

## **1.13 Appeals**

### **1.13.1 Appeal of Notice of Violation to Hearing Officer**

- A. The issuance of a Notice of Violation may be appealed to the Hearing Officer by requesting a hearing in writing to the Board within twenty (20) days of the date of mailing or issuance of the Notice of Violation.
  - 1. If timely filed, the Hearing Officer shall hold an administrative hearing in accordance with § 1.15 of this Part.
  - 2. Upon conclusion of the hearing, the Hearing Officer shall issue a Final Order.
  - 3. In accordance with R.I. Gen. Law § 5-65-6, a Final Order shall be considered delivered when deposited in the United States mail and/or sent registered or certified or post office receipt secured to the last known address of record.
- B. If the Board does not receive a written request for an Appeal within twenty (20) days of the date of mailing the Notice of Violation, and the Respondent has not paid and/or complied with its requirements, the Notice of Violation shall automatically convert to a Final Order.

### **1.13.2 Appeal of Final Order by the Hearing Officer to the Full Board**

- A. A Final Order issued pursuant to §§ 1.11.4 or 1.13.1 of this Part, may be appealed to the Full Board by requesting an appeal in writing to the Board within twenty (20) days of the date of mailing or issuance of the Final Order.
- B. If timely filed, the Full Board shall hear the appeal during one of its Board meetings, pursuant to the Open Meetings Act, R.I. Gen. Laws Chapter 42-46.
- C. Board Consideration of Appeal:
  - 1. Members of the Full Board shall only consider evidence presented to the Hearing Officer, issues raised in the appeal, and written and/or oral argument relative to the Final Order issued by the Hearing Officer.
  - 2. Time allowed for oral argument may be limited by the Board.
  - 3. The Board will not consider new or additional evidence.
  - 4. The Board may allow the Board staff investigator to report on his/her investigative findings.

- D. Upon conclusion of the testimony and consideration of the evidence and argument, the Board shall issue a decision affirming, modifying, dismissing, or remanding the violation back to the Hearing Officer.
- E. In accordance with R.I. Gen. Law § 5-65-6, the decision shall be considered delivered when deposited in the United States mail and/or sent registered or certified or post office receipt secured to the last known address of record.
- F. Decisions of the Full Board may be appealed to the Superior Court in accordance with § 1.13.3 of this Part.

#### **1.13.3 Appeal of Decision by the Full Board to the Superior Court**

Pursuant to R.I. Gen. Laws § 42-35-15, any Party aggrieved by a decision of the Full Board may file an appeal with the Superior Court.