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**Rules of**  
**Office of Administration**  
**Division 50—Missouri Ethics Commission**  
**Chapter 2—Hearing Procedures for Enforcement Cases**

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### Title 1—OFFICE OF ADMINISTRATION

#### Division 50—Missouri Ethics Commission Chapter 2—Hearing Procedures for Enforcement Cases

##### 1 CSR 50-2.015 Initiation of Enforcement Case

*PURPOSE: This rule sets forth the manner in which a case is initiated.*

(1) A case initiated pursuant to subsection 3 of section 105.961, RSMo, shall be commenced after the commission has received and reviewed a report from a special investigator made pursuant to subsection 1 of section 105.961, RSMo, or an audit conducted pursuant to section 105.959, RSMo, and the commission has concluded, based upon such report or upon such audit, that there are reasonable grounds to believe that a violation of any law has occurred which would authorize the commission to take action pursuant to section 105.961, RSMo. Upon such conclusion—

(A) A complaint, directed to the object(s) of the special investigator's report or audit, shall be prepared as provided by section 536.063, RSMo;

(B) Such complaint shall be filed with the commission and shall affirmatively request relief within the jurisdiction of the commission should the commission determine, after conducting a hearing, that probable cause exists to find the person named in the complaint in violation of the provisions of law set forth in the complaint;

(C) If any commissioner, the attorney general or any member of their staff is the subject of any investigation or complaint, or is in any manner related or connected to the subject of any investigation or complaint to a degree indicative or suggestive of a conflict of interest, neither the commissioner nor commission staff members, the attorney general, nor any assistants shall participate in any manner in the handling or disposition of the investigation and complaint; and

(D) An amended complaint may be filed without the commission's leave any time before the respondent serves a responsive pleading, but no later than ten (10) days before a scheduled hearing. An amended complaint may be filed with the commission's leave at any time before the hearing by the requesting party filing a motion to amend the complaint with the commission. The motion shall include the amended complaint proposed to be filed. Nothing in this rule shall prevent an amendment of the complaint to conform to the evidence.

(2) The executive director shall issue and serve in the name of the commission, a written notice, together with a copy of the complaint, requiring the person named in the complaint, hereafter referred to as "respondent," to answer the charges at a hearing before the commission, at a time and place as specified in the notice. Such written notice shall be given at least ten (10) days before a hearing unless otherwise consented to by the parties.

(3) The commission shall be a party to the action and shall be represented as provided in section 105.955.15(4), RSMo.

(4) The hearing shall be conducted in the manner provided by sections 536.063 to 536.090, RSMo.

(5) Any period of time prescribed or allowed by these rules or by other order of the commission, which is not otherwise specifically provided for, shall be computed as provided by the *Missouri Rules of Civil Procedure* and Chapters 105 and 536, RSMo.

(A) The commission may extend the time set by these rules or set by the commission either before or after the time period has expired.

(B) A party may move for an extension of the time set by these rules or set by the commission. The motion shall be in writing and shall state whether any party objects to the extension or that efforts to contact the non-moving party have been futile.

(6) A licensed attorney who has not previously entered an appearance on behalf of a person before the commission pursuant to rule 1 CSR 50-4.010 shall enter an appearance in writing with the commission as provided in that rule.

*AUTHORITY: section 105.955.14(7), RSMo Supp. 2015, and section 105.961.3, RSMo Supp. 2013.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 4, 2007, effective Feb. 29, 2008. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016.*

*\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015 and 105.961, RSMo 1991, amended 1997, 2010.*

##### 1 CSR 50-2.020 Pleadings

*PURPOSE: This rule defines the form and procedures for the filing of pleadings during the enforcement case hearing process.*

(1) Once a complaint has been filed under 1 CSR 50-2.015 an answer to the complaint shall not be required. If no answer is filed, the allegations in the complaint shall be deemed denied. However, if an answer is filed, any allegation in the complaint not answered shall be deemed admitted. If an answer is filed, it shall be filed within the time limits and in the same manner specified for filing an answer under the *Missouri Rules of Civil Procedure*, unless the commission grants an extension of time for filing for good cause shown upon written motion. Any affirmative allegation and any allegation of new matter contained in an answer shall be deemed denied without the necessity of a reply.

