

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

***** 339.5515.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

339.5515.new Formal complaint and notice; service; alternatives; informal conference; settlement; contested case hearing.

Sec. 515. (1) After an investigation is conducted and a formal complaint is prepared, the department shall serve the formal complaint on the respondent and the complainant. At the same time, the department shall serve the respondent with a notice that describes the compliance conference and hearing processes and offers the following alternatives to the respondent:

(a) An opportunity to meet with the department to negotiate a settlement of the matter.

(b) If the respondent is a licensee or registrant under this act, an opportunity to demonstrate compliance before a contested case hearing is held.

(c) An opportunity to proceed to a contested case hearing.

(2) A respondent that is served with notice of a formal complaint under this section may select, within 15 days after the respondent receives the notice, 1 of the alternatives described in subsection (1). If a respondent does not select 1 of those alternatives within the time period described in this subsection, then the department shall proceed to a contested case hearing as described in subsection (1)(c).

(3) At any time during an investigation or administrative process under this article, the department may bring the parties together for an informal conference to attempt to resolve the issues raised in the complaint. An informal conference may be attended by a member of the board, at the discretion of that board, and may result in a settlement, consent order, waiver, default, or other method of settlement agreed on by the parties and the department. A settlement may include the revocation, suspension, or limitation of a license or registration; censure; probation; restitution; or a penalty under article 6.

(4) A board may reject a settlement and require a contested case hearing.

(5) An authorized employee or agent of the department may represent the department in any contested case hearing.

History: 2016, Act 407, Eff. Apr. 4, 2017.