

MICHIGAN UNARMED COMBAT REGULATORY ACT (EXCERPT)
Act 403 of 2004

***** 338.3645.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3645.amended Hearing report; determination by commission; basis; penalties; final determination.

Sec. 45. (1) At the conclusion of a hearing conducted under section 44(7), the administrative law hearings examiner shall submit a determination of findings of fact and conclusions of law to the department and the department of the attorney general and the commission, in a hearing report. The submitted hearing report may recommend the penalties to be assessed under section 48.

(2) A copy of a hearing report shall be submitted to the person that made the complaint and to the person against which the complaint was filed.

(3) Within 60 days after it receives an administrative law hearings examiner's hearing report, the commission shall meet and make a determination of the penalties to be assessed under section 48. The commission's determination shall be made on the basis of the administrative law hearings examiner's report. A transcript of a hearing or a portion of the transcript shall be made available to the commission on request. If a transcript or a portion of the transcript is requested, the commission's determination of the penalty or penalties to be assessed under section 48 shall be made at a meeting within 60 days after the commission receives the transcript or portion of the transcript.

(4) If the parties and the department agree to a settlement, and that settlement requires imposition of a penalty under section 48 but does not specify that penalty, the commission shall make a determination of the penalties within 60 days after it receives the settlement. The commission shall make its determination of the appropriate penalty based on the terms of the settlement.

(5) If the commission does not determine the appropriate penalty or penalties to be assessed within the time limits prescribed in subsection (3) or (4), the director may determine the appropriate penalty and issue a final order.

(6) A member of the commission who has participated in an investigation or administrative hearing on a complaint filed with the department or who has attended an informal conference shall not participate in making a final determination in a proceeding on that complaint.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.