(2) All papers and copies for filing and service shall be typewritten on good-quality white paper eight and one-half by eleven inches (8 1/2 × 11") in approximate size. Copies may be reproduced by any printing or duplicating process providing a clear image.

(3) Each document shall bear on the first page the caption, descriptive title, and number of the matter in which it is filed and shall identify the party on whose behalf it is filed. Each document shall contain on the final page the name, address, and telephone number and Missouri bar number of the attorney in active charge of the case, or name, address, and telephone number of the party if appearing *pro se*.

(4) When filing a pleading, the following process applies:

(A) Any person filing any pleading or documents with the commission with respect to a complaint shall file an original with the commission, and shall provide one (1) copy to each of the other parties at the time the document is filed. The person filing the pleading or document shall certify that s/he has mailed, delivered, or otherwise provided a copy of the pleading or document to all other parties, or the commission shall not accept the pleading or document for filing. Copies of all written communications to the commission shall be served on all other parties;

(B) For purposes of the rule, the parties may agree to electronic transmission of a pleading or motion by means of facsimile or e-mail. If filing by electronic transmission, any pleading or motion shall have the same effect as the filing of an original document. A facsimile or electronic signature shall have the same effect as an original signature. The person filing a pleading or other filing by electronic transmission shall retain the signed filing and make it available upon order of the commission; and



(C) Electronic filings received at the commission at or before 5:00 p.m. of a regular workday are deemed filed as of that day. Filings received after 5:00 p.m. are deemed filed on the next day not a Saturday, Sunday, or legal holiday. Time of receipt shall be determined by the commission machine or computer receiving the filing. If a document filing is not received by the commission or if it is illegible, it is deemed not filed.

*AUTHORITY: section 105.955.14(7), RSMo Supp. 2015, sections 105.961.3 and 536.063, RSMo Supp. 2013, and section 536.068.1, RSMo 2000.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 4, 2007, effective Feb. 29, 2008. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016.*

*\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015; 105.961, RSMo 1991, amended 1997, 2010; and 536.068, RSMo 1957, amended 2011.*

**1 CSR 50-2.030 Ex Parte Communications**

*PURPOSE: This rule indicates inappropriate communications between the parties or their representatives and commission members.*

(1) A party or the party’s representative shall not communicate, directly or indirectly, with any member of the commission in connection with any issue of fact or in connection with any other substantive issue relating to a specific case except upon notice and opportunity for all parties to participate.

(2) The commission staff may communicate with the commission in an effort to settle cases pending before the commission without providing notice and an opportunity to be heard by all parties.

*AUTHORITY: section 105.955.14(7), RSMo Supp. 2015.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016.*

*\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015.*

**1 CSR 50-2.040 Prehearing Conferences**

*PURPOSE: This rule describes the procedures and scope of prehearing conferences.*

(1) Requests for a prehearing conference shall be in writing and shall plainly state the requested purpose(s) for the prehearing conference, consistent with the purposes identi-

fied in 1 CSR 50-2.040(4). Requests should be submitted no later than seven (7) days before a scheduled hearing.

(2) The commission, or a presiding commissioner designated for that purpose, may hold one (1) or more prehearing conferences for the purpose of facilitating the hearing process, ruling on procedural motions, and making other determinations as may be necessary for the efficient function of the hearing process.

(3) The prehearing conference shall be held by teleconference, or videoconference if available, unless the commission or presiding commissioner shall decide an in-person conference is required.

(4) The purpose of the prehearing conference may be to—

(A) Determine the date, location, and length of the hearing;

(B) Simplify the issues;

(C) Obtain admissions as to, or stipulations of, facts not in dispute or authenticate documents which might properly shorten the hearing;

(D) Determine and discuss the status of discovery; and

(E) Determine other matters as may be properly dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(5) All parties participating in a prehearing conference are expected to be fully prepared for useful discussion of all problems involved in the proceeding, both procedurally and substantively and be fully authorized to make commitments with respect to all problems. This preparation should include, among other things, advance study of all relevant material and advance informal communication between the participants, including the request for additional data and information, to the extent it appears feasible and desirable. Failure of a party to participate in a prehearing conference, after being served with due notice of the time and place of the conference shall preclude the party from objecting to any order or ruling with respect to the subjects discussed in the prehearing conference. Agreements, orders, or rulings, for good cause shown, may be set aside at any time before the date of the hearing of the case, upon terms as shall be just.

