

RULE 8 – EXCEPTIONS AND DIRECTOR’S REVIEW OF INITIAL DECISIONS

[Repealed].

~~The purpose of these rules and regulations is to set forth the procedures surrounding the filing of exceptions and review of initial decisions pursuant to § 12-29.7-1097(3 through 15), and § 24-4-105(14)-(15), C.R.S.~~

~~A. Written Form, Service, Time, and Filing Requirements.~~

- ~~1. All Designations of Record, requests, motions, exceptions, and any responses thereto (“pleadings”) must be in written form, and mailed with a certificate of service to Office of Athletic Trainer Registration (“Office”) and the opposing party.~~
- ~~2. In the event that an electronic filing system is implemented in the Division of Registrations for the receipt of pleadings, any pleadings may be submitted in electronic form with a certificate of filing to the Office and the opposing party.~~
- ~~3. All pleadings must be received by the Office by 5:00 p.m. on the date the filing is due and must be served on the opposing party. This rule does not confer any additional time for service by mail than that allowed pursuant to § 24-4-105, C.R.S.~~
- ~~4. All pleadings shall be filed with the Office; not with the Office of Administrative Courts. Any pleading filed in error with the Office of Administrative Courts shall not be considered.~~

~~B. Authority to Review~~

- ~~1. The Director hereby preserves the right to initiate review of an initial decision on her/his own motion pursuant to § 24-4-105 (14)(a)(II), C.R.S.~~
- ~~2. This option to review shall apply regardless of whether a party files exceptions to the initial decision.~~

~~C. Designation of Record and Transcripts.~~

- ~~1. Any party seeking to reverse or modify the initial decision of the administrative law judge shall file with the Office a designation of the relevant parts of the record for review (“Designation of Record”). Designations of record are due and must be received by the Office within 20 days of the date on which the Office mails the initial decision to the parties’ address of record with the Office.~~
- ~~2. In the absence of a Designation of Record, the record for purposes of the Director’s review of the initial decision as set forth in § 24-4-105(14)(a), C.R.S. shall in all cases include the following:
 - ~~a. All pleadings filed with the Office of Administrative Courts or applicable hearing tribunal;~~
 - ~~b. All applications presented or considered during the hearing;~~
 - ~~c. All documentary or other exhibits admitted into evidence at the hearing;~~
 - ~~d. All documentary or other exhibits presented or considered during the hearing;~~
 - ~~e. All matters officially noticed during the hearing; and~~
 - ~~f. Any findings of fact and conclusions of law proposed by any party at the hearing.~~~~
- ~~3. Transcripts: Transcripts shall not be deemed part of a Designation of Record unless specifically identified, ordered and timely filed. To designate a transcript or portion thereof, the following procedures apply:
 - ~~a. The Designation of Record must identify with specificity the transcript or portion thereof to be transcribed. For example, a party may designate the~~~~

~~entire transcript, testimony of particular witness, a legal ruling or argument, or other information necessary to identify the portion of the transcript to be transcribed.~~

~~b. Any party who includes a transcript or a portion thereof as part of the Designation of Record must order the transcript or relevant portions by the date on which the Designation of Record is due. As noted above, a Designation of Record is due within 20 days of the date on which the Office mails the initial decision to the parties.~~

~~c. When ordering the transcript, the ordering party shall request the court reporter to complete and provide the Office the transcript and one copy of the transcript within thirty days and shall timely pay all fees associated with such a request.~~

~~d. If a party designates a portion of the transcript, the opposing party may file a Supplemental Designation of Record identifying additional portions of the transcript. This Supplemental Designation of Record is due and must be received by the Office within ten days after the date on which the original Designation of Record was due and received by the Office.~~

~~e. A party filing a Supplemental Designation of Record shall request the court reporter to complete and provide the Office the supplemental transcript and one copy of the supplemental transcript within thirty days of the Supplemental Designation of Record and shall timely pay all fees associated with such a request.~~

~~f. Transcripts that are ordered by either party and not provided to the Office in a timely manner by the court reporter due to non-payment, insufficient payment or failure to request as set forth above will not be considered by the Director.~~

~~D. Exceptions and Responsive Pleadings~~

- ~~1. Any party filing exceptions shall adhere to the following timelines:
 - ~~a. If no transcripts are ordered, exceptions are due within 30 days from the date the Office mails the initial decision to the parties. Both parties' exceptions are due on the same date.~~
 - ~~b. If transcripts are ordered by either party, then upon timely receipt of all transcripts identified in the Designations of Record, the Office shall mail notification to the parties stating that the transcripts have been received. Exceptions are due within thirty days from the date on which such notification is mailed. Both parties' exceptions are due on the same date.~~~~
- ~~2. Either party may provide a responsive pleading to the other party's exceptions. All responsive pleadings shall be due and received by the Office within ten days of the date on which the exceptions were due. No other pleadings will be considered except for good cause shown.~~
- ~~3. The Director may in her sole discretion, upon a showing of good cause, grant an extension of time to provide a Designation of Record, exceptions or responsive pleadings, or may delegate the discretion to grant such an extension of time to the Office's Program Director or the Program Director's designee.~~

~~E. Request for Oral Argument~~

- ~~1. All requests for oral argument must be in writing and filed by the deadline for responsive pleadings. Requests received by the Office after this time will not be considered.~~

- ~~2. It is within the sole discretion of the Director to grant or deny a request for oral argument. If oral argument is granted, both parties shall have the opportunity to participate.~~
- ~~3. Each side shall be permitted five minutes for oral argument unless such time is extended by the Director or the Program Director.~~