



ADMINISTRATIVE RULES OF MONTANA



4.12.3208 ALTERNATIVE DISPUTE RESOLUTION COUNCIL REPORT

- (1) The council shall prepare a written report of its findings within the established time frames. The report shall include:
 - (a) findings of fact and conclusions;
 - (b) the award; and
 - (c) allocations as to costs, if any.
- (2) A simple majority of the council shall be sufficient to make a decision.
- (3) The report shall constitute the final decision of the council.
- (4) Any member disagreeing with an award may prepare a dissenting opinion and that opinion shall be included in the council report.
- (5) Nothing in these rules will prohibit the department from taking enforcement actions based on the findings of the alternative dispute resolution council as prescribed in 80-5-136 , MCA, of the Montana Agricultural Seed Act.
- (6) Council findings of "inconclusive due to lack of evidence or cooperation" between parties would be noted in the final report. These findings may result in no award of damages being issued. Costs of the investigation would still be allocated equally.

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

Implementing statute(s): 80-5-507, MCA

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