

17 CAR § 236-1006. Hearings before a hearing examiner or member of the board.

(a)(1) In the alternative, the Arkansas State Board of Public Accountancy may appoint a hearing examiner or member of the board, who may conduct hearings in the absence of the board.

(2) Such member or hearing examiner shall have the authority to:

(A) Administer oaths and affirmations;

(B) Rule upon offers of proof and receive relevant evidence;

(C) Regulate the course of the hearing;

(D) Hold conferences for the settlement or simplification of issues by consent of the parties; and

(E) Dispose of procedural requests or similar matters.

(b)(1) In the event that the respondent challenges the sufficiency of the proffered charges or the jurisdiction of the board, any recommended ruling in favor of the respondent shall be referred to the board for decision.

(2) Any recommended finding against the respondent shall be included in the board member's or hearing examiner's report.

(c)(1) Within thirty (30) days after the conclusion of the final hearing before the hearing examiner or member of the board or within such extended period of time as may be allowed by the board for good cause shown, the hearing examiner or member of the board shall make a report to the board.

(2) The report shall include:

(A) Recommended findings of fact and conclusions of law as to each item of misconduct with which the respondent is charged;

(B) Recommendations as to whether or not the respondent should be found guilty of misconduct justifying disciplinary measures;

(C) Recommendations as to the disciplinary measures to be applied, if any; and

(D) A recommended form of order.

(d) A copy of the hearing examiner's or member of the board's report shall be served upon the respondent.