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## **Rules of Practice**

### **Part I**

#### **General Provisions**

##### **Sec. 19-570-1. Description of organization**

The Department of Mental Retardation, which derives its duties and authority from Title 19 of the General Statutes, administers a statewide program of services to the mentally retarded through a network of twelve regional centers, two training schools, a special school district and a central office support staff.

Each regional center serves as a central point of referral for residential and day services. Residential services include group homes, supervised apartments and community training homes as well as on-campus facilities. Day services include case management, recreation, vocational counselling, training, diagnostic and evaluation services to both residents and non-residents as well as coordination of activities with many local community agencies and professional services.

Information concerning access to any services offered by the Department of Mental Retardation is available from the regional center that serves the retarded person's residential area (see map attached hereto), or from the Department's Central Office located at 342 North Main Street, West Hartford, Connecticut 06117.

(Effective August 12, 1982)

##### **Sec. 19-570-2. Commissioner**

The commissioner of mental retardation has the general responsibility for the operations of the department set forth in section 19-570 of the General Statutes.

(Effective August 12, 1982)

##### **Sec. 19-570-3. Official address**

All communications should be addressed to the Commissioner of Mental Retardation, 342 North Main Street, West Hartford, Connecticut 06117. Business relating to regional centers, training schools or other facilities under the department's supervision may be addressed to the Superintendent of that facility. (See address list attached hereto).

(Effective August 12, 1982)

##### **Sec. 19-570-4. Maintenance of administrative records: public inspection**

Department of Mental Retardation official administrative records are maintained by the Commissioner and are available for inspection at his office, 342 North Main Street, West Hartford, during regular business hours.

(Effective August 12, 1982)

##### **Sec. 19-570-5. Confidential client records**

Individual client records are maintained by the superintendents of the respective regional centers and training schools. These records are confidential and will only be released to the individual client or his/her representative in accordance with the following:

(a) The record of a client who is less than 18 years of age will be released upon the written authorization of his/her parent or guardian. The portion of the record maintained by the Special School District will be released according to the special regulations governing Special School District records.

(b) The record of a client who is 18 years of age or more and has a legally appointed guardian or conservator, will be released upon the written authorization of that guardian or conservator.

(c) The record of a client who is 18 years of age or more, who has not been adjudicated incompetent and who executes a release of information form, shall be released to his attorney.

(d) The record of a client who is 18 years of age or more, who has not been adjudicated incompetent, who has no guardian, and who in the opinion of a Qualified Mental Retardation Professional is incapable of giving informed consent, will be released on the written authorization of his/her parent(s). In cases where the parent(s) is unavailable or refuses to give consent, the record may be released on the written authorization of a guardian, to be obtained by petition to the appropriate Probate Court by the person requesting the release of the record.

(e) The record of a client who is 18 years of age or more, who has not been adjudicated incompetent, has no parents or guardian, and who in the opinion of a Qualified Mental Retardation Professional is incapable of giving informed consent will be released on the written authorization of a guardian, or be obtained by petition to the appropriate Probate Court by the person requesting the release of the record.

(f) When release of a client's record is required to obtain services from another government agency, only those portions of the record which contain essential information will be released and a record will be kept of all such releases.

(g) Individual client records containing references to third parties will have those references censored before release in accordance with the provisions of Section 4-193 (g) of the General Statutes, unless the release is to the client's attorney in which case the uncensored record will be released in accordance with P.A. 80-311.

(h) Pursuant to the provisions of Section 4-194 of the General Statutes portions of individual client records containing personal data that would, in the opinion of an interdisciplinary team, which includes a physician, be medically detrimental to the client if known by him, will not be released unless the release is to the client's attorney in which case the entire record will be released in accordance with P.A. 80-311. When a record containing medically detrimental information is released to a client's attorney, a statement to that effect will be attached explaining why the information is considered detrimental.

(i) The superintendent of each facility will cause a record to be kept of all access to any confidential records and will assure that all staff who have access to such records are trained in the proper use of such information and in its protection.

