

**Title 1—OFFICE OF
ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 2—Hearing Procedures for
Enforcement Cases**

PROPOSED AMENDMENT

1 CSR 50-2.040 Prehearing Conferences. The commission is inserting a new section (1) and then renumbering the following sections.

PURPOSE: This amendment clarifies when and under what circumstances a party may request a prehearing conference.

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

(2) [(1)] 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) [(2)] 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) [(3)] 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) [(4)] 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) [(5)] 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 Supp. 2015. Original rule filed March 24, 1997, effective Sept. 30, 1997. Amended: Filed Sept. 1, 2015, effective Feb. 29, 2016. Amended: Filed August 8, 2019.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) dollars in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement of support of or in opposition to this proposed amendment with the Missouri Ethics Commission at 3411 A Knipp Drive or PO Box 1370, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*