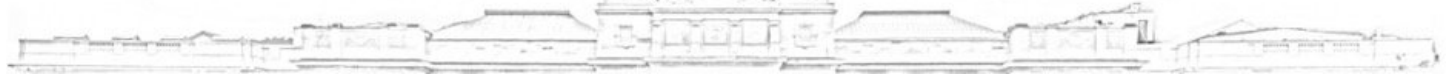




ADMINISTRATIVE RULES OF MONTANA



4.12.3206 SCHEDULING OF INFORMAL HEARING

- (1) The presiding officer shall fix the time and place for each informal hearing and shall notify each party in writing of the scheduled informal hearing at least seven days in advance of that date.
- (2) The informal hearing will follow the procedures of the Montana Administrative Procedure Act established in 2-4-603 and 2-4-604 , MCA.
- (3) Such notice shall include:
 - (a) the names and addresses of the parties to whom notice has been given;
 - (b) the address and telephone number of the presiding officer of the council;
 - (c) the names and addresses of the members of the council;
 - (d) the date, time, place, and subject of the informal hearing; and
 - (e) a statement of the legal authority under which the informal hearing is being held including the sections of statute and rules involved.
- (4) The presiding officer of the council shall attempt to schedule the hearing at a time and place mutually agreeable to the buyer and the seller. Provided that if a mutually agreeable time and place cannot be found, the presiding officer may set the time and place.
- (5) The presiding officer of the council may allow all or a part of the informal hearing to be conducted by telephone, or other electronic means, when the rights of the parties will not be prejudiced and each party has an opportunity to participate.
- (6) The parties involved in the informal hearing must declare and receive approval from the council for all persons appearing upon their behalf to provide testimony. A party may not be represented by an attorney unless all parties are represented by an attorney in the informal hearing.

Authorizing statute(s): 80-5-509, MCA

Implementing statute(s): 80-5-505, MCA

History: NEW, 2004 MAR p. 2102, Eff. 9/3/04.