

PROCEDURE FOR INTENTIONAL PROGRAM VIOLATION HEARINGS

The following procedure will be used for both a face-to-face and a telephone intentional program violation hearing:

1. You should arrive at the address stated in the Notice of Hearing fifteen (15) minutes before your scheduled hearing so that you and any witnesses may be seated in the hearing room. The agency representatives will also be present in the hearing room. If this is a telephone hearing, you will be seated next to a speaker phone, the Administrative Law Judge (ALJ) will place a telephone call to the agency, and the agency representative will answer the telephone and engage the speaker phone. If this is a face-to-face hearing, the ALJ will appear personally to conduct the hearing.

2. The ALJ will record the hearing. The hearing will not be open to the public, but you may bring friends and relatives to your hearing if there is enough room.

3. Both sides will be allowed to present an opening statement which is a brief outline of the evidence they expect to present. An opening statement is not evidence. Either side can choose not to present an opening statement.

4. The witnesses for the agency will testify first. After each witness has testified, you, your attorney or your representative may ask questions of the witness. This is your right of cross-examination. Papers, documents or other materials may be admitted as exhibits. You have the right to object to any records which the agency tries to admit into evidence. The ALJ will decide whether to allow these exhibits into evidence.

5. You have the right to refuse to answer questions during the hearing. The agency cannot call you as a witness during their case unless you are willing to waive your right to remain silent.

6. After the agency has presented all of their witnesses, then you may testify or you may choose to remain silent. You may also present other witnesses to testify in your behalf. If the agency is represented by an attorney, then that attorney is allowed to ask questions of you and your witnesses. You, your attorney or your representative may admit papers, documents or materials into evidence. The agency's attorney may object to this evidence and the ALJ will decide whether to allow your records into evidence. The agency will photocopy the exhibits and send them to the ALJ after the hearing.

7. Both sides will then have the opportunity to present a closing statement to the ALJ. A closing statement is not evidence, but it is an opportunity for both sides to state reasons why the ALJ should rule in their favor. A closing statement does not have to be made by either side.

8. After the closing statements have been presented, the hearing is concluded. The ALJ does not announce the decision on the date of the hearing. As soon as possible after the hearing the ALJ will make a written decision on your appeal which will be mailed to you by the Office of Appeals.

9. The decision of the ALJ which you will receive is an Initial Decision. If you disagree with the decision, the final paragraph of the decision will tell you how you may appeal it to the Office of Appeals.

For more information about hearing procedures, please access the Hearings & Docketing - Procedures page on our website: <http://www.colorado.gov/oac> and follow the links to The Non-Lawyers' Guide and to General Procedures. You will also find links to the agency rules applicable to your case.

The mailing address for the Office of Administrative Courts is: 1525 Sherman St, 4th Floor, Denver, CO 80203. The telephone number is (303) 866-2000, and the fax number is (303) 866-5909.

Si no entiende esta noticia, llame por telefono al departamento del condado.