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**IDAPA 24
TITLE 20
CHAPTER 01**

24.20.01 - RULES OF THE BUREAU OF OCCUPATIONAL LICENSES

000. LEGAL AUTHORITY (RULE 0).

These rules are established pursuant to the authority vested in the Bureau of Occupational Licenses by the provisions of Section 67-2609, Idaho Code. (3-15-02)

001. TITLE AND SCOPE (RULE 1).

01. Title. These rules shall be cited in full as IDAPA 24.20.01, "Rules of the Bureau of Occupational Licenses." (3-15-02)

02. Scope. These rules include, but are not limited to the procedures followed by the Bureau of Occupational Licenses and Boards in contested cases. (3-15-02)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Bureau may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost at the Bureau office. (3-15-02)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Chapter 52, Title 67, Idaho Code, and IDAPA 04.11.01.100 through 04.11.01.799, "Idaho Rules of Administrative Procedure of the Attorney General." (3-15-02)

004. INCORPORATION BY REFERENCE (RULE 4).

There are no documents that have been incorporated by reference into these rules other than those sections of Idaho Code so referenced. (3-15-02)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS (RULE 5).

The office of the Bureau is located within the Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702. The phone number of the Bureau is (208) 334-3233. The Bureau's FAX number is (208) 334-3945. The Bureau's e-mail address is ibol@ibol.state.id.us. The Bureau's official web site is at www2.state.id.us/ibol. The Bureau is open between the hours of 8 a.m. and 5 p.m. each day except Saturdays, Sundays and holidays. (3-15-02)

006. PUBLIC RECORDS ACT COMPLIANCE (RULE 6).

Records maintained by the Bureau are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-15-02)

007. FILING OF DOCUMENTS (RULE 7).

All written communications and documents that are intended to be part of an official record for decision in rulemakings or contested cases before the Bureau or a board shall be filed with the Bureau or the relevant board at the offices of the Bureau during office hours. One (1) original of each document must be filed with the Bureau or board. Additionally, one (1) copy must be provided for the hearing officer and one (1) copy must be provided to the opposing party. The person or officer presiding over any rulemaking or contested case proceeding may issue orders requiring the filing of additional copies for use in such proceeding. Any communication or document may be filed with the Bureau by a facsimile machine process (FAX), provided that such FAX transmission must be received during the office hours set forth in Section 005 and be legible in its entirety. It shall be the responsibility of the filing party to verify with Bureau staff that any FAX transmission is successfully received and legible in its entirety. (3-15-02)

008. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES (RULE 8).

01. Change of Name. Whenever a change of a licensee's name of record occurs, the licensee must immediately notify the Bureau in writing of the change. Official documentation confirming the change of name must be provided to the Bureau on request. (3-15-02)

02. Change of Address. Whenever a change of the licensee's address of record occurs, the licensee must immediately notify the Bureau in writing of the change. (3-15-02)

03. Address for Notification Purposes. The most recent mailing address on file with the Bureau will be used for purposes of all written communication with a licensee including, but not limited to, notification of renewal and notices related to disciplinary actions. It is the responsibility of each licensee to keep the Bureau informed of a current mailing address. (3-15-02)

009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Address of Record. The address that appears on an official license issued by a board to practice an occupation or profession. The address of record is considered a public record pursuant to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-15-02)

02. Board. Any professional or occupational licensing board of the state of Idaho receiving administrative, investigative, legal, fiscal and other services from the Bureau. The boards receiving such services from the Bureau include, but are not limited to, those listed in Section 67-2602(1), Idaho Code. (3-15-02)

03. Bureau. The Bureau of Occupational Licenses as prescribed in Section 67-2602, Idaho Code. (3-15-02)

04. Complaint. A written communication in a form approved by the Bureau that contains the name, address, and phone number of the complaining party, the name, address, phone number, and profession of the licensee complained against, and a narrative of the facts and circumstances and perceived acts or omissions that may constitute cause for disciplinary action against the licensee. The complaint must be signed by the complaining party. (3-15-02)

05. Formal Complaint. The document that initiates a hearing before a board and charges a licensee with acts or omissions under the laws administered by the board. (3-15-02)

06. Hearing. A hearing is a contested case. (3-15-02)

07. Hearing Officer. A person appointed by the Bureau or a Board, other than a member of the Board, to preside over the hearing of a contested case. (3-15-02)

08. Licensee. A person holding any current, expired, cancelled, suspended, revoked, or otherwise sanctioned license, registration, permit and/or certificate issued by a board. (3-15-02)

09. Mailing Address. The address used by the Bureau or a board for purposes of all written communication with an applicant for a license, permit, certificate, or registration, or a licensee, including, but not limited to, general correspondence, notification of renewal, and notices related to disciplinary actions. The mailing address may or may not be the same as the address of record. (3-15-02)

10. Representative of the Board. Any person, including the Chief of the Bureau of Occupational Licenses, designated by a Board to act as its agent under certain circumstances. (3-15-02)

011. -- 019. (RESERVED).

