

**Title 1—OFFICE OF  
ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure For All Contested  
Cases Under Statutory Jurisdiction,  
Except Cases [Under Section 621.040, RSMo]  
Where Procedure Is Otherwise Provided For By Law**

**1 CSR 15-3.580 Certifications of Records**

*PURPOSE: This amendment makes commission procedure more consistent with procedure in the circuit courts regarding the content of the record on appeal and the procedure by which the commission shall cause the record to be certified to a court or agency.*

(1) Record Defined.

(A) As used in this rule, the term record has the meaning set forth in section 536.130.1[(3)], RSMo [1986],

**(B) Such record shall consist of any one of the following:**

**(1) such parts of the record, proceedings and evidence before the commission as the parties by written stipulation filed with the commission may agree upon before the commission has certified the record;**

**(2) any agreed statement of the case that is agreed to by all the parties and approved as correct by the commission; or**

**(3) a complete transcript of the entire record, proceedings and evidence before the commission, but any matter not essential to the decision of the questions presented by the complaint may be omitted, but the commission's decision, order and findings of fact and conclusions of law shall be included in every case. Documents may be abridged by the omission of irrelevant and formal parts thereof, including, but not limited to, briefs, proposed findings of fact and proposed conclusions of law, hearing notices, miscellaneous correspondence, motions, objections and responses, or commission orders not material to the decision.**

*[unless the parties agree otherwise as provided by section 536.130.1(1) or (2), RSMo*

*(B) Unless a party specifically and in writing requests otherwise before the commission has certified the record, the record shall not include:*

- 1. Briefs;*
- 2. Proposed findings of fact; and*
- 3. Proposed conclusions of law.]*

(2) The commission shall certify and transmit the record as follows.

(A) Agency. In any case under section 621.110, RSMo [2000], in which the commission finds that there is cause for discipline, the commission shall cause the record to be certified, and transmitted, to the agency.

(B) Circuit Court. The commission shall cause the record to be certified to, and filed with, a circuit court as provided in Supreme Court Rule 100.01 within thirty (30) days of the date on which it receives a copy of the petition for judicial review as set forth in section 536.110, RSMo [2000].

(C) Appellate Court. The commission shall cause the record to be certified to, and filed with, an appellate court of original jurisdiction as provided in Supreme Court Rule 100.02 within **thirty (30)** [ninety (90)] days of the date on which it receives a copy of the petition for judicial review or notice of appeal as set forth at Supreme Court Rule 100.02(d).

(3) Any party may file a motion with the commission for an amended certification. The commission may file an amended certification to include specified matters omitted from the **original** certification. The commission shall not file an amended certification deleting matters included in the **original** certification.

*AUTHORITY: section 621.198, RSMo Supp. 2013.\* Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed \_\_\_\_\_, 2016, effective \_\_\_\_\_.*

*\*Original authority: 621.198, RSMo 1965, amended 1978, 2001.*

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

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