

AGENDA ITEM B

SUBJECT

Adoption of Pending Administrative Rules 20.06.01

OVERVIEW

On June 19, 2019, a special edition of the Idaho Administrative Bulletin reauthorized rules that were deemed necessary to protect public health, safety, and welfare or to confer a benefit. Each rule docket was published as temporary and proposed concurrently. The proposed rules must be adopted as pending rules prior to the 2020 legislative session.

It is the expectation of the Governor that each agency continues to review their reauthorized proposed rules for opportunities to eliminate or simplify.

The rules have been edited to update and simplify the rule language as directed by the Governor. Changes are highlighted with strikethrough and underline. These edits have been reviewed by a Deputy Attorney General.

RECOMMENDATION

Approve pending Administrative Rules IDAPA 20.06.01 for the 2020 legislative session.

BOARD ACTION

Larry Stewart motioned to approve and Alan Harper Seconded.

Approved unanimously.

ATTACHMENTS

A. Proposed administrative rules IDAPA 20.06.01 with minor edits.

**IDAPA 20
TITLE 06
CHAPTER 01**

20.06.01 – RULES OF THE IDAHO BOARD OF SCALING PRACTICES

000. LEGAL AUTHORITY.

In accordance with Section 38-1208, Idaho Code, the Board has the power to adopt and amend rules. (4-15-98)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 20.06.01, “Rules of the Idaho Board of Scaling Practices.” (5-8-09)

02. Scope. These rules constitute the levy of assessment, payment for logging and hauling, licensing standards and renewals, method of scaling forest products for commercial purposes, check scaling operations, and informal hearings. (5-8-09)

002. WRITTEN INTERPRETATIONS.

The Board has no written interpretive statements pertaining to the interpretation of rules in this chapter. (4-15-98)

003. ADMINISTRATIVE APPEALS.

Appeals of check scaling reports to the Board are governed by the provisions of Sections 38-1222 and 67-5201, et seq, Idaho Code. (3-20-04)

004. INCORPORATION BY REFERENCE.

01. Incorporated Document. IDAPA 20.06.01 adopts and incorporates by reference the “Idaho Log Scaling Manual,” 2008 Edition, published by the Idaho Board of Scaling Practices. (5-8-09)

02. Availability of Referenced Documents. Copies of the “Idaho Log Scaling Manual,” 2008 Edition, are available at the following locations: (5-8-09)

a. Idaho Board of Scaling Practices, ~~3780 Industrial Avenue South~~ **3258 W Industrial Loop**, Coeur d’Alene, Idaho 83815-8918. (5-8-09)

b. State Law Library, 702 W. Idaho St., 4th Floor, Boise, Idaho 83702. (5-8-09)

c. Website is ~~http://www.idl.idaho.gov/~~ **http:ibsp.idaho.gov.** (5-8-09)

~~**005. OFFICE OFFICE HOURS MAILING ADDRESS AND STREET ADDRESS.**~~

~~**(This Section is being replaced by the cover sheet)**~~

~~**01. Office Address.** The office of the Idaho Board of Scaling Practices is located at 3780 Industrial Avenue South, Coeur d’Alene, Idaho. (5-8-09)~~

~~**02. Office Hours.** The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. (5-8-09)~~

~~**03. Mailing Address.** The mailing address is: Idaho Board of Scaling Practices, 3780 Industrial Avenue South, Coeur d’Alene, Idaho 83815-8918. (5-8-09)~~

~~04. Telephone and Fax. The telephone number is (208) 769-1445; fax number is (208) 769-1524.~~

~~(5-8-09)~~

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (5-8-09)

007. -- 009. (RESERVED)

010. DEFINITIONS.

- 01. Board.** The Idaho Board of Scaling Practices. (5-8-09)
- 02. Check Scaling.** The comparison of scaling practices between a Board-appointed check scaler and any other scaler. (4-15-98)
- 03. Combination Log.** Any multiple-segment log involving more than one (1) product classification. (4-15-98)
- 04. Complaint.** A written statement alleging a violation of the Idaho Scaling Law, Title 38, Chapter 12, Idaho Code. (3-20-04)
- 05. Complainant.** A person or entity who submits a complaint to the Board. (3-20-04)
- 06. Cubic Volume.** A log rule that uses cubic feet ~~or cubic meters~~ as its basic unit of measure, determined on the basis of a mathematical formula. (5-8-09)
- 07. Decimal "C."** A log rule that uses tens of board feet as its basic unit of measure; one (1) decimal "C" equals ten (10) board feet. The Idaho Scribner decimal "C" volumes as listed in the Appendix of the "Idaho Log Scaling Manual." (5-8-09)
- 08. Gross Scale.** The log rule volume of timber products before deductions are made for defects. (4-15-98)
- ~~**09. Gross Weight.** The actual weight of the products hauled. (4-15-98)~~
- 109. Informal Hearing.** Any hearing before the Board of Scaling Practices, as opposed to a formal hearing before a hearing officer designated by the Board. (3-20-04)
- 110. Log Brands.** A unique symbol or mark placed on or in forest products for the purpose of identifying ownership. (4-15-98)
- 121. Net Scale.** The remaining log rule volume of timber products after deductions are made for defects, based on the product classification that is used. (4-15-98)
- 132. Official Seal.** An official seal of the Idaho Board of Scaling Practices is hereby adopted. The seal shall be round, of a diameter of at least one and one-half inches (1-1/2"), and be so constructed that it may readily be imprinted on paper. ~~The seal appears in the appendix hereto.~~ (4-15-98)
- 143. Prize Logs.** As described in Section 38-809, Idaho Code. (4-15-98)
- 154. Product Classification.** Classification as sawlog, pulp log, or cedar products log for purposes of net scale determination or check scaling. (5-8-09)
- 165. Purchaser.** The principal individual, partnership, or corporation entitled to ownership at the first determination of scale for forest products harvested in Idaho. Purchaser shall also include the owner of the timber as provided in Section 38-1209(b), Idaho Code. (4-15-98)

