**Section 383.145 Rights and Responsibilities in Administrative Hearings**

a) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.

b) An appellant may request the licensing representative or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the Chief Administrative Law Judge to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department or supervising agency employees are the responsibility of the party requesting the subpoena.

c) Any motions from the appellant or the Department shall be filed with the Administrative Law Judge at least 10 calendar days before the hearing. Copies shall be sent to the Department's representative and the appellant.

d) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.

e) Both the appellant and the Department have the right to examine and copy documents and other information to be used by either party and to receive a list of witnesses to be called by either party at the hearing by requesting them at least 10 calendar days before the hearing. The Administrative Law Judge may prohibit the introduction of the requested evidence if not provided within the time frame.

f) At any time prior to the commencement of the administrative hearing, the Department may amend the statement of charges to include subsequent acts or omissions in violation of the Child Care Act or licensing standards of which the Department has provided the appellant notice.

g) At any time prior to the entry of a final administrative order, the appellant may withdraw the request for an administrative hearing and accept the Department's decision to revoke, refuse to renew or refuse to issue a full license, or may abandon the right to an administrative hearing by surrendering the license.

h) During the administrative hearing, the appellant and the Department have the right to:

1) present and question witnesses;

2) present any information relevant to the issues;

3) question or disprove any information, including an opportunity to question opposing witnesses; and

4) dispose of any disputed issue by stipulation, agreed settlement, consent order, or default any time prior to the conclusion of the administrative hearing.

i) The Department:

1) carries the burden of proof of justifying the decision to revoke a license, refuse to renew a license, or refuse to issue a full license to a permit holder; and

2) must prove that a preponderance of the evidence supports the decision.