020. PROCEDURES GOVERNING HEARINGS (RULE 20).

Procedures for a hearing before the Bureau or a Board shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01, and the provisions of Idaho Code and administrative rules governing the Boards. These rules supplement the contested case procedures of the Boards, if any. Where these rules are inconsistent with provisions of the Idaho Code governing the procedures for a hearing before a board, the Idaho Code provisions are the controlling authority. (3-15-02)

021. -- 099. (RESERVED).

100. REPORT AND INVESTIGATION OF VIOLATIONS (RULE 100).

01. Who May Report a Violation. Any person who knows of a violation by a licensee of the lawful requirements for the retention of a license, registration, permit or certificate may report the violation to the Bureau. (3-15-02)

02. Person Reporting a Violation. A person reporting a violation is not regarded as a party to the investigation or to any proceeding that may result from the investigation. The policy of the Bureau shall be not to publish or divulge the name of any person reporting a violation. The name of a person reporting a violation may be obtained, however, pursuant to the rules governing discovery during contested case proceedings. (3-15-02)

03. Insufficient Facts and Evidence. If, after review, the Bureau finds that either the complaint or the investigative report concerns facts and evidence insufficient to warrant the filing of a formal complaint against a licensee, no further action shall be taken. (3-15-02)

04. Sufficient Facts and Evidence. If after investigation the Bureau finds that the investigative report concerns facts and evidence potentially sufficient to warrant the filing of a formal complaint against a licensee, a formal complaint against the licensee may be prepared by the Bureau with the approval and assistance of the Office of the Attorney General and filed with the Board. (3-15-02)

05. Preliminary Investigations and Papers. Preliminary investigations and papers obtained as part of an inquiry into a person's fitness to be granted or to retain a license, certificate, permit, privilege, or registration shall be confidential until a formal complaint is filed. This rule is subject to any provisions in the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code, and the Idaho Rules of Civil Procedure which may require or limit disclosure either before or after a formal complaint is filed. (3-15-02)

101. -- 199. (RESERVED).

200. INITIATION OF A HEARING (RULE 200).

A hearing shall be initiated by filing with the Bureau or relevant board a formal complaint or other pleading. A formal complaint or other pleading initiating a hearing may be signed by the Chief of the Bureau of Occupational Licenses or his designated representative. Upon receipt of a formal complaint or other pleading, the relevant board or its representative shall assign it a docket number and may select and appoint a hearing officer. Regardless of who conducts the hearing, all board members shall be entitled to attend and participate in a hearing. (3-15-02)

201. NOTICE REQUIRED (RULE 201).

The formal complaint shall include a notice containing the following information: (3-15-02)

01. File an Answer. The respondent is required to file an answer to the formal complaint; (3-15-02)

02. Time Limit. The applicable time limits for filing an answer; (3-15-02)

03. Default Notice. That if the respondent fails to timely file an answer, then a notice of default may be issued; (3-15-02)

04. Hearing to Be Scheduled. That a hearing will be scheduled within applicable time limits pursuant to a Notice of Hearing if he files an answer; (3-15-02)

05. Opportunity to Respond to Complaint. That at the hearing he will be afforded an opportunity to respond to the formal complaint and to present evidence and argument on all issues involved, and an opportunity to cross-examine all witnesses testifying against him; (3-15-02)

06. Legal Representation. That he has the right to be represented by an attorney; that if he fails to appear at the hearing, the Board may revoke, suspend, or impose other disciplinary sanctions as authorized by law

without further notice; and (3-15-02)

07. Issuance of Subpoenas. That he is entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things relevant to the proceedings. (3-15-02)

202. -- 599. (RESERVED).

600. RULEMAKING HISTORY PRIOR TO JULY 1, 1993 (RULE 600).
These rules are adopted and effective this first day of June, 1981. (3-15-02)

601. -- 999. (RESERVED).

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