceed with the  
21 hearing in the absence of the party.

22 (b) Repealed by Session Laws 1991, c. 35, s. 2.

23 (c) The parties shall be given an opportunity to present arguments on issues of law and  
24 policy and an opportunity to present evidence on issues of fact.

25 (d) A party may cross-examine any witness, including the author of a document  
26 prepared by, on behalf of, or for use of the agency and offered in evidence. Any party may  
27 submit rebuttal evidence. (1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1985 (Reg. Sess., 1986), c.  
28 1022, s. 1(13); 1987, c. 878, s. 6; 1991, c. 35, s. 2.)  
29

30 **§ 150B-26. Consolidation.**

31 When contested cases involving a common question of law or fact or multiple proceedings  
32 involving the same or related parties are pending, the Director of the Office of Administrative  
33 Hearings may order a joint hearing of any matters at issue in the cases, order the cases  
34 consolidated, or make other orders to reduce costs or delay in the proceedings. (1973, c. 1331,  
35 s. 1; 1985, c. 746, s. 1; 1985, (Reg. Sess., 1986), c. 1022, s. 1(1), 1(14).)  
36

37 **§ 150B-27. Subpoena.**

38 After the commencement of a contested case, subpoenas may be issued and served in  
39 accordance with G.S. 1A-1, Rule 45. In addition to the methods of service in G.S. 1A-1, Rule  
40 45, a State law enforcement officer may serve a subpoena on behalf of an agency that is a party  
41 to the contested case by any method by which a sheriff may serve a subpoena under that Rule.  
42 Upon a motion, the administrative law judge may quash a subpoena if, upon a hearing, the  
43 administrative law judge finds that the evidence the production of which is required does not  
44 relate to a matter in issue, the subpoena does not describe with sufficient particularity the  
45 evidence the production of which is required, or for any other reason sufficient in law the  
46 subpoena may be quashed.

47 Witness fees shall be paid by the party requesting the subpoena to subpoenaed witnesses in  
48 accordance with G.S. 7A-314. However, State officials or employees who are subpoenaed  
49 shall not be entitled to witness fees, but they shall receive their normal salary and they shall not  
50 be required to take any annual leave for the witness days. Travel expenses of State officials or

1 employees who are subpoenaed shall be reimbursed as provided in G.S. 138-6. (1973, c. 1331,  
2 s. 1; 1975, 2nd Sess., c. 983, s. 66; 1985, c. 746, s. 1; 1987, c. 878, s. 6; 1991, c. 35, s. 3.)

3  
4 **§ 150B-28. Depositions and discovery.**

5 (a) A deposition may be used in lieu of other evidence when taken in compliance with  
6 the Rules of Civil Procedure, G.S. 1A-1. Parties in contested cases may engage in discovery  
7 pursuant to the provisions of the Rules of Civil Procedure, G.S. 1A-1.

8 (b) Repealed by Session Laws 2007-491, s. 2, effective January 1, 2008. (1973, c. 1331,  
9 s. 1; 1985, c. 746, s. 1; 2007-491, s. 2.)

10  
11 **§ 150B-29. Rules of evidence.**

12 (a) In all contested cases, irrelevant, immaterial and unduly repetitious evidence shall  
13 be excluded. Except as otherwise provided, the rules of evidence as applied in the trial division  
14 of the General Court of Justice shall be followed; but, when evidence is not reasonably  
15 available under the rules to show relevant facts, then the most reliable and substantial evidence  
16 available shall be admitted. On the judge's own motion, an administrative law judge may  
17 exclude evidence that is inadmissible under this section. The party with the burden of proof in a  
18 contested case must establish the facts required by G.S. 150B-23(a) by a preponderance of the  
19 evidence. It shall not be necessary for a party or his attorney to object at the hearing to evidence  
20 in order to preserve the right to object to its consideration by the administrative law judge in  
21 making a decision, by the agency in making a final decision, or by the court on judicial review.

22 (b) Evidence in a contested case, including records and documents, shall be offered and  
23 made a part of the record. Factual information or evidence not made a part of the record shall  
24 not be considered in the determination of the case, except as permitted under G.S. 150B-30.  
25 Documentary evidence may be received in the form of a copy or excerpt or may be  
26 incorporated by reference, if the materials so incorporated are available for examination by the  
27 parties. Upon timely request, a party shall be given an opportunity to compare the copy with the  
28 original if available. (1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1987, c. 878, s. 7; 1991, c. 35, s. 4;  
29 2000-190, s. 4.)

30  
31 **§ 150B-30. Official notice.**

32 Official notice may be taken of all facts of which judicial notice may be taken and of other  
33 facts within the specialized knowledge of the agency. The noticed fact and its source shall be  
34 stated and made known to affected parties at the earliest practicable time, and any party shall  
35 on timely request be afforded an opportunity to dispute the noticed fact through submission of  
36 evidence and argument. (1973, c. 1331, s. 1; 1985, c. 746, s. 1.)