(Effective August 12, 1982)

## Part II

### Informal Procedures

#### Sec. 19-570-6. Concerns and questions

Concerns and questions arising from the activities of the agency may be resolved within the various subdivisions of the department by directing a written request to the appropriate superintendent of the training school or regional center involved, or to the appropriate division head within the central office who will conduct such meetings as reasonably necessary to respond.

(Effective August 12, 1982)

### Part III

#### Formal Procedures: General Provisions

##### Sec. 19-570-7. Procedure governed

These rules govern practice and procedure before the State Department of Mental Retardation under Chapter 365a and other related and applicable laws of the State of Connecticut except where by statute otherwise provided.

(Effective August 12, 1982)

##### Sec. 19-570-8. Definition

As used in these rules, except as otherwise required by the context:

(a) "Department" means the state department of mental retardation as defined in Sec. 19-570 of the General Statutes;

(b) "commissioner" means the commissioner of mental retardation as defined in Sec. 19-570 of the General Statutes;

(c) "presiding officer" means any person duly designated by the commissioner to preside at a hearing;

(d) "hearing" means a procedure in the disposition of matters delegated to the department wherein a presentation of evidence and argument occurs, which is preceded by due notice and which includes both an opportunity to present such written and oral testimony and argument as a presiding officer deems appropriate and an opportunity to examine and cross examine any witness giving testimony therein;

(e) "license" includes all forms of licenses, permits or certification required of the department under the General Statutes, and any other form of permits, certificate, approval, or registration whose administration has been delegated to the department by law;

(f) "person" means any individual, partnership, corporation, association, governmental subdivision municipality, or public or private organization of any character which appears before the department or commissioner, for any purpose;

(g) "complainant" means any person claiming to be aggrieved by any alleged illegal action coming under the jurisdiction of the state department of mental retardation or any person claiming a right to a hearing under a specific statute. A complainant may by himself or his attorney make, sign and file with the department a complaint. The commissioner may make, sign or file a complaint whenever he has just cause to believe that any person has been engaged or is engaging in any practice construed as being a violation of a statute or regulation coming under the jurisdiction of the department;

(h) "respondent" means any person alleged in a complaint to be a violator of a statute or regulation properly coming under the jurisdiction of the department.

(Effective August 12, 1982)

##### Sec. 19-570-9. Waiver of rules

Where good cause appears the commissioner or presiding officer may permit deviation from these rules, except where precluded by statute.

(Effective August 12, 1982)

##### Sec. 19-570-10. Construction and amendment

These rules shall be so construed by the commissioner or presiding officer as to secure a just, speedy and inexpensive determination of the issues presented. These rules shall be liberally construed and shall not be deemed to limit the powers

conferred by law upon the commissioner or the department. Amendment and additions to these rules may be adopted by the department by being duly promulgated as orders in accordance with the authority delegated to the department and the commissioner by law.

(Effective August 12, 1982)

**Sec. 19-570-11. Date of filing**

All orders, decisions, findings of fact, correspondence, motions, petitions, applications, and any other documents governed by these rules shall be deemed to have been filed or received on the date on which they were issued or stamped received by the department at its principal office. The principal office of the department is 342 North Main Street, West Hartford, Connecticut 06117. This office is open from 8:30 a.m. to 4:30 p.m. each weekday except Saturdays, Sundays and legal holidays.

(Effective August 12, 1982)

**Sec. 19-570-12. Identification of communications**

Communications should embrace only one matter, should contain the name and address of the communicators and the appropriate identification of the subject matter.

(Effective August 12, 1982)

**Sec. 19-570-13. Signatures**

Each application, notice, motion, petition, complaint, brief and memorandum shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person.

(Effective August 12, 1982)

**Part IV**

**Formal Procedures: Contested Cases**

**Complaint Procedure**

**Sec. 19-570-14. Form and filing**

The complaint shall be in writing with the original signed by the complainant, his attorney, or as otherwise required by statute. The original of the complaint shall be filed with the department.

