## TITLE 43. TRANSPORTATION Part 10. Texas Department of Motor Vehicles Chapter215 - Motor Vehicle Distribution

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3	SUBCHAPTER B. ADJUDICATIVE PRACTICE AND PROCEDURE
4	43 TAC §215.22 and §215.55
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6	ТЕХТ
7	Prohibited Communications
8	43 TAC §215.22
9	§215.22. Prohibited Communications.
10	(a) No party, attorney of record, or authorized representative in any contested case shall engage
11	in, [make,] directly or indirectly, any ex parte communication, in violation of Government Code,
12	§2001.061, concerning the [merits of the] contested case with [to] the board or hearing officer assigned
13	to render a decision or make findings of fact and conclusions of law in a contested case.
14	(b) Violations of this section shall be promptly reported to the hearing officer, as applicable, and
15	the general counsel of the department. The general counsel shall ensure that a copy or summary of the
16	ex parte communication is included with the record of the contested case and that a copy is forwarded to
17	all parties or their authorized representatives. The general counsel may take any other appropriate action
18	otherwise provided by law.
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1	SUBCHAPTER B. ADJUDICATIVE PRACTICE AND PROCEDURE
2	Final Decision
3	43 TAC §215.55
4	§215.55. Final Decision.
5	(a) Except as provided by §215.58 of this title (relating to Delegation of Final Order Authority), the
6	[The] board has final order authority in a contested case initiated by a complaint filed before January 1,
7	2014, under Occupations Code, §2301.204 or §§2301.601 - 2301.613.
8	(b) The hearings examiner has final order authority in a contested case filed on or after January 1,
9	2014, under Occupations Code, §2301.204 or §§2301.601 - 2301.613.
10	(c) Except as provided by subsections (a) and (b) of this section and §215.58, the board has final
11	order authority in a contested case filed under Occupations Code, Chapter 2301 or under Transportation
12	Code, Chapter 503.
13	(d) An order shall be deemed final and binding on all parties and all administrative remedies are
14	deemed to be exhausted as of the effective date, unless a motion for rehearing is filed with the
15	appropriate authority as provided by law.
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## TITLE 43. TRANSPORTATION Part 10. Texas Department of Motor Vehicles Chapter215 - Motor Vehicle Distribution

1	SUBCHAPTER B. ADJUDICATIVE PRACTICE AND PROCEDURE
2	43 TAC §215.59 - §215.62
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4	ТЕХТ
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6	Role of Department Staff in Managing Board's Review of Contested Cases
7	43 TAC §215.59
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9	§215.59 Role of Department Staff in Managing Board's Review of Contested Cases.
10	(a) At least two weeks prior to a board meeting during which the board will review a contested
11	case, department staff will notify the parties regarding the opportunity to attend and provide oral
12	argument.
13	(b) Except as prohibited by Government Code §2001.061, and §215.22 of this title (relating to
14	Prohibited Communications), department staff may advise the board regarding the contested case review.
15	However, staff shall not recommend a final decision unless the department is a party to the contested
16	<u>case.</u>
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18	SUBCHAPTER B. ADJUDICATIVE PRACTICE AND PROCEDURE
 19	Limiting Arguments and Discussion to Evidence in the Administrative Record
19	Elimiting Alguments and Discussion to Evidence in the Administrative Record
20	43 TAC §215.60
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22	§215.60 Limiting Arguments and Discussion to Evidence in the Administrative Record.

1	(a) The parties to a contested case under review by the board must limit their arguments and
2	discussion to evidence in the SOAH administrative record.
3	(b) Each party is responsible for objecting when another party attempts to make arguments or
4	discuss evidence that is not contained in the SOAH administrative record.
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6	SUBCHAPTER B. ADJUDICATIVE PRACTICE AND PROCEDURE
7	Order of Presentation to the Board for Review of a Contested Case
8	43 TAC §215.61
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10	§215.61 Order of Presentations to the Board for Review of a Contested Case.
11	(a) The department's staff will present the procedural history and summary of the contested case.
12	(b) The party that is adversely affected has the opportunity to present its case first.
13	(c) The other party or parties then have an opportunity to respond. If there are more than one
14	other party, each party will have an opportunity to respond in alphabetical order based on the name of
15	the party in the pleadings in the SOAH administrative record.
16	(d) Each party then has an opportunity to provide a rebuttal.
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18	SUBCHAPTER B. ADJUDICATIVE PRACTICE AND PROCEDURE
19	Board Conduct and Discussion When Reviewing a Contested Case
20	43 TAC §215.62
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22	§215.62 Board Conduct and Discussion When Reviewing a Contested Case.

- 1 (a) The board will conduct its review of a contested case in compliance with Government Code
- 2 <u>Chapter 2001, including the limitations on changing a finding of fact or conclusion of law, and the</u>
- 3 prohibition on considering evidence outside of the SOAH administrative record.
- 4 (b) Board members may question any party on any matter that is relevant to the proposal for
- 5 <u>decision and evidence contained in the SOAH administrative record.</u>
- 6 (c) Board members may use their industry expertise to help them understand the case and make
- 7 effective decisions. However, board members are not advocates for a particular industry. Board members
- 8 are public servants who take an oath to preserve, protect, and defend the Constitution and laws of the
- 9 <u>United States and Texas.</u>