37  
38 **§ 150B-31. Stipulations.**

39 (a) The parties in a contested case may, by a stipulation in writing filed with the  
40 administrative law judge, agree upon any fact involved in the controversy, which stipulation  
41 shall be used as evidence at the hearing and be binding on the parties thereto. Parties should  
42 agree upon facts when practicable.

43 (b) Except as otherwise provided by law, disposition may be made of a contested case  
44 by stipulation, agreed settlement, consent order, waiver, default, or other method agreed upon  
45 by the parties. (1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1987, c. 878, s. 6.)

46  
47 **§ 150B-31.1. Contested tax cases.**

48 (a) Application. – This section applies only to contested tax cases. A contested tax case  
49 is a case involving a disputed tax matter arising under G.S. 105-241.15. To the extent any  
50 provision in this section conflicts with another provision in this Article, this section controls.

1 (b) Simple Procedures. – The Chief Administrative Law Judge may limit and simplify  
2 the procedures that apply to a contested tax case involving a taxpayer who is not represented by  
3 an attorney. An administrative law judge assigned to a contested tax case must make reasonable  
4 efforts to assist a taxpayer who is not represented by an attorney in order to assure a fair  
5 hearing.

6 (c) Venue. – A hearing in a contested tax case must be conducted in Wake County,  
7 unless the parties agree to hear the case in another county.

8 (d) Reports. – The following agency reports are admissible without testimony from  
9 personnel of the agency:

10 (1) Law enforcement reports.

11 (2) Government agency lab reports used for the enforcement of motor fuel tax  
12 laws.

13 (e) Confidentiality. – The record, proceedings, and decision in a contested tax case are  
14 confidential until the final decision is issued in the case. (2007-491, s. 42; 2008-134, s. 9.)  
15

16 **§ 150B-32. Designation of administrative law judge.**

17 (a) The Director of the Office of Administrative Hearings shall assign himself or  
18 another administrative law judge to preside over a contested case.

19 (a1) Repealed by Sessions Laws 1985 (Reg. Sess., 1986), c. 1022, s. 1(15), effective July  
20 15, 1986.

21 (b) On the filing in good faith by a party of a timely and sufficient affidavit of personal  
22 bias or disqualification of an administrative law judge, the administrative law judge shall  
23 determine the matter as a part of the record in the case, and this determination shall be subject  
24 to judicial review at the conclusion of the proceeding.

25 (c) When an administrative law judge is disqualified or it is impracticable for him to  
26 continue the hearing, the Director shall assign another administrative law judge to continue  
27 with the case unless it is shown that substantial prejudice to any party will result, in which  
28 event a new hearing shall be held or the case dismissed without prejudice. (1973, c. 1331, s. 1;  
29 1985, c. 746, s. 1; 1985 (Reg. Sess., 1986), c. 1022, s. 1(1), 1(12), 1(15), c. 1028, s. 40; 1987, c.  
30 878, s. 8.)  
31

32 **§ 150B-33. Powers of administrative law judge.**

33 (a) An administrative law judge shall stay any contested case under this Article on  
34 motion of an agency which is a party to the contested case, if the agency shows by supporting  
35 affidavits that it is engaged in other litigation or administrative proceedings, by whatever name  
36 called, with or before a federal agency, and this other litigation or administrative proceedings  
37 will determine the position, in whole or in part, of the agency in the contested case. At the  
38 conclusion of the other litigation or administrative proceedings, the contested case shall  
39 proceed and be determined as expeditiously as possible.

40 (b) An administrative law judge may:

41 (1) Administer oaths and affirmations;

42 (2) Sign, issue, and rule on subpoenas in accordance with G.S. 150B-27 and  
43 G.S. 1A-1, Rule 45;

44 (3) Provide for the taking of testimony by deposition and rule on all objections  
45 to discovery in accordance with G.S. 1A-1, the Rules of Civil Procedure;

46 (3a) Rule on all prehearing motions that are authorized by G.S. 1A-1, the Rules  
47 of Civil Procedure;

48 (4) Regulate the course of the hearings, including discovery, set the time and  
49 place for continued hearings, and fix the time for filing of briefs and other  
50 documents;