(Effective August 12, 1982)

**Sec. 19-570-15. Contents**

A complaint shall contain the information requested on the appropriate form supplied by the department or if no form is available shall contain the following:

- (a) The full name and address of the complainant.
- (b) The full name and address of the respondent if known or identifiable: an alleged respondent may be named if expedient.
- (c) A reference to the section of the General Statutes of the State of Connecticut or to the rules and regulations alleged to have been violated by the respondent or reference to the section of the General Statutes which confers a right to hearing on the complainant.
- (d) A plain and simple statement of the facts, events or actions on which the claim is based.
- (e) The dates, date or time of the alleged violation.
- (f) The location or place of violation if pertinent to the complaint.

(Effective August 12, 1982)

**Sec. 19-570-16. Manner of filing**

The complaint may be filed by personal delivery or by regular, certified or registered mail addressed to the department or the commissioner.

(Effective August 12, 1982)

**Sec. 19-570-17. Modification or withdrawal of a complaint**

A complaint or any part thereof may be withdrawn only with the consent of the commissioner and upon such conditions as he may deem proper. When specific forms are available from the department the complainant may be requested to complete the form and if necessary to have the complaint notarized before further steps are taken. A complaint or any part thereof may be fairly and reasonably amended as a matter of right at any time before hearing thereon and thereafter at the discretion of the commissioner or the presiding officer at the hearing.

(Effective August 12, 1982)

**Investigations****Sec. 19-570-18. Reference**

After the filing of a complaint the commissioner shall refer the same to an employee as investigator to make prompt preliminary investigation.

(Effective August 12, 1982)

**Sec. 19-570-19. Dismissal of complaint**

If after investigation of the complaint the commissioner is of the opinion that there was no substantial and competent evidence of violation or of entitlement to hearing, the complaint shall be dismissed. In the event of such dismissal the complainant shall be notified including the reasons for dismissal of the complaint by the same method by which the complaint was filed, or by certified or registered mail.

(Effective August 12, 1982)

**Sec. 19-570-20. When hearings ordered**

In the cases where an investigation reveals a probable cause to believe a violation exists, or that an entitlement exists, the investigator shall report the facts ascertained concerning the complaint and the results of his investigation to the commissioner for whatever action he deems appropriate within his statutory authority. Except as otherwise provided by statute, the commissioner may in his discretion appoint a sole presiding officer or a hearing panel of not less than three persons who in either case shall be members of the Mental Retardation Council or of the department including himself to hear such complaints and shall cause to be delivered by certified or registered mail notification of such complaint to the respondent. In the instance where the department is the complainant the preliminary investigation of the alleged violation by the department preceding the issuance of the complaint shall be construed to comply with the investigation unless otherwise required by statute.

(Effective August 12, 1982)

**Sec. 19-570-21. Notice of hearing**

The notice of hearing shall state the time and place of hearing which shall be not less than 14 days from the date of the notice, and shall inform the respondent that he may file an answer to the complaint. Notice of the hearing shall be given to the complainant and to other interested persons as may be deemed appropriate.

(Effective August 12, 1982)

**Sec. 19-570-22. Place of hearing**

Unless by statute or by direction of the commissioner a different place is designated, all hearings of the department shall be held at the principle office of the department at 342 North Main Street, West Hartford, Connecticut 06117.

(Effective August 12, 1982)

**Filing of Answer**

**Sec. 19-570-23. Contents**

The respondent may by himself or his attorney answer the complaint. The answer shall be in writing, signed by the respondent or his attorney and filed with two copies at the office of the department within seven days from the date of the notice of the hearing. The answer shall contain a general or specific denial or admission of each and every allegation of the complaint controverted by the respondent or a denial of any knowledge or information thereof sufficient to form a belief and a statement of any matter constituting a defense. The answer shall contain the post office address of the respondent.

(Effective August 12, 1982)

**Sec. 19-570-24. Manner of filing**

The answer may be filed by personal delivery or by certified or registered mail addressed to the commissioner.