176. Requested Check Scale. A check scale performed pursuant to Section 820 of these rules. (4-15-98)

187. Relicense Check Scale. A check scale requested and scheduled in advance, by a licensed scaler, for purposes of license renewal. (4-15-98)

198. Routine Check Scale. A check scale that is not a relicense, temporary permit, or requested check scale. (4-15-98)

2019. Respondent. The person or entity accused of violating the Idaho Scaling Law, Title 38, Chapter 12, Idaho Code. (3-20-04)

210. Temporary Permit Check Scale. A check scale performed pursuant to provisions of Section 240 of these rules. (4-15-98)

221. Written Scaling Specifications. A written document provided to the scaler that states the information necessary to scale logs in accordance with a contractual scaling agreement. (4-15-98)

011. -- 049. (RESERVED)

050. ASSESSMENT.

In accordance with provisions of Section 38-1209, Idaho Code, the Board is authorized and directed to levy an assessment. (4-15-98)

01. Purchaser. The purchaser, as defined in Subsection 010.15, shall pay the assessment levied by the Board. (3-20-04)

02. Assessment. The assessment shall be transmitted to the Board on or before the twentieth (20th) day of each month for all timber harvested during the previous month. Forms provided by the Board shall be completed and submitted with the assessment. (4-15-98)

03. Weight. On forest products harvested and purchased solely on the basis of weight, no levy of assessment is applicable. (4-15-98)

051. -- 059. (RESERVED)

060. LOG BRANDS.

In accordance with the provisions of Section 38-808, Idaho Code, the Board is responsible for approval and registration of all log brands. (4-15-98)

01. Applications. All applications for log brands or renewals shall be submitted and approved prior to use. (4-15-98)

02. Fees. Log brand registration, renewal, and transfer of ownership fees are twenty-five dollars (\$25) for each log brand. (4-15-98)

061. -- 069. (RESERVED)

070. PRIZE LOGS.

In accordance with provisions of Section 38-809, Idaho Code, the Board is responsible for the disposition of prize logs. (4-15-98)

071. -- 099. (RESERVED)

100. PAYMENT FOR LOGGING OR HAULING.

Provisions of Section 38-1220(b), Idaho Code, govern payment for logging or hauling. (3-20-04)

01. Gross Scale Determination. Gross scale shall be determined by the methodology stated in Chapter Two (2) of the “Idaho Log Scaling Manual.” (5-8-09)

02. Compliance with Gross Scale Determination. Notwithstanding the methodology criteria contained in the “Idaho Log Scaling Manual,” compliance shall be determined to have been met when check scale results on gross scale comparisons are within allowable standards of variation as contained in these rules. (5-8-09)

101. -- 199. (RESERVED)

200. LICENSES.

01. Application Form. Application for a scaling license shall be is made on a form prescribed and furnished by the Board. (4-15-98)

02. Revocation or Suspension for Incompetency. If check scale results on three (3) occasions in any twelve (12) month period are found unacceptable based on standards of variation established under Section 810, the scaler’s license may be revoked or suspended as provided in Section 38-1218, Idaho Code. (4-15-98)

201. -- 219. (RESERVED)

220. APPRENTICESHIP CERTIFICATE.

01. General. Will be Is issued at no charge to those individuals with no previous scaling experience who wish to practice scaling techniques in view of becoming a licensed scaler. (4-15-98)

02. Procedure to Obtain Certificate. (4-15-98)

a. Submit the application form. (4-15-98)

b. After making application, a candidate will be required to take the written examination. Upon passing the written examination, the Apprenticeship Certificate will then be issued. (4-15-98)

03. Regulations Governing Use of Certificate. The apprentice shall be is authorized to scale only under the direct supervision of a licensed scaler. The scale determined by the apprentice will, under no circumstances, be used as the sole basis for payment. (4-15-98)