(6) The commission or presiding commissioner at any time may determine and rule upon any procedural matters which the commission is authorized to rule upon during the

course of the proceeding. In addition, where it appears that the proceeding would be substantially expedited by distribution of proposed exhibits reasonably in advance of the hearing, the commission or presiding commissioner at his/her discretion and with due regard for the convenience and necessity of the parties, may direct advance distribution by a prescribed date.

*AUTHORITY: section 105.955.14(7), RSMo 2016.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016. Amended: Filed Aug. 8, 2019, effective March 30, 2020.*

*\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015.*

**1 CSR 50-2.050 Prehearing Discovery**

*PURPOSE: This rule describes the procedures and scope of prehearing discovery.*

(1) The commission shall follow the procedural rules as set out in these rules as well as the Missouri Rules of Civil Procedure and Chapters 105 and 536, RSMo.

(2) Any party to a hearing may take and use depositions in the same manner, upon the same notice as is or may be hereafter provided in section 536.073, RSMo and the Missouri Rules of Civil Procedure. No part of a deposition shall constitute a part of the record in a proceeding, unless received as evidence by the commission. Objection may be made at the hearing in the proceeding to receiving in evidence any deposition or part of the deposition for any reason which would require the exclusion of the evidence if the witnesses were then present and testifying.

(3) The original of all depositions shall be filed with the commission with a copy being served on each party.

(4) Discovery subpoenas and subpoenas *duces tecum* shall be issued in the same manner and under the same conditions as stated in 1 CSR 50-2.060. The commission shall have the authority to impose sanctions for failure to comply with reasonable discovery requests in the same manner as set forth in the Missouri Rules of Civil Procedure, except that the commission shall not have the authority to issue an order treating as a contempt of court the failure to obey any subpoena to comply with any discovery.

(5) The commission shall have the authority to impose sanctions for failure to comply with reasonable discovery requests in the



same manner as set forth in the Missouri Rules of Civil Procedure, except that the commission shall not have the authority to issue an order treating as a contempt of court the failure to obey any subpoena to comply with any discovery.

**AUTHORITY:** section 105.955.14(7), RSMo (Cum. Supp. 1996). \* Original rule filed March 24, 1997, effective Sept. 30, 1997.

\*Original authority 1991, amended 1994, 1995, 1996.

### 1 CSR 50-2.060 Subpoenas and Subpoenas *Duces Tecum*

**PURPOSE:** This rule describes the procedure for the issuance of subpoenas and subpoenas *duces tecum*.

(1) The commission shall issue subpoenas upon the request of any party. Subpoenas shall be processed in accordance with the provisions of section 536.077, RSMo.

(2) The commission, in appropriate circumstances, shall issue subpoenas *duces tecum* upon the request of any party. Requests for issuance of a subpoena *duces tecum* shall be in writing and shall include the name of the person to be served; the date for his/her appearance; and the description of books, papers, records or documents sought to be subpoenaed.

(3) Requests for the issuance of subpoenas and subpoenas *duces tecum* shall be directed to the commission.

(4) Where a subpoena or a subpoena *duces tecum* is requested and issued at the instance of any party to a hearing or other proceeding, the responsibility for service and the cost of the subpoena, witness and mileage fees shall be borne by the party at whose instance it has been requested and issued, unless otherwise ordered by the commission for good cause shown. Witness and mileage fees shall be paid in the same manner as paid in civil actions before the circuit courts.

(5) Subpoenas and subpoenas *duces tecum* shall be enforced as provided in section 536.077, RSMo.

**AUTHORITY:** section 105.955.14(7), RSMo 2000. \* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 4, 2007, effective Feb. 29, 2008.

\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999.

### 1 CSR 50-2.070 Continuances

**PURPOSE:** This rule describes the process of requesting continuances of public hearings.

(1) The commission may continue a hearing or prehearing conference upon a showing of good cause. Requests for a continuance should be in writing and should be filed with the commission no later than seven (7) days before the scheduled hearing or prehearing conference. Requests filed after this deadline should state a good cause basis for the continuance as well as a good cause basis for the untimely request.