(Effective August 12, 1982)

**Sec. 19-570-25. Failure to deny or admit**

Any allegation in the complaint which is not denied or admitted in the answer unless the respondent shall state in the answer that he is without knowledge or information sufficient to form a belief shall be deemed admitted.

(Effective August 12, 1982)

**Sec. 19-570-26. Defense in new matter**

Any allegation of new matter contained in the answer shall be deemed denied without the necessity of a reply.

(Effective August 12, 1982)

**Sec. 19-570-27. Extension of time for filing**

Upon application the commissioner may for good cause shown extend the time within which the answer may be filed.

(Effective August 12, 1982)

**Sec. 19-570-28. Amendments**

The answer or any part thereof may be amended as a matter of right at any time before the first hearing and thereafter at the discretion of the presiding officer on application duly made therefore. An original with a copy of the amended answer shall be filed with the department.

(Effective August 12, 1982)

**Sec. 19-570-29. Amendment of answer upon amendment of complaint**

In any case where a complaint has been amended the respondent shall have an opportunity to amend his answer within such period as may be fixed by the presiding officer.

(Effective August 12, 1982)

**Sec. 19-570-30. Failure to file answer**

The presiding officer may proceed with the hearing, notwithstanding any failure of the respondent to file an answer within the time provided, holding the hearing at the time and place specified in the notice of hearing and may make findings of fact and enter orders in the testimony taken at the hearing.

(Effective August 12, 1982)

**Service of All Documents and Other Papers****Sec. 19-570-31. Procedure**

(a) Service of all documents and other papers filed in all proceedings, including but not limited to motions, petitions, applications, notices, briefs, and exhibits shall be by delivery in person or by first class mail, except as otherwise provided by statute.

(b) All such documents and other papers shall be served by the person filing the same on all parties to the proceeding and all such additional persons as the commissioner may require.

(c) A copy of any document or other papers served by the department, showing the address where such document or other paper was mailed shall be placed in the commissioner's files and shall be prima facie evidence of such service and the date thereof.

(Effective August 12, 1982)

**Pre-Hearing Conferences****Sec. 19-570-32. Informal dispositions**

The presiding officer may call and hold conferences to consider simplifying, clarifying or joining issues, and disposing of any action by consent order or license, unless prohibited by statute. Within a reasonable time prior to any such conference, the presiding officer shall notify the parties of it. If the parties who attend the conference agree to a disposition of the actions, the presiding officer shall so inform the commissioner who may then issue a consent order or license which shall embody the terms of such disposition, and which shall be a final decision of the department.

(Effective August 12, 1982)

**Sec. 19-570-33. Pre-hearing conferences**

The presiding officer may direct the parties to appear at specified times and places for conferences to consider (a) simplification and clarification of issues for hearings; (b) consolidation or joinder of parties; (c) stipulations and admissions of act and of document; (d) limitation of expert witness, exchange of lists of witnesses and summaries of testimony, and other steps to expedite the presentation of evidence; and (e) such other matters as may aid in the orderly disposition of the hearing. The presiding officer shall notify the parties of the date, time and place of the conference. Following any conference, the presiding officer may enter an order which (a) recites the action taken at the conference, and any agreements made by the parties as to any of the matters considered; (b) states the issues for the hearing; (c) consolidates parties at hearing; or (d) otherwise aids in the orderly disposition of the hearing. Any such order shall control the subsequent course of the action unless modified by the presiding officer for good cause.

(Effective August 12, 1982)

## Hearings

### **Sec. 19-570-34. Acceleration of hearings**

The parties to the proceedings may consent by written stipulation to a hearing within less than the time required in the notice of the hearing after said notice has been received.

(Effective August 12, 1982)

### **Sec. 19-570-35. Powers and duties of presiding officer**

A presiding officer shall have full authority to control the procedure of a hearing; to admit or exclude testimony or other evidence; and to rule upon all motions and objections. The presiding officer shall make full inquiry into all facts at issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. The presiding officer may call and examine witnesses, direct the production of papers and introduce the same into the record of the proceedings.