- 1 (5) Direct the parties to appear and confer to consider simplification of the  
2 issues by consent of the parties;
- 3 (6) Stay the contested action by the agency pending the outcome of the case,  
4 upon such terms as he deems proper, and subject to the provisions of G.S.  
5 1A-1, Rule 65;
- 6 (7) Determine whether the hearing shall be recorded by a stenographer or by an  
7 electronic device; and
- 8 (8) Enter an order returnable in the General Court of Justice, Superior Court  
9 Division, to show cause why the person should not be held in contempt. The  
10 Court shall have the power to impose punishment as for contempt for any act  
11 which would constitute direct or indirect contempt if the act occurred in an  
12 action pending in Superior Court.
- 13 (9) Determine that a rule as applied in a particular case is void because (1) it is  
14 not within the statutory authority of the agency, (2) is not clear and  
15 unambiguous to persons it is intended to direct, guide, or assist, or (3) is not  
16 reasonably necessary to enable the agency to fulfill a duty delegated to it by  
17 the General Assembly.
- 18 (10) Impose the sanctions provided for in G.S. 1A-1 or Chapter 3 of Title 26 of  
19 the North Carolina Administrative Code for noncompliance with applicable  
20 procedural rules.
- 21 (11) Order the assessment of reasonable attorneys' fees and witnesses' fees  
22 against the State agency involved in contested cases decided under Chapter  
23 126 where the administrative law judge finds discrimination, harassment, or  
24 orders reinstatement or back pay.
- 25 (12) Repealed by Session Laws 2011-398, s. 17. For effective date and  
26 applicability, see editor's note. (1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1987,  
27 c. 878, ss. 5, 9, 10, 26; 1987 (Reg. Sess., 1988), c. 1111, ss. 18, 19; 1991, c.  
28 35, s. 5; 2000-190, s. 5; 2004-156, s. 4; 2011-398, s. 17.)  
29

30 **§ 150B-34. Final decision or order.**

31 (a) In each contested case the administrative law judge shall make a final decision or  
32 order that contains findings of fact and conclusions of law. The administrative law judge shall  
33 decide the case based upon the preponderance of the evidence, giving due regard to the  
34 demonstrated knowledge and expertise of the agency with respect to facts and inferences within  
35 the specialized knowledge of the agency.

36 (b) Repealed by Session Laws 1991, c. 35, s. 6.

37 (c) Repealed by Session Laws 2011-398, s. 18. For effective date and applicability, see  
38 editor's note.

39 (d) Except for the exemptions contained in G.S. 150B-1, the provisions of this section  
40 regarding the decision of the administrative law judge shall apply only to agencies subject to  
41 Article 3 of this Chapter, notwithstanding any other provisions to the contrary relating to  
42 recommended decisions by administrative law judges.

43 (e) An administrative law judge may grant judgment on the pleadings, pursuant to a  
44 motion made in accordance with G.S. 1A-1, Rule 12(c), or summary judgment, pursuant to a  
45 motion made in accordance with G.S. 1A-1, Rule 56, that disposes of all issues in the contested  
46 case. Notwithstanding subsection (a) of this section, a decision granting a motion for judgment  
47 on the pleadings or summary judgment need not include findings of fact or conclusions of law,  
48 except as determined by the administrative law judge to be required or allowed by G.S. 1A-1,  
49 Rule 12(c), or Rule 56. (1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1987, c. 878, ss. 5, 23; 1987  
50 (Reg. Sess., 1988), c. 1111, s. 21; 1991, c. 35, s. 6; 2000-190, s. 6; 2011-398, s. 18.)  
51

1 **§ 150B-35. No ex parte communication; exceptions.**

2 Unless required for disposition of an ex parte matter authorized by law, the administrative  
3 law judge assigned to a contested case may not communicate, directly or indirectly, in  
4 connection with any issue of fact, or question of law, with any person or party or his  
5 representative, except on notice and opportunity for all parties to participate. (1973, c. 1331, s.  
6 1; 1985, c. 746, s. 1; 1987, c. 878, s. 11; 2011-398, s. 19.)  
7

8 **§ 150B-36:** Repealed by Session Laws 2011-398, s. 20. For effective date and applicability, see  
9 editor's note.  
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11 **§ 150B-37. Official record.**

12 (a) In a contested case, the Office of Administrative Hearings shall prepare an official  
13 record of the case that includes:

- 14 (1) Notices, pleadings, motions, and intermediate rulings;
- 15 (2) Questions and offers of proof, objections, and rulings thereon;
- 16 (3) Evidence presented;
- 17 (4) Matters officially noticed, except matters so obvious that a statement of them  
18 would serve no useful purpose; and
- 19 (5) Repealed by Session Laws 1987, c. 878, s. 25.
- 20 (6) The administrative law judge's final decision or order.

21 (b) Proceedings at which oral evidence is presented shall be recorded, but need not be  
22 transcribed unless requested by a party. Each party shall bear the cost of the transcript or part  
23 thereof or copy of said transcript or part thereof which said party requests, and said transcript or  
24 part thereof shall be added to the official record as an exhibit.

25 (c) The Office of Administrative Hearings shall forward a copy of the administrative  
26 law judge's final decision to each party. (1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1987, c. 878, ss.  
27 13, 25; 2000-190, s. 8; 2011-398, s. 21.)