(2) Before a party requests a continuance, the requesting party shall contact the other parties to determine whether they object to the continuance and to determine mutually acceptable dates to which the hearing or conference may be rescheduled and the information shall be included in the party's motion for continuance.

(3) The commission, or a presiding commissioner designated for that purpose, may take up the request to continue a hearing or prehearing conference.

(4) When a hearing or prehearing conference is continued, the parties shall be promptly notified by the executive director. Any order granting a continuance shall be mailed to the parties by regular first class mail, postage prepaid.

**AUTHORITY:** section 105.955.14(7), RSMo 2016. \* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 4, 2007, effective Feb. 29, 2008. Amended: Filed Aug. 8, 2019, effective March 30, 2020.

\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015.

### 1 CSR 50-2.075 Motions

**PURPOSE:** This rule describes how the commission handles motions filed in enforcement cases.

(1) The commission may rule upon any motion filed with it. The commission shall not hear oral argument or evidence on the motion unless a party files a written motion requesting oral argument with good cause shown or upon the commission's own motion. The commission need not rule on a motion that does not clearly request action by the commission.

**AUTHORITY:** sections 105.959 and 105.961, RSMo Supp. 2013. \* Original rule filed Sept. 1, 2015, effective Feb. 29, 2016.

\*Original authority: 105.959, RSMo 1991, amended 1997, 2006 and 105.961, RSMo 1991, amended 1997, 2010.

### 1 CSR 50-2.080 Conduct of the Hearing

**PURPOSE:** This rule describes the conduct of a contested case hearing.

(1) A hearing will be conducted by a quorum consisting of at least four (4) commission members.

(2) Only the commission may make a final disposition of the case. A presiding commissioner may be appointed by the commission, who shall have full power and authority to control the procedure of the hearing, to admit or exclude testimony or other evidence, or rule upon all motions or objections, to call and examine witnesses, to issue subpoenas and subpoenas *duces tecum* in accordance with 1 CSR 50-2.060, to direct the production of papers or other matters during the hearing and to take such other actions necessary and proper in expediting the order, conduct and disposition of the proceeding. Any decision of the presiding commissioner may be overruled by a vote of at least four (4) members of the commission, upon either motion of any party or of any commissioner.

(3) The commission may make full inquiry into all facts and issues and obtain a full and complete record of all facts necessary for a fair determination of the issues. All commissioners may inquire into all facts and issues at the hearing.

(4) No cameras, lights or mechanical recording devices shall be operated in the hearing room while the hearing is in progress, other than by personnel of the commission or by a court reporter with the permission of the commission.

(5) No person shall be allowed to be present during the hearing, except for members and personnel of the commission subject to subsection 15 of section 105.961, RSMo, the attorney who shall present evidence in support of the complaint; any attorney or attorneys acting as legal counsel to the commission; all respondents and their counsel; a court reporter; and any other with permission of all respondents to the proceeding. Witnesses shall remain outside of the hearing except during the time that s/he offers testimony or evidence.



(6) The commission may exclude from the hearing room or otherwise prevent further participation during a hearing. Contempt before the commission shall be resolved in the manner provided in section 536.095, RSMo.

*AUTHORITY: section 105.955.14(7), RSMo 2000.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 4, 2007, effective Feb. 29, 2008.*

*\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999.*

**1 CSR 50-2.090 Evidence**

*PURPOSE: This rule describes the introduction of evidence at a public hearing.*

(1) Rulings on evidence offered at hearings shall be made in accordance with sections 536.063 to 536.090, RSMo. Objections or motions not ruled on at the hearing shall be considered with the record. Evidence concerning terms or offers of settlement made during endeavors to conciliate shall not be admitted into the record.

(2) When objections to the admission or exclusion of evidence before the commission are made, the grounds relied upon shall be stated briefly.

(3) All testimony to be taken at the hearing, except matters officially noticed or entered by stipulation, shall be sworn or affirmed. This may include testimony given on deposition or by affidavit.