(Effective August 12, 1982)

### **Sec. 19-570-36. Improper conduct**

The presiding officer may exclude from the hearing room or from further participation in the proceedings any person who engages in improper conduct during the hearing.

(Effective August 12, 1982)

### **Sec. 19-570-37. Motions and objections at hearings**

Motions made during a hearing and objections with respect to the conduct of a hearing including objections to the introduction of evidence shall be stated orally and shall with the ruling of the presiding officer be included in the stenographic report of the hearing.

(Effective August 12, 1982)

### **Sec. 19-570-38. Motions before or after hearing**

All motions other than those made during the hearing shall be in writing stating briefly the order or relief applied for and the grounds for such motion. The original with two copies shall be filed with the presiding officer within three days after date of notice of the hearing. Answering statements if any together with two copies shall be filed with the presiding officer. All motions shall be decided by the presiding officer without oral argument thereon unless the presiding officer shall determine to hear oral argument or to take testimony in which event the presiding officer shall notify the parties of the fact and of the time and place for such argument or for the taking of such testimony.

(Effective August 12, 1982)

### **Sec. 19-570-39. Waiver of objections**

Any objection not duly urged before the presiding officer shall be deemed waived unless the failure or neglect to use such objection shall be excused for cause by the presiding officer.

(Effective August 12, 1982)

### **Sec. 19-570-40. Joinder of proceedings**

Two or more proceedings may be heard together by the presiding officer in his discretion.

(Effective August 12, 1982)

**Sec. 19-570-41. Stipulations**

Stipulations with regard to matters and issues made with the consent of the presiding officer may be introduced in evidence.

(Effective August 12, 1982)

**Sec. 19-570-42. Rights of parties at hearings**

All parties to a hearing may call, examine and cross examine witnesses and introduce papers, documents or other evidence into the record of the proceedings subject to the ruling of the presiding officer.

(Effective August 12, 1982)

**Sec. 19-570-43. Examination of witnesses**

Witnesses at all hearings shall be examined orally under oath or affirmation and a record of the proceedings shall be made by the presiding officer.

(Effective August 12, 1982)

**Sec. 19-570-44. Depositions**

The presiding officer on his own motion or on the written application of a party shall whenever necessary or required and on such terms and conditions as he may determine take or cause to be taken depositions of witnesses residing within or without the state.

(Effective August 12, 1982)

**Sec. 19-570-45. Rules of evidence**

The following rules of evidence shall be followed in the admission of testimony and exhibits in all hearings:

(a) **General.** Any oral or documentary evidence may be received; but the presiding officer shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The presiding officer shall give effect to the rules of privilege recognized by law in Connecticut where appropriate to the conduct of the hearing. Subject to these requirements and subject to right of any party and to cross examine, any testimony may be received in written form as herein provided.

(b) **Documentary evidence, copies.** Documentary evidence may be received at the discretion of the presiding officer in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies, within the provisions of Section 52-180 of the General Statutes.

(c) **Cross examination.** Such cross examination may be conducted as the presiding officer shall find to be required for a full and true disclosure of the facts.

(d) **Facts noticed.** The presiding officer may take administrative notice of judicially cognizable facts, including the records and the prior decisions and orders of the department. Any exhibit admitted as evidence by the presiding officer in a prior hearing may be offered as evidence in a subsequent hearing and admitted as an exhibit therein; but the presiding officer shall not deem such exhibit to be cognizable in whole **or in part for this purpose** and shall not consider any facts set forth therein unless such exhibit is duly admitted as evidence in the matter then being heard.

(e) **Facts, notices, scope and procedure.** The presiding officer may take administrative notice of generally recognized technical or scientific facts within his/her specialized knowledge. Parties shall be offered an opportunity to contest the material so noticed by being notified before or during the hearing, or by an appropriate reference in preliminary reports or otherwise of the material noticed. The presiding

officer shall nevertheless employ the experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making a finding of facts and arriving at a final decision.

(Effective August 12, 1982)

**Sec. 10-570-46. Oral arguments or briefs**

The presiding officer shall permit the parties to submit oral arguments before him and the members of the panel and to file briefs within such time limits as the presiding officer may determine.

