



ADMINISTRATIVE RULES OF MONTANA



1.3.212 CONTESTED CASES, NOTICE OF OPPORTUNITY TO BE HEARD

- (1) All parties to contested cases must be provided notice of hearing. As illustrated by sample form 212a, the notice must include:
 - (a) the time, place, and nature of the hearing;
 - (b) the legal authority and jurisdiction under which the hearing is being conducted;
 - (c) a citation to the statutes and rules involved;
 - (d) a short and plain statement of the issues involved;
 - (e) notice that formal proceedings may be waived pursuant to 2-4-603, MCA;
 - (f) a statement advising parties of their right to be represented by counsel at the hearing; and
 - (g) if applicable, a statement stating the agency action or detailing at what point the party's legal rights, duties, or privileges will be revoked or imposed.

Sample Form 212a: Notice of Contested Case Hearing

BEFORE THE [agency] OF THE STATE OF MONTANA

In the matter of [summary - for example:) NOTICE OF HEARING ON
the Insurance Producer's License of) REVOCATION OF LICENSE
John Doe])

TO: [name of party]

At [time], [date], at [address], a hearing will be held for the [subject - for example: revocation of the insurance producer's license of John Doe].

The [agency] will make reasonable accommodations for persons with disabilities who wish to participate in this hearing or need an alternative accessible format of this notice. If you require an accommodation, contact [agency] no later than 5:00 p.m. on [date - no requirement specified in MAPA], to advise of the nature of the accommodation that is needed. Please contact [name, address, telephone, TTD number, fax, e-mail].

This hearing is held under the authority of [MCA section or agency regulation]. Violation of [MCA section or agency regulation] is alleged in that [statement of facts constituting alleged violation - for example: (Option 1: [Name] misappropriated to his own use money belonging to a policyholder, specifically the sum of \$500 from Mary Smith on or about the 1st day of March, 2008); or (Option 2: [Name] misappropriated to his own use money belonging to a policyholder. A more definite and detailed statement of the allegation may be obtained by applying to [name, address].)]

You are entitled to attend this hearing and respond and present evidence and arguments on all issues involved in this action.

You have a right to be represented by counsel at the hearing. If you desire to contest the proposed agency action, or to waive formal proceedings pursuant to 2-4-603, MCA, you must notify [name, address] in writing within [number of days which provides reasonable opportunity to prepare] days of service of this notice on you. Failure to notify [name] will result in [proposed agency action - for example: revocation] on the date of this hearing.

Dated this _____ day of _____, 20____.

(must be signed by:)

By [authorized person's signature]

Authorizing statute(s): 2-4-202, MCA

Implementing statute(s): 2-4-202, MCA

History: Eff. 12/31/72; AMD, 1977 MAR p. 1192, Eff. 12/24/77; AMD, 1979 MAR p. 1226, Eff. 10/12/79; AMD, 1981 MAR p. 1196, Eff. 10/16/81; AMD, 1992 MAR p. 1242, Eff. 6/12/92; AMD, 2008 MAR p. 1700, Eff. 8/15/08.