**(4) Expert Witnesses.**

(A) The commission may require, at least ten (10) days prior to the hearing, that the parties to the hearing—

1. Identify each person expected to be called as an expert witness at the hearing;
2. State the subject matter on which the expert is expected to testify; and
3. State the substance of the facts and opinions to which the expert is expected to testify.

(B) Where the presiding commissioner determines that a party failed to timely comply in providing the information required under subsection (4)(A) of this rule, the witnesses and any previously offered evidence by the witnesses may be excluded from the hearing.

**(5) Interpreter.**

(A) When a disabled person, or person who cannot speak or understand the English

language, is a respondent in a hearing, the party is entitled to a qualified interpreter. In order to obtain the services of an interpreter, a party shall notify the commission at least ten (10) days prior to the date the interpreter will be needed.

(B) Upon receipt of the request, the executive director at the direction of the commission shall arrange for the services of an interpreter and shall notify the parties of the identity of the interpreter. The commission shall compensate the interpreter where necessary.

(C) A member of the commission staff may serve as an interpreter where all parties consent on the record.

**(6) Exhibits.**

(A) Exhibits shall be marked upon receipt by the commission and the marking shall identify the party offering the exhibit. Admitted and excluded exhibits shall be preserved by the commission as part of the record of the proceedings. Excluded exhibits shall be retained by the commission only if the party seeking to introduce the document as an offer of proof specifically requests the document to be placed in an excluded exhibit file.

(B) All paper exhibits shall be no longer than eight and one-half by eleven inches (8 1/2 × 11") in size and the party presenting an exhibit must submit the exhibit and seven (7) copies to the commission and must provide one (1) copy to each of the other parties at the time the exhibit is marked.

(C) Larger exhibits are allowed; however, in order to be included in the record, the information contained in the exhibit must be reduced to paper eight and one-half by eleven inches (8 1/2 × 11") in size by the party offering the exhibit.

(D) Variation from the requirements in section (7) will be allowed with leave of the commission only in cases where there is no reasonable alternative.

(7) The commission may take notice of judicially recognizable facts and of general, technical or scientific facts. The parties shall be notified at any time during a proceeding of material officially noticed and they will be afforded the opportunity to contest the facts so noticed. The notice required by this section shall be given to the party prior to the issuance of decision and order in the matter.

*AUTHORITY: section 105.955.14(7), RSMo 2000.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 4, 2007, effective Feb. 29, 2008.*

*\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999.*

**1 CSR 50-2.100 The Record at the Hearing**

*PURPOSE: This rule defines what constitutes the record of the public hearing.*

(1) The record of the hearing shall include the notice of hearing; the complaint filed pursuant to 1 CSR 50-2.015 and any amendments; the answer, if any, and any amendments; the transcript of the testimony taken at the hearing; the exhibits and depositions admitted into evidence; an offer of proof made by any party; written motions and stipulations; decisions of the presiding commissioner pursuant to 1 CSR 50-2.080; the final findings of fact, conclusions of law, and decision and order of the commission; and all other pleadings. Prehearing discovery filed with the commission shall not be a part of the record unless specifically received into evidence at the hearing. Unless a party specifically and in writing requests otherwise before the commission has certified the record, the record shall not include briefs and proposed findings of fact and conclusions of law.

(2) A transcript of the hearing shall be made and kept by the commission. The testimony may be recorded by stenographer, by videotape, by audiotape, or by any other means which would ensure that a verbatim record of the hearing is made. A copy of the transcript of such a proceeding shall be made available to any party upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply.

*AUTHORITY: section 105.955.14(7), RSMo Supp. 2015, and section 536.130.1, RSMo 2000.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016.*

*\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015 and 536.130, RSMo 1945.*

**1 CSR 50-2.110 Stipulation**

*PURPOSE: This rule describes the scope of stipulations and possible waiver of a case hearing.*

(1) Upon written motion of the parties and with approval of the commission, the parties may stipulate to all or any portion of the facts upon which the commission shall base its decision, and may waive a hearing.



*AUTHORITY:* section 105.955.14(7), RSMo Supp. 2015, and section 105.961.3, RSMo 2000.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016.

\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015 and 105.961, RSMo 1991, amended 1997, 2010.