221. -- 239. (RESERVED)

240. TEMPORARY PERMIT.

01. General. Will be Is issued for a period of time, not to exceed three (3) months, to individuals with previous scaling experience who need to scale for commercial purposes. (4-15-98)

02. Procedure to Obtain Temporary Permit . (4-15-98)

a. Submit the application form. (4-15-98)

b. Remit the required twenty-five dollar (\$25) fee. (4-15-98)

c. Submit a letter from the employer requesting the temporary permit and identifying where the permittee would be scaling. (4-15-98)

d. Take and pass the written portion of the scaler’s examination, and demonstrate practical scaling abilities in the form of an acceptable check scale. (4-15-98)

03. Regulations Governing Use of Temporary Permit. (4-15-98)

a. Permits shall expire the date of the next practical examination in the area or three (3) months from the date of issuance, whichever comes first. The scale determined by the holder of a temporary permit may be used as a basis for payment. (4-15-98)

b. Should the holder of a temporary permit fail to appear to take the practical portion of the scaler's examination after being notified in writing of the time and place of said examination, the temporary permit will be canceled. (4-15-98)

c. Temporary permits will not be issued to applicants or relicensees who have failed the practical examination two (2) or more times until thirty (30) days following the individual's last exam failure. (4-15-98)

241. -- 259. (RESERVED)

260. SPECIALTY LICENSE.

01. General. Will be ~~is~~ issued to handle situations where the applicant would not be required to possess the exacting skills needed to scale sawlogs. (4-15-98)

02. Procedure to Obtain Specialty License. (4-15-98)

a. Submit the application form. (4-15-98)

b. Remit the required twenty-five dollar (\$25) fee. (4-15-98)

c. Submit a letter from the employer describing scaling that would justify the issuance of a specialty license. (4-15-98)

d. Successfully complete the examination as may be devised by the Board. (4-15-98)

03. Regulations Governing Use of Specialty License. ~~Specialty license~~ The holders ~~are~~ ~~is~~ only allowed to scale the products specified on the individual's license. (4-15-98)

261. -- 279. (RESERVED)

280. STANDARD LICENSE.

01. General. Will be issued to individuals who demonstrate competency in scaling principles and techniques. (4-15-98)

02. Procedure to Obtain Standard License. (4-15-98)

a. Submit the application form. (4-15-98)

b. Remit the required twenty-five dollar (\$25) fee. (4-15-98)

c. Take and pass the examination as described under Section 300. (4-15-98)

03. Regulations Governing Use of Standard License. The holder ~~of a standard license~~ is qualified to scale all species and products. (4-15-98)

281. -- 299. (RESERVED)

300. STANDARD LICENSE EXAMINATION.

01. General. To be taken by all persons applying for the standard license. (4-15-98)

02. Written Examination. (4-15-98)

- a. Will be based upon Chapters 1, 2, and 3 of the “Idaho Log Scaling Manual.” (5-8-09)
- b. Any score of seventy percent (70%) or better is a passing grade. (4-15-98)
- c. The written test must be taken and passed before the practical examination can be attempted. (4-15-98)

03. Practical Examination. (4-15-98)

a. The practical examination for a scaler’s license will consist of scaling a minimum of not less than two hundred (200) logs with a net decimal “C” scale determination for sawlogs of not less than twenty thousand (20,000) board feet, or not less than fifteen thousand (15,000) board feet in the southeast Idaho area. (4-15-98)

b. The logs will first be scaled by three (3) qualified check scalers, except the southeast Idaho area shall be two (2) or more qualified check scalers, and the agreed-upon results will be the basis for grading the examination. (4-15-98)

c. To obtain a passing grade, a scaler must be within allowable limits of variation in the following categories:

CATEGORY	ALLOWABLE VARIATION
Gross Volume	For logs in round form +/- 2.0%
	For logs in fractional or slab form +/- 5.0%
Net Volume	Check scale percent of defect on logs checked
	Up to 10 +/- 2.0%
	10.1 to 15 +/- 3.0%
	15.1 to 20 +/- 0.2% for each percent of defect
	Over 20 +/- 5.0%
	Species identification errors 3.0%

(4-15-98)

301. -- 399. (RESERVED)

400. RENEWAL OF STANDARD AND SPECIALTY LICENSES.

For scalers who hold “Standard” and “Specialty” licenses, the process for renewal will consist of the following. (4-15-98)

01. To Renew a License by the Expiration Date: (4-15-98)

- a. Receive an acceptable check scale performed by a Board check scaler. (4-15-98)
- b. Pay renewal fee of twenty-five dollars (\$25). (4-15-98)

02. To Renew a License Within Two Years After The Expiration Date: (4-15-98)

a. Request and receive an acceptable check scale performed by a Board check scaler. When the check