(Effective August 12, 1982)

**Sec. 19-570-47. Continuation of hearings**

The presiding officer may continue a hearing from day to day or adjourn it to a later date or to a different place by announcement thereof at the hearing or by appropriate notice.

(Effective August 12, 1982)

**Sec. 19-570-48. Waiver of hearing**

With the consent in writing of the respondent and notice to all others concerned, an order may be entered without holding of any hearing or the making of any findings of fact or conclusion of law.

(Effective August 12, 1982)

**Sec. 19-570-49. Application to reopen a hearing**

A complainant or respondent may for good cause shown apply for the reopening of the previously closed proceedings. Upon such application the commissioner may whenever justice so requires reopen any matter previously closed and vacate any order made thereon, upon notice of such reopening being given to all parties at a hearing held.

(Effective August 12, 1982)

**Sec. 19-570-50. Record**

The record of the proceedings before the presiding officer shall consist of the complaint and amended complaint, if any, the answer and the amended answer, if any, notices of hearing, written applications, motions, orders, verbatim stenographic transcript of the record on the hearing, exhibits, briefs if filed and the final report.

(Effective August 12, 1982)

**Sec. 19-570-51. Report of hearing; action on report**

A report shall be prepared by the presiding officer after the hearing setting forth the findings of fact, the decision, and in his discretion an opinion containing reasons for said decision. This report shall be presented to the commissioner. If upon all of the evidence the presiding officer shall find that the respondent has violated any law, rule or regulations, the commissioner on being so informed and considering the record, shall state the findings of fact in which he concurs, and his decision. If upon all the evidence, the presiding officer shall find that a respondent has not been guilty of an infraction the law, the rules or regulations, the commissioner on being so informed and considering the record shall state the findings of fact and his decision.

(Effective August 12, 1982)

**Sec. 19-570-52. Uncontested disposition**

Unless precluded by law, any complaint, application or petition may be resolved by stipulation, agreed settlement, consent order or default, subject to the order of the commissioner.

(Effective August 12, 1982)

**Sec. 19-570-53. Final decisions**

All decisions and orders of the commissioner concluding a contested case shall be in writing. The commissioner will serve a copy of his decision on each party.

(Effective August 12, 1982)

**Sec. 19-570-54. Filing of final dispositions**

All dispositions rendered after a hearing shall be filed at the office of the department and shall be opened to public inspection during regular office hours.

(Effective August 12, 1982)

**Sec. 19-570-55. Certification**

The commissioner or his authorized deputy is further authorized and empowered to certify all documents or records which are a part of the files and records of any hearing.

(Effective August 12, 1982)

**Sec. 19-570-56. Ex parte communications**

Unless required for the disposition of matters authorized by statute, neither the commissioner nor any presiding officer shall communicate directly or indirectly with any party concerning any issue of fact or law involved in any contested case that has been commenced under these rules, except upon notice and opportunity for all parties to participate. Any presiding officer and the commissioner may communicate with each other ex parte and may have the aid and advice of such members of the department staff as are assigned to assist them in such contested case.

(Effective August 12, 1982)

**Sec. 19-570-57. Appeal to superior court**

A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review by way of appeal. Such appeals shall be conducted in accordance with the requirements of Section 4-183 through 4-184 of the Connecticut General Statutes.

(Effective August 12, 1982)

**Formal Procedures: Matters Involving Licenses****Sec. 19-570-58. General**

When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply, as do those of Section 4-182.

(Effective August 12, 1982)

**Sec. 19-570-59. General rules**

These rules set forth the procedure to be followed by the commissioner in the disposition of requests for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the commissioner. Such a ruling of the commissioner disposing of a petition for a declaratory ruling shall have the same status as any decision or order of the commissioner in a contested case.

