

110-RICR-40-00-2

TITLE 110 – ATTORNEY GENERAL

CHAPTER 40 – CONSUMER PROTECTION UNIT

SUBCHAPTER 00 – N/A

PART 2 – Rules of Practice and Procedure at Rulemaking Hearings

2.1 Purpose

The rules of procedure are designed to conduct the hearing under the Consumer Protection Act dealing with unfair and deceptive practices.

2.2 Time and Place of Hearing

A. Place of hearing

1. At a place designated by the Attorney General.

B. Time of hearing

1. The time of hearings shall be designated by the Attorney General.

2.3 Presiding Officer

A. The Presiding Officer shall be the Attorney General of the State of Rhode Island and Providence Plantations or his or her designated representative who may be either an assistant attorney general or a special assistant attorney general.

B. Duties of Presiding Officer

1. The Presiding Officer has the responsibility of hearing the testimony of witnesses and for making determinations under these rules. His opinion as to admissibility shall be final.

C. Change of Presiding Officer

1. The Presiding Officer may be changed by the Attorney General at any time or times.

D. Hearing Examiner

1. The hearing examiner shall be appointed by the presiding officer. He shall call witnesses, and examine them. He shall also offer for introduction any tangible evidence that he desires.

2.4 Witnesses

- A. All witnesses shall be sworn by the presiding officer. The witnesses shall be examined only by the hearing examiner and the presiding officer. They shall not be open to cross-examination by any third parties.
- B. Witnesses may testify to the situation in Rhode Island only. In accordance with R.I. Gen. Laws § 42-35-10 evidence is admissible if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Hearsay evidence will be weighted as to its value by the presiding officer.
- C. Rebuttal witnesses may be offered by giving twenty-four (24) hours notice to the presiding officer. The twenty-four (24) hours notice may be waived by the presiding officer. Rebuttal witnesses may be examined by third-party counsel but are open to cross examination only by the hearing examiner and the presiding officer.
- D. Written statements be submitted by third-parties and shall be considered by the presiding officer providing they are received at least twenty-four (24) hours after the close of the last hearing.