

Register \_\_\_\_\_, \_\_\_\_\_ 20\_\_ MISCELLANEOUS BOARDS

20 AAC 17.018(a) is amended to read:

20 AAC 17.018. **Appeal Process** [DENIAL OF EXEMPTION]. (a) **If the commission denies an application** [AN APPLICANT WHO IS DENIED AN EXEMPTION] under 20 AAC 17.015 **or 20 AAC 17.016, the applicant** may **appeal the denial** [SUBMIT A REQUEST FOR RECONSIDERATION] in writing to the executive director **within 30 days of notification of the denial**. [THE REQUEST FOR RECONSIDERATION MUST BE POSTMARKED WITHIN 30 DAYS AFTER THE MAILING OR DISTRIBUTION OF THE DENIAL OF EXEMPTION.] The **appeal** [REQUEST FOR RECONSIDERATION] must clearly state each objection to the denial, the justification for each objection, and the reasons why the applicant is entitled to **approval of the application** [EXEMPTION] under AS 14.48 and this chapter. **The executive director may request additional information from the applicant and shall mail or distribute a written determination within 30 days of receipt of the appeal.**

20 AAC 17.018(b) is amended to read:

(b) Within 30 days after the mailing or distribution of the executive director's decision on the **appeal** [REQUEST FOR RECONSIDERATION], the applicant may **submit a written request to the commission for** a hearing [REGARDING THE DENIAL OF EXEMPTION BEFORE THE COMMISSION]. **The hearing shall be conducted in accordance with AS 44.62 (Administrative Procedure Act) by the office of administrative hearings (AS 44.64.010).** The request for a hearing must clearly state each objection to the denial and the justification for each objection. The appellant has the burden to prove by a preponderance of the evidence that the appellant is entitled to **the requested relief** [EXEMPTION] under AS 14.48

and this chapter. [A HEARING UNDER THIS SUBSECTION IS SUBJECT TO AS 44.64 (HEARING OFFICERS AND OFFICE OF ADMINISTRATIVE HEARINGS). THE HEARING WILL BE CONDUCTED ACCORDING TO AS 44.62 (ADMINISTRATIVE PROCEDURE ACT).]

20 AAC 17.018 is amended by adding a new subsection to read:

(c) The appellant's status as a participant or non-participant under 20 AAC 17.016 shall remain unchanged during any appeal process. (Eff. 4/27/2001, Register 158; am 12/31/2005, Register 176; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 14.48.020	AS 14.48.050	AS 14.48.110
	AS 14.48.030	AS 14.48.100	