

NAME OF AGENCY:

Council on Law Enforcement Education and Training (CLEET)

TYPE OF DOCUMENT:

Rule Impact Statement

PROPOSED RULES:

CHAPTER 2. ADMINISTRATIVE PROCEDURES

390:2-1-2. [AMENDED]

SUMMARY:

Amendments to 390:2-1-2. Denials, reprimands, suspensions, revocations, disciplinary penalties, fines.

(c) (8) If a party fails to appear at the scheduled hearings without prior notification or good cause, the hearing officer shall default the party, and enter an order sustaining the allegations set forth in the notice and recommending to the Director or designee that imposing the sanctions set forth therein should be imposed; or if the State sustains its burden, the hearing examiner shall ~~rule~~ submit to the Director or designee findings of fact and conclusions of law and a dispositional recommendation accordingly.

(9) If the complaining party fails to show or the state otherwise fails to prove the allegations by clear and convincing evidence, the action against the party shall be dismissed without sanctions.

(10) The designated hearing officer shall render written findings of fact and conclusions of law and a dispositional recommendation to the Director or designee ~~a decision~~ based upon the law and the evidence presented at the hearing.

(11) The Director or designee shall make the final agency order in each case, whether a hearing was held or not. Each party shall be notified of the final agency order in the case which shall be, in written order form, ~~of~~ and shall include the findings of fact and conclusions of law relating to the action and the final disposition of the case.

(12) A party may appeal the final agency order ~~hearing officer's decision~~ as set forth in 75 O.S. Section 250 et. seq. of the Administrative Procedures Act.

AUTHORITY:

Council on Law Enforcement Education and Training; 11 O.S., § 34-101 and § 34-102; 20 O.S., § 1313.2; 21 O.S., §§ 1289.8, 1290.1, and §§ 1290.14 through 1290.15; 59 O.S., §§ 1350.1 et seq.; 59 O.S., §§ 1750.1 through 1750.14 and 1451 through 1476; 70 O.S., § 3311 et seq.; 75 O.S., § 250 et seq., and § 250.3.

CLASSES OF PERSONS AFFECTED:

Peace officers certified by CLEET, individuals, and entities licensed by CLEET.

PERSONS WHO WILL BENEFIT:

Peace officers certified by CLEET, individuals, and entities licensed by CLEET.

PROBABLE ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS: (Listing of fees and justification)

None. There are no fees associated with this change.

PROBABLE COSTS AND BENEFITS TO THE AGENCY OR ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE; SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT; AND ANTICIPATED EFFECT ON STATE REVENUES:

No additional monies are required for implementation.

ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS OR ASSISTANCE REQUIRED TO IMPLEMENT OR ENFORCE RULE:

No economic impact.

ADVERSE EFFECT ON SMALL BUSINESSES AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

None.

MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS; ALTERNATIVES CONSIDERED:

This work is already being monitored, there would be no additional compliance costs.

EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF PROPOSED RULE IS NOT IMPLEMENTED, NATURE OF RISK TO PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND EXTENT PROPOSED RULE WILL REDUCE THE RISK:

This proposed rule would not affect the public health, safety, or environment.

DETRIMENTAL EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF PROPOSED RULE IS NOT IMPLEMENTED:

None.

DATE PREPARED:

January 26, 2024