

CHAPTER Liq 200 PROCEDURAL RULES

Statutory Authority: RSA 179:56 I and III(c); RSA 541-A:30-a; 176:14; RSA 541-A:30, III.

**Readopt with amendment Liq 205.03 Title, effective 5-31-24 (Document #13992), to read as follows:**

Liq 205.03 Presiding Officer; Withdrawal ~~and Waiver of Rules~~.

- (a) All hearings shall be conducted by a presiding officer.
- (b) A presiding officer shall as necessary:
  - (1) Schedule and hold hearings;
  - (2) Regulate and control the course of a hearing;
  - (3) Facilitate an informal resolution of a hearing;
  - (4) Administer oaths and affirmations;
  - (5) Issue subpoenas to compel the attendance of witnesses at hearings or the production of documents as provided in RSA 179:56, I;
  - (6) Receive evidence at hearings, including oral testimony and documentary evidence, as provided in RSA 541-A:33;
  - (7) Rule on procedural requests, including adjournments or continuances at the request of a party or at the presiding officer's discretion;
  - (8) Question any person who testifies;
  - (9) Cause a complete record of any hearing to be made, as specified in RSA 541-A:31, VI; and
  - (10) Take any other action consistent with applicable statutes, rules, and case law necessary to conduct the hearing and complete the record in a fair and timely manner.
- (c) Unless waived by the parties, at the presiding officer's discretion, or upon the motion of any party, a presiding officer shall, for good cause withdraw from any hearing.
- (d) Good cause shall include but not be limited to if a presiding officer:
  - (1) Has a direct interest in the outcome of a proceeding, including, but not limited to, a financial interest or family relationship, within the third degree of relationship, with any party;
  - (2) Has made statements or engaged in behavior which objectively demonstrates that the presiding officer has prejudged the facts of a case; or
  - (3) Believes that the presiding officer cannot fairly judge the facts of a case.

(e) Mere knowledge of the issues, the parties, or any witness shall not constitute good cause for withdrawal.

**Readopt with amendment Liq 205.34 (b), effective 5-31-24 (Document #13992), to read as follows:**

Liq 205.34 Rehearing.

(a) Any motion for rehearing pursuant to RSA 177:11, V or RSA 179:57, II from a final commission order shall be in accordance with RSA 541 and determined by the presiding officer.

(b) ~~Any motion for rehearing pursuant to RSA 178:3, (X)~~ Any other motion for rehearing shall be filed within 30 days of receipt of the decision, determined by the presiding officer, and denied unless it demonstrates that the commission acted illegally in respect to jurisdiction, authority, or observance of law, whereby it arrived at a conclusion which could not legally or reasonably be made, or unsustainably exercised its discretion or acted arbitrarily, unreasonably, or capriciously.

**Readopt with amendment Liq 209.01 (b) and (c), effective 5-31-24 (Document #13992), to read as follows:**

Liq 209.01 Immediate Suspensions Requiring a Hearing.

(a) When the commission receives information, which the commission deems credible, indicating that a licensee has engaged in conduct that poses an immediate danger to public health, safety, or welfare, the commission shall, pursuant to RSA 541-A:30, III, immediately suspend such person’s license and commence an adjudicative proceeding not later than 10 working days after the date of the commission order suspending the license.

(b) Suspension orders under this section shall include a notice of hearing ~~as provided in Liq 205-206~~ setting forth all information required by RSA 541-A:31, III.

~~(c) No hearing date established in a proceeding conducted under this section shall be postponed at the request of the licensee unless the licensee agrees in writing to waive the 10 working day requirement. If the licensee waives the 10 working day requirement, the suspension shall remain in effect until the completion of the- adjudicative proceeding hearing.~~

**APPENDIX**

<b>RULE</b>	<b>STATUTE</b>
Liq 205.03 and Liq 205.34	RSA 179:56; RSA 541-A:30-a
Liq 209.01	RSA 541-A:30