



Review of Proposed Rules R4641– Chief Administrative Law Judge’s Report

The proposed rules were approved with the exception of provisions related to three areas where defects were found. The Chief Administrative Law Judge’s report identified the means to correct the defects. The Board accepted the recommendations, adopted the findings, and made the modifications suggested.

The defects and remedies are discussed below.

- 1. Finding #90 – Brady-Giglio in Background Investigations:** Proposed rule 6700.0670, subpart. 1(D)(10), is defective. Re: item 10 “it is not clear whether the rules cover instances of *Brady-Giglio* disclosures that are not also reflected in official findings”. *See discussion in findings #78 through #94*

Modification made:

6700.0670, subpart. 1(D)(10), into

“other conduct which the applicant is aware that resulted in a *Brady-Giglio* disclosure by a prosecuting authority”.

See Rule Text: at page 4, line 3.1

- 2. Finding #113 - Hate Groups:** Proposed rules 6700.0700, subpart 1(H) and 6700.1600, subparts 1(H) and (I) are defective. *See discussion in findings #101 through #119, beginning on page 23 of the report*

Modification:

- a. Moved the criteria for hate group to the definition rule part See Rule Text, page 1,*
- b. Modified the reference to hate groups in Minimum Selection Standards -See Rule Text, starting at page 11, line 10.18*
- c. Modified Standards of Conduct reference to hate groups -See Rule Text, page 18,*

- 3. Finding #129 – Minimum Age.** Proposed rule 6700.0700, Minimum Selection Standards subp. 1(M) is arbitrary and defective as evidence is lacking as to why the Board chose 18 as a minimum age for licensure versus 19, 20, 21, etc.
(see discussion Finding # 120 - #132).

Modification: Rule withdrawn, leaving current status where there is no minimum age for licensure.