(Effective August 12, 1982)

**Sec. 19-570-60. Petitions for declaratory rulings**

Any interested person may at any time request a declaratory ruling from the commissioner with respect to the applicability to such person of any statute, regulation or order enforced, administered, or promulgated by the commissioner. Such

request shall be addressed to the commissioner and filed at the principal office of the commissioner. It shall give the address of the person inquiring and the name and address of such person's attorney, if any. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation or order concerning which the inquiry is made and shall identify the particular aspect thereof to which the inquiry is directed. The request for a declaratory ruling shall be accompanied by a statement of any supporting data, facts and arguments that support the position of the person making the inquiry.

(Effective August 12, 1982)

### **Sec. 19-570-61. Procedure after filing**

(a) **Notice to other persons.** The commissioner may give notice to any person that such a declaratory ruling has been requested and may receive and consider data, facts, arguments and opinions from persons other than the person requesting the ruling.

(b) **Provisions for hearing.** If the commissioner deems a hearing necessary or helpful in determining any issue concerning the request for a declaratory ruling, the commissioner shall schedule such hearing and give such notice thereof as shall be appropriate.

(c) **Decision on petition, ruling denied.** If the commissioner determines that a declaratory ruling will not be rendered, the commissioner shall within ten days thereafter notify the person so inquiring that the request has been denied and furnish a statement of the reasons on which the commissioner relied in so deciding.

(d) **Decision on petition, ruling granted.** If the commissioner renders a declaratory ruling, a copy of the ruling shall be sent to the person requesting it and to that person's attorney, if any, and to any other person who has filed a written request for a copy with the commissioner.

(Effective August 12, 1982)

## **Formal Procedures: Investigative Hearings**

### **Sec. 19-570-62. General**

The commissioner may hold investigative hearings for the purpose of (a) ascertaining compliance with any statute or regulation within the department's jurisdiction to administer or enforce; or (b) receiving information concerning any matter which reasonably may be the subject of regulation by the department. The commissioner shall provide reasonable notice of any such hearing to all interested persons and the general public.

(Effective August 12, 1982)

## **Formal Procedures: Adoption, Amendment or Repeal of Departmental Regulations**

### **Sec. 19-570-63. General**

These rules set forth the procedure to be followed by the department in the adoption, amendment or repeal of departmental regulations.

(Effective August 12, 1982)

### **Sec. 19-570-64. Petitions**

Any interested person may at any time petition the department to adopt, amend or repeal any regulations. The petition shall clearly and concisely set forth the text

of the proposed regulations, amendment or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments either in the petition or in a brief accompanying such petition. The petition shall be addressed to the commissioner and sent to him by mail or delivered during normal business hours. The petition shall be signed by the petitioner and shall include his or her address and the name and address of any agent or counsel, if applicable.

(Effective August 12, 1982)

### **Sec. 19-570-65. Reserved**

### **Sec. 19-570-66. Notice of intent to adopt regulations**

(a) **General.** Notice of the intended action to adopt, amend or repeal regulations shall be given by the commissioner at least thirty days prior to its proposed action, unless some other time is specified by any applicable law. The commissioner shall cause the notice to be published in the Connecticut Law Journal and in such other publications as the commissioner may determine. The commissioner shall likewise notify in writing any person specified by any law and any person who has filed a request for notice pursuant to Section 19-570-68 of these regulations.

(b) **Form.** The notice shall contain the following: (1) the commissioner's statutory authority to adopt the proposed regulations; (2) the procedure for submitted data, views or arguments including the time and place of a public hearing, if any; (3) the terms of the proposed regulations or the substance of the subjects and issues involved and the intended action; and (4) any additional matter required by any law.

The above notwithstanding, the commissioner shall also comply with any applicable statute which contains provisions for notice which differs from those contained herein.

