

Chapter Accy 2

CONDUCT OF HEARINGS, PLEADINGS AND PROCEDURE

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History: Chapter Accy 2 as it existed on May 31, 1974, was repealed and new chapter Accy was created, Register, May, 1974, effective June 1, 1974.

Accy 2.01 Complaints shall be verified. Except where the board acts on its own motion, any complaint which deals with alleged misconduct by a certified public accountant or public accountant or an alleged violation of the statutes governing the practice of certified public accounting or public accounting, shall be in writing, duly signed and verified by the complainant. Where the board acts on its own motion, the secretary shall sign the complaint, unless otherwise ordered by the board.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.02 Complaints shall have particularity. All complaints shall set forth with reasonable particularity the date, place and circumstances of the act or acts complained of and shall refer to the specific statute or rule alleged to have been violated.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.03 Style of pleadings. Pleadings and related papers shall be captioned "Before the Accounting Examining Board" and entitled "In the Matter of the Revocation or Suspension of the Certificate or Registration Card or Censure _____ (Respondent)" unless otherwise directed by the board.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.04 Service of complaints. Complaints shall be served as prescribed by the applicable statutes.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.05 Answers. Answers shall be verified and served and filed as prescribed by the applicable statutes. Any allegation of the complaint which is not denied in the answer is deemed admitted. Answers shall also include matters in defense or mitigation.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.06 Failure to answer. In the event the respondent fails to file his answer to the complaint within the time specified by the applicable statutes, the allegations of the complaint shall be deemed admitted, unless the board, for good cause shown, directs otherwise.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Register, January, 1977, No. 253

Accy 2.07 Date of hearing. The board shall set the matter for hearing within the time prescribed by the applicable statutes. A hearing date may be postponed upon the request of the respondent and for good cause shown.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.08 Place of hearing. Hearing shall be held at the place designated by the board.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.09 Conduct of hearing. The board may direct that the hearing be conducted by a hearing examiner, in accordance with the applicable statutes. The respondent may appear in person and be represented by an attorney admitted to practice in this state.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.10 Hearing shall be public. All formal hearings involving possible disciplinary action shall be open to the public. This shall not prevent informal disposition of such matters by stipulation, agreed settlement, consent orders or default.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.11 Rules of evidence. The board is governed by the rules of evidence set forth in the Administrative Procedure Act.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.

Accy 2.12 Transcript of proceedings. (1) Stenographic, electronic, or other record of Class 2 and Class 3 hearings shall be made.

(a) Persons requesting transcripts for appeal or for other reasonable purposes as determined by the board shall compensate the board at the rate of 10 cents per page. If such persons are impecunious, they shall be furnished a transcript at board expense upon the filing of a verified petition stating that they are without the means to purchase a transcript.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74; r. and recr. Register, January, 1977, No. 253, eff. 2-1-77.

Accy 2.13 Stipulations, agreed settlement and consent orders. In any case where possible disciplinary action is involved, the board may dispose of the matter by stipulation, agreed settlement or consent order.

History: Cr. Register, May, 1974, No. 221, eff. 6-1-74.