**Section 123.190 Burden of Proof**

a) The burden of proof rests with the Office in all cases initiated by the Office by the filing of a Complaint. A recommendation for discipline may be made by the Board or hearing officer only where the Office establishes by clear and convincing evidence that the allegations of the Complaint are true.

b) The burden of proof in all cases initiated by the filing of a Petition for Hearing rests with the petitioner. The petitioner must prove by a preponderance of the evidence that the license should be granted or restored, as the case may be.