

DEPARTMENT OF STATE
BUREAU OF LEGAL SERVICES
PROCEDURE FOR CONDUCTING HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, as amended, being S24.101 et seq. of the Michigan Compiled Laws)

R 11.1 Definitions.

Rule 1. The term "secretary of state" as used in these rules shall be deemed to mean:

- (a) The secretary of state or the deputy secretary of state.
- (b) Any employee of the department of state charged by law with conducting hearings.
- (c) Any employee of the department of state authorized by the secretary of state to conduct any hearing or hearings.

History: 1979 AC.

R 11.2 Notice of hearing.

Rule 2. Notification of any hearing before the secretary of state will be by registered mail, and will state the date, time, place, issues involved and reasons for holding said hearing. Such notice will be mailed at least 10 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the office of the secretary of state, State Capitol, Lansing, Michigan.

History: 1979 AC.

R 11.3 Appearance.

Rule 3. When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

History: 1979 AC.

R 11.4 Answer; oral statement on charges; written briefs or arguments.

Rule 4. The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the secretary of state and opposite parties at least 5 days prior to the date set for the hearing.

History: 1979 AC.

R 11.5 Failure to appear at hearing.

Rule 5. If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the secretary of state may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

History: 1979 AC.

R 11.6 Statement of facts.

Rule 6. Any person who requests a hearing, shall submit in writing a full and accurate statement of facts upon which his request is made to the secretary of state and to all interested parties and such statement of facts shall be accepted in evidence.

History: 1979 AC.

R 11.7 Adjournment or continuance of hearing.

Rule 7. No hearing shall be adjourned or continued, except upon order of the secretary of state or his agent conducting the hearing. All motions and requests for an adjournment, or continuance, shall be accompanied by a statement of the reasons therefor. No motion or request for an adjournment or continuance will be considered unless same is filed with the secretary of state at least 5 days prior to the date assigned for the hearing, except that the secretary of state or his agent may accept such request during a hearing or may waive the 5-day notification if proper showing is made that for reasons not within the control of the person or parties making the motion or request, the motion or request could not be filed within such time limit.

History: 1979 AC.

R 11.8 Stipulations.

Rule 8. The parties to any hearing before the secretary of state, may, by stipulation in writing, filed with the secretary of state, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

History: 1979 AC.

R 11.9 Depositions.

Rule 9. Depositions shall only be taken upon written authority of the secretary of state when it appears to the secretary of state that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being Michigan Statutes Annotated, Section 27.854, et seq., with all parties given an opportunity to cross-examine the witness under oath.

History: 1979 AC.