

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
Section 7-209: Alternative Business Structures

[Added text is shown underlined, deleted text by strikethrough.]

A. through D. [no changes]

E. Licensure.

1. [no changes]

2. Decisions Regarding Licensure.

a. through c. [no changes]

d. Denial of Initial License.

(1) The committee ~~shall~~must recommend ~~to~~that the supreme court ~~denial of~~deny licensure if the applicant:

(a) ~~does~~Does not meet the qualifications or eligibility requirements at the time of the application described in this section; or

(b) ~~has~~Has not submitted a complete application with all deficiencies corrected, the required documents, and fees.

(2) The committee may recommend that the supreme court denial of~~denial of~~ licensure if the committee finds, with respect to the applicant or any authorized person, one or more of the following:

(a) through (s) [no changes]

(3) [no changes]

(4) Upon the committee's decision to recommend ~~denial of~~that the supreme court deny licensure:

(a) ~~division~~Division staff ~~shall~~must notify ~~each~~the applicant, including all authorized persons, of the committee's decision. The notice must state:

(i) ~~the~~The reasons for the committee's recommendation of denial;

(ii) That the committee's decision to recommend that the supreme court deny licensure is not effective until expiration of the deadline for requesting a hearing under subsection (E)(2)(e) of this section;

(iii) The date on which division staff mails the notice of denial; and

(iv) ~~the~~The right of the applicant to a hearing, pursuant to ~~under~~ subsection (E)(2)(~~d~~)(~~5~~)(e) of this section.

(b) The division staff ~~shall~~ must provide the notice in writing and ~~shall~~ must send the notice within 10 days after the committee's decision.

(~~5~~)e. Request for Hearing. An applicant is entitled to a hearing on the decision to recommend denial of licensure, if the disciplinary clerk receives a written request for a hearing within ~~fifteen~~ 15 days after division staff mails the notice of ~~the~~ denial. The request for hearing must contain the information required by ACJA § 7-201(H)(13). If no request for hearing is filed, the committee's recommendation of denial is filed with the supreme court, foreclosing an applicant, including any authorized person's, opportunity to respond under Arizona Supreme Court Rule 33.1(a)(6).

f. Hearing. The applicant is the moving party at the hearing and has the burden of proof. The provisions of ACJA § 7-201(H)(~~14~~14) through (~~23~~22)(a) and (b) apply regarding govern the procedures for the hearing and appeal related to the hearing. The disciplinary clerk must distribute the hearing officer recommendation report issued under ACJA § 7-201(H)(22)(a) to all parties and the committee in the manner provided under ACJA § 7-201(H)(22)(c).

g. Rehearing. Any aggrieved party may request a rehearing by filing a written request with the hearing officer and the disciplinary clerk within 15 days after the disciplinary clerk's distribution of the hearing officer's recommendation. If no request for rehearing is filed, the committee will consider the hearing officer's recommendation under subsection (E)(2)(h) of this section.

(1) The request for rehearing must state one or more of the grounds listed in Rule 59, Arizona Rules of Civil Procedure. Any other party may file a response within 10 days of the filing of the request for rehearing with an additional 5 days allowed for response if the request for rehearing was served by mail. No reply in support of the request may be filed.

(2) The hearing officer must issue an order granting or denying the request, in whole or in part, within 10 days of the response deadline. Distribution of the order is governed by ACJA § 7-201(H)(22)(c).

(3) If rehearing is granted, the disciplinary clerk must distribute the hearing officer recommendation report on rehearing in the manner provided under ACJA § 7-201(H)(22)(c).

h. Committee consideration of hearing officer recommendation. Following receipt of the hearing officer's recommendation report under (E)(f) or (g) of this section, the committee must either:

(1) Accept, reject, or modify the hearing officer's recommendation report, in whole or

in part, as the committee's recommendation, direct division staff to provide notice in the manner required under subsection (E)(2)(d)(4), and file the committee's recommendation with the supreme court, or

(2) Issue an order remanding all or part of the matter to the hearing officer, identifying the issues remanded, and requiring the hearing officer to issue a recommendation report on remand. Following receipt of the hearing officer's recommendation on remand, the committee must accept, reject, or modify the hearing officer's recommendation report on remand as the committee's recommendation and file the committee's recommendation with the supreme court.

i. Response to recommendation to deny. An applicant, including any authorized person, affected by any denial recommendation of the committee filed with the supreme court may respond as provided in Supreme Court Rule 33.1(a)(6), except as prohibited under subsection (E)(2)(e).

(6)j. An applicant denied licensure by a final decision of the supreme court, ~~whether or not a hearing was requested and held,~~ may reapply for licensure, under subsection (E) of this section, under the following circumstances if:

(a) It has been twelve months since the final decision by the supreme court;

(b) The applicant ~~shall present~~ presents all of the following new documentation ~~to address the original issues resulting in denial including all of the following:~~

(i) Addressing the original issues resulting in the committee's denial;

(ii) ~~Demonstration of~~ Demonstrating acceptance of responsibility for the conduct leading to the denial ~~by the committee;~~ and

(iii) ~~Establishes~~ Establishing that the purpose of the business meets the regulatory objective of Supreme Court Rule 33.1(b)(1) and subsection (E)(2)(a)(1) of this section.

(c) In determining whether the applicant has established that the purpose of the business meets the regulatory objective of Supreme Court Rule 33.1(b)(1) and subsection (E)(2)(a) of this section, the committee ~~shall~~ must conduct an informal interview with the applicant no later than 60 days after the applicant has submitted a completed application.

3. through 6. [no changes]

F. through K. [no changes]