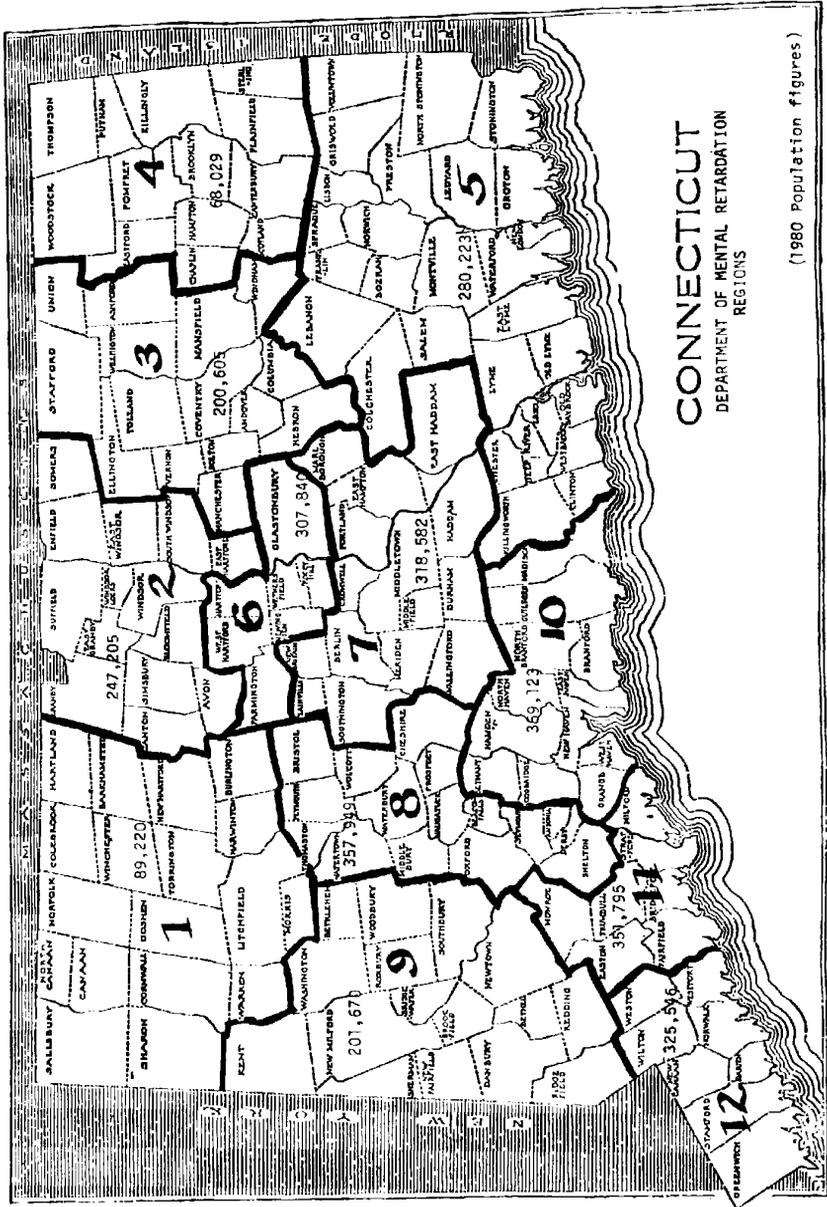
(c) **Procedure.** Within such period as may be stated in the notice, but not less than fifteen days, any interested person may submit a signed letter, brief or other memorandum stating his views or arguments concerning the proposed action. The letter, brief or memorandum shall be addressed to the commissioner and sent to the department or delivered in person during normal business hours. The commissioner may hold a hearing for the purpose of receiving oral submissions, and shall hold a hearing, in the case of a proposal to adopt, amend, or repeal substantive regulations if requested by fifteen or more persons or by an association having not less than fifteen members. The hearing shall be public. Upon completion of the hearing, the commissioner may permit additional written material to be filed during such period as he may determine.

(d) **Withdrawal of proposed regulations.** The commissioner may withdraw any proposed regulations or rulemaking action by notice as provided in Subsection (a) hereof, and upon such notice such proposed regulation or action shall be of no further force or effect.

(Effective August 12, 1982)

### **Sec. 19-570-67. Request for notice of hearings**

Any person may file with the commissioner a request in writing to receive notice of proposed regulation making actions. Any such request shall contain the name and address of the person, and shall be effective until the end of the calendar year in which it is filed.



(Effective August 12, 1982)