### 1 CSR 50-2.120 Default

*PURPOSE:* This rule describes the procedures when a party fails to appear at a case hearing and for requesting relief from that default.

(1) A party who has been served with notice of hearing and fails to appear at the scheduled hearing shall be in default.

(2) Unless previously notified by the party, the commission shall wait thirty (30) minutes from the time set in the notice of hearing to commence the hearing.

(3) When the respondent fails to appear for the hearing within the time specified in section (2), evidence shall be presented in support of the complaint, which shall constitute the sole evidentiary basis for disposition and the respondent shall be deemed to have waived any evidentiary and other objections at the hearing.

(4) The commission, in its discretion and upon such terms as may be just, may set aside its findings of fact, conclusions of law, and order and reopen the hearing if the respondent files a written motion which establishes that the default was the result of an excusable mistake or circumstance beyond his/her control. The motion shall be filed within five (5) business days after the respondent defaults and accompanied by—

(A) A sworn written statement(s), together with supporting documentation, setting forth the facts of the alleged excusable mistake or the circumstances beyond the control of the party; and

(B) The opposing party shall have ten (10) days to reply to the motion to reopen the hearing.

*AUTHORITY:* section 105.955.14(7), RSMo Supp. 2015.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016.

\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015.

### 1 CSR 50-2.130 Post-Hearing Procedure

*PURPOSE:* This rule describes the procedures to be followed after a hearing has been held.

(1) The parties may file, or the commission may order the parties to file, suggested findings of fact and conclusions of law and briefs within the time limits as the commission may determine prior to the commission issuing its final decision and order. Any request to file suggested findings of fact and conclusions of law and briefs shall be made on the record and prior to the close of the hearing.

*AUTHORITY:* section 105.955.14(7), RSMo Supp. 2015, and section 536.080, RSMo 2000.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016.

\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015 and 536.080, RSMo 1945, amended 1957.

### 1 CSR 50-2.140 Orders

*PURPOSE:* This rule establishes the content, issuance, service, and filing of orders.

(1) Copies of orders shall be served by certified mail or by personal service on all parties, accompanied by a notice of the statutory right to judicial review.

*AUTHORITY:* section 105.955.14(7), RSMo Supp. 2015, and section 105.961.5, RSMo Supp. 2013.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016.

\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999, 2010, 2015 and 105.961, RSMo 1991, amended 1997, 2010.

### 1 CSR 50-2.150 Certification of Record

*PURPOSE:* This rule stipulates who is authorized to certify commission documents.

The chairperson, the executive director, or other person as may be designated by the commission is authorized and empowered to certify and transmit all documents or records which are part of the files and records of the commission.

*AUTHORITY:* section 105.955.14(7), RSMo 2000.\* Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 4, 2007, effective Feb. 29, 2008.

\*Original authority: 105.955, RSMo 1991, amended 1994, 1995, 1996, 1997, 1999.

### 1 CSR 50-2.160 Separability, Amendments and Availability of Rules

*PURPOSE:* This rule establishes the procedure by which amendments are made to the commission's rules, where to obtain copies of these rules and that, if any provision or term of these rules is held invalid, the remaining provisions remain valid.

(1) In the event any provision of these rules is determined by a court or other authority of competent jurisdiction to be invalid, the determination shall not affect the remaining provisions which shall remain in full force and effect.

(2) New rules may be adopted and any rule may be amended or rescinded by the commission at regular or special meetings provided that the amendment or rescission shall require the approval of at least four (4) members of the commission. Notice of the proposed adoption, amendment or rescission shall be given in writing to all members of the commission at least ten (10) days before the meeting at which action is to be taken; except that ten (10) days' notice shall not be required when all members of the commission shall approve in writing the adoption, amendment or rescission.

(3) The amendment of any existing rule or the adoption of any new rule shall be made in accordance with Chapter 536, RSMo.

(4) The rules of the commission and any amendments, additions or modifications of the rules, shall be available to the public at the commission's office in Jefferson City.

*AUTHORITY:* section 105.955.14(7), RSMo (Cum. Supp. 1996).\* Original rule filed March 24, 1997, effective Sept. 30, 1997.

\*Original authority 1991, amended 1994, 1995, 1996.