

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 14.—Enforcement and Appeals

5-14-2. Request for conference hearing.

(a) Each written request for a hearing of an order issued by the chief engineer according to K.A.R. 5-14-1 shall be served on the chief engineer within 15 days of the issuance of the order. The request for a hearing may include a request for a stay of the order. If the requester demonstrates good cause for a stay to the chief engineer, a stay of the order may be granted by the chief engineer.

(b) If a request for a hearing is not served on the chief engineer within 15 days after the order is issued by the chief engineer, the order shall become a final agency action as defined by K.S.A. 77-607, and amendments thereto.

(c) If a request for a hearing is filed with the chief engineer within 15 days of the issuance of an order, a conference adjudicative hearing shall be held by the chief engineer.

(d) A conference hearing shall be an informal proceeding conducted according to the following criteria:

(1) The hearing officer shall regulate the course of a conference proceeding.

(2) Only parties may testify and present written exhibits.

(3) Only parties may offer comments on the issues.

(4) The hearing officer may conduct all or part of the hearing by telephone, or other electronic means, if each participant in the hearing has the opportunity to participate in the entire proceeding while it is taking place.

(5) The hearing shall be recorded at the agency's expense.

(6) Any party, at the party's expense and subject to any reasonable conditions that the chief engineer may establish, may cause a person other than the chief engineer to prepare a transcript from the chief engineer's recording or cause additional recordings to be made during the hearing.

(e) After the conference adjudicative hearing, or completion of a full adjudicative hearing if the conference hearing was converted to a full hearing, a final agency action, as defined by K.S.A. 77-607, and amendments thereto, shall be issued by the chief engineer.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706 and K.S.A. 82a-706b; effective Sept. 22, 2000.)

***** Authenticated Kansas Administrative Regulation *****