

TITLE 1: GOVERNMENT  
DIVISION 9: MISCELLANEOUS PROVISIONS

**§ 9110. Administrative Procedure: Issuance of Orders and Decisions Upon Hearing.**

(a) When the agency does not preside at the reception of the evidence, the person presiding shall initially decide the case unless applicable law or agency rule requires, either in specific cases or by general rule, the entire record to be certified to it for the making of an order or a decision concerning a regulation. When the person presiding makes an initial order or decision, that order or decision then becomes the order or decision of the agency without future proceedings unless there is an appeal to, or review on motion of, the agency within the time provided by rule. On appeal from or review of the initial order or decision, the agency has all the powers which it would have in making the initial order or decision, except as it may limit the issues on notice or by rule. When the agency makes the order or decision without having presided at the reception of the evidence, the person presiding shall first recommend an order or decision to the agency.

(b) Before a recommended initial order or decision, or an order or decision on agency review of an order or decision, the parties are entitled to a reasonable opportunity to submit for the consideration of the persons participating in the decision:

- (1) Proposed findings and conclusions;
  - (2) Exceptions to the order or decision or recommended order or decision;
- and
- (3) Supporting reasons for the exceptions or proposed findings and conclusions.

(c) The record shall show the ruling or decision on each finding, conclusion, or exception presented. All orders or decisions, including initial or recommended orders or decisions, or those on agency review, are a part of the record and shall include a statement of:

- (1) Findings and conclusions, and the reasons or basis for them, on all the material issues of fact, law, or discretion presented on the record; and
- (2) The appropriate decision, order, sanction, relief, or denial thereof.

**Source:** 17 TTC § 10.

**Commission Comment:** Executive Order 97-03, which was signed on November 13, 1997, transferred the subject duty of the Attorney General set forth in 1 CMC § 2153(b) and related duties and responsibilities of the Registrar of Corporations (set forth in 4 CMC §§ 4201-4204) to the Department of Commerce. As of March 31, 2003, no transfers had taken place. EO 97-03 also called for the substitution of “Registrar of Corporations” or “Registrar” with “Attorney General” in 1 CMC §§ 9101-9115.