

**TITLE 300. GRAND RIVER DAM AUTHORITY
CHAPTER 45. ADMINISTRATION OF RULES AND HEARINGS**

300:45-1-1. Chief Executive Officer duties

The Chief Executive Officer of the Grand River Dam Authority is authorized to administer the Rules and Regulations promulgated by the Grand River Dam Authority. The Chief Executive Officer, or the Chief Executive Officer's designee, shall issue all permits and licenses provided for herein and may, at the sole discretion of the Chief Executive Officer or the designee, hold such public meetings or hearings as deemed necessary related to such matters.

300:45-1-2. GRDA Board of Directors duties

The Board of Directors of the Grand River Dam Authority retains the right to authorize and issue any and all permits and licenses not specifically provided for in these Rules and Regulations. No fees, charges or any of these Rules and Regulations shall be changed in any manner without the approval of the Board of Directors.

300:45-1-3. Hearings for violation of rules

(a) **Notice of Violation.** A Notice of Violation may be issued by the Chief Executive Officer or his designee after the discovery of a violation of any rule. A Notice of Violation shall be signed by the GRDA employee issuing it and shall state:

- (1) The name of the person or entity responsible for the violation (the "Respondent");
- (2) A description of the nature of the violation;
- (3) The remedial action and/or the relief required, which may include revocation of the permit or the imposition of a fee, penalty or fine as authorized by statute and/or the correction of any deficiency;
- (4) A reasonable time to comply with the remedial action and/or the relief required;
- (5) That the Respondent may submit a response to the Notice of Violation, how and where a response may be submitted, and the deadline to submit a response; and
- (6) That, in connection with the submission of a response to the Notice of Violation, the Respondent may request a hearing before the Chief Executive Officer or his designee to challenge the Notice of Violation.

(b) **Service of the Notice of Violation.** At the election of the GRDA, a Notice of Violation shall be served upon the Respondent in the same manner as a civil summons is served. In the event the violation relates to a dock that is not permitted in the current owner's name or the permit owner is deceased and no probate is pending, service can be made by posting the Notice on the dock or walkway to the dock.

(c) **Permits.** In matters involving permits issued by the GRDA, the Respondent shall be the person in whose name the permit is currently listed or the current owner of the dock if ascertainable. The Respondent shall be the only person entitled to notice under this subsection.

(d) **Response to Notice of Violation.** In the event that the Respondent submits a response to the Notice of Violation, the response shall include a detailed statement of the reasons that Respondent objects to the Notice of Violation and all arguments that the Respondent desires to make at hearing, if requested. A Respondent who fails to submit a response to the Notice of Violation in the time and manner stated in the Notice of Violation may be deemed by the

GRDA Chief Executive Officer or his designee to have waived the right to object or present a defense to the Notice of Violation.

(e) **Hearing.** A Respondent who requests a hearing must also submit a response to the Notice of Violation in order to provide an address and telephone number that the GRDA may use to communicate with the Respondent concerning the hearing and final order. Upon timely receipt of a request for a hearing, the Chief Executive Officer or his designee shall set the matter for hearing and shall notify the Respondent in writing of the hearing at least ten (10) calendar days before the hearing. Notice of the hearing shall be delivered to the Respondent using the address specified in the response to the Notice of Violation and shall state the date, time and location of the hearing.

300:45-1-4. Hearing officer

The GRDA Chief Executive Officer shall appoint an individual who is not employed by GRDA to preside over any hearing as the Hearing Officer. The authority of the Hearing Officer shall commence upon his appointment and terminate upon the issuance of his written recommendation to the GRDA Board of Directors. The Hearing Officer shall have the duty to conduct a fair hearing, to take all reasonable action to avoid delay, and to maintain order. The Hearing Officer's authority shall include, but not be limited to:

- (1) Arrange and change the date, time and place of hearings and issue notices of hearings;
- (2) Hold conferences to settle, simplify or determine the issues in a hearing, or to consider other matters that may aid in the expeditious disposition of the hearing;
- (3) Administer oaths and affirmations;
- (4) Regulate the course of hearings;
- (5) Examine witnesses and direct witnesses to testify;
- (6) Receive, rule on, admit, exclude or limit evidence.
- (7) Rule on pending motions and procedural items; and
- (8) Allow for continuances.

300:45-1-5. Report and record

The Hearing Officer shall prepare a report containing the following:

- (1) Findings of fact and conclusions of law with the reasons therefore.
- (2) Recommendation to the GRDA Board of Directors regarding the pending Notice of Violation.

300:45-1-6. Board Action

After the Hearing Officer has sent his recommendation to the GRDA Board of Directors as provided in 300:35-21-5 or after the time to remedy the violation has passed in the event the Respondent does not request a hearing, the Board of Directors shall adopt, amend, or reject any findings or conclusions presented to the Board.

300:45-1-7. Administrative appeal

A challenge from the Board of Director's decision shall be made within twenty (20) days from the date of Respondent's receipt of such decision to the District Court.

300:45-1-8. Noncompliance, violations and penalties

Any person, firm or corporation that fails to comply with, or violates any Rule promulgated by GRDA shall, after notice and an opportunity for hearing as provided for herein, be required to reimburse GRDA for any direct cost and overhead incurred as a result of such failure to comply or violation. Such costs may include, but are not limited to, the costs associated with the repair, restoration and reclamation of the lands and waters of GRDA and any storage costs for the Respondent's personal property and any other fee, penalty or fine as authorized by statute. Additionally, GRDA may cancel any permit or license which has been issued in connection with said boat, structure or facility and may remove or cause it to be removed from GRDA's lands and waters at the owner's expense.