

21 NCAC 21 .0606 ORAL ARGUMENT

(a) The parties shall be notified of the date, time and place of oral argument before the Board (if held separately from an evidentiary hearing). Oral argument in all cases shall be limited to 15 minutes per presentation, unless prior approval is obtained. Such arguments shall be based solely on the information contained in the record as compiled by the Board or as submitted to the Board by the Office of Administrative Hearings. If a party fails to appear after receiving notice of the time for oral argument, the Board may proceed to issue a decision in the absence of the party.

(b) If the evidentiary hearing was conducted by an administrative law judge, the party which did not prevail before the administrative law judge is entitled to make the first oral argument and to present a rebuttal. If both parties are seeking changes in the administrative law judge's recommended decision, both parties may present a rebuttal and the party with the burden of proof shall make the first oral argument and the first rebuttal.

(c) If the oral argument is part of an evidentiary hearing conducted by the Board, the attorney representing the Board may make the first oral argument and present a rebuttal.

History Note: Authority G.S. 89E-5; 89E-20; 150B-38; 150B-40;
Eff. April 1, 2003;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.