

24 NCAC 06A .0315 PREHEARING CONFERENCE AND STIPULATIONS

(a) The hearing officer may direct the parties to conduct an informal pre-hearing conference, or the parties may request such a conference, which shall be scheduled at a time and place agreed upon by the parties. If the parties do not agree on the time and place of the pre-hearing conference, the hearing officer may set the time and place of the pre-hearing conference, giving reasonable written notice to all parties in the proceedings.

(b) At the discretion of the hearing officer, all or part of the pre-hearing conference may be conducted by telephone or other electronic means, so long as each party has an opportunity to participate.

(c) The hearing officer shall conduct the pre-hearing conference to address, where applicable:

- (1) exploring settlement possibilities;
- (2) formulating, clarifying, and simplifying the issues to be contested at the hearing;
- (3) preparing stipulations of facts or findings;
- (4) ruling on the identity and number of witnesses;
- (5) determining the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form and the extent to which telephone, video tape, or other electronic means will be used as a substitute for proceedings in person;
- (6) determining what depositions, discovery orders, or subpoenas will be needed; and
- (7) other matters identified by the hearing officer.

(d) The parties in a Disciplinary Hearing may agree upon any fact involved in the controversy by stipulation in writing filed with the hearing officer; which stipulation shall be used as evidence at the hearing and be binding on the parties thereto. Parties should agree upon facts when practicable.

(e) Written stipulations shall be filed with the hearing officer no later than 5:00 p.m. Eastern Time, three business Days prior to the scheduled hearing.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1C-015;
Eff. January 8, 2024;
Readopted Eff. March 27, 2024.*