

## **7714 Hearing Officer Function and Authority**

### **(a)**

The hearing officer's primary function shall be to determine either, or both, of the following. Whether the: (1) Adverse determination being appealed violates the provisions of the Area Plan, department or area agency policies, contract, or grant terms, rules, laws, regulations, or procedural due process. (2) Selection of a bidder was arbitrary, capricious, grossly erroneous, or an abuse of discretion.

#### **(1)**

Adverse determination being appealed violates the provisions of the Area Plan, department or area agency policies, contract, or grant terms, rules, laws, regulations, or procedural due process.

#### **(2)**

Selection of a bidder was arbitrary, capricious, grossly erroneous, or an abuse of discretion.

### **(b)**

The hearing officer's authority and power shall include, but not be limited to, all of the following: (1) Holding conferences, including pre-hearing conferences, to settle, simplify, or fix the issue in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceedings. (2) Requiring parties to state their position with respect to the various issue(s) in the proceeding. (3) Directing the parties to exchange their evidentiary exhibits and witness lists, and narrative

summaries of their expected testimony, either prior to or during the hearing. (4)  
Determining the order of evidentiary presentation. (5) Deciding procedural matters.  
(6) Regulating the course of the hearing, including the location, date, and time. (7)  
Examining witnesses. (8) Fixing the limits for submission of written documents. (9)  
Taking any action authorized by this hearing procedure. (10) Recording the  
hearing.

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proceeding.

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narrative summaries of their expected testimony, either prior to or during the hearing.

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Examining witnesses.

**(8)**

Fixing the limits for submission of written documents.

**(9)**

Taking any action authorized by this hearing procedure.

**(10)**

Recording the hearing.

**(c)**

The hearing officer shall do all of the following: (1) Conduct a fair and impartial hearing. (2) Take all necessary actions to avoid delay. (3) Maintain decorum.

**(1)**

Conduct a fair and impartial hearing.

**(2)**

Take all necessary actions to avoid delay.

**(3)**

Maintain decorum.

**(d)**

Strict rules of evidence shall not be applicable to hearings pursuant to this article. However, the scope of testimony shall be relevant to the issue(s) identified in the written request for hearing.

**(e)**

The Department may terminate the hearing process if the parties negotiate a written agreement which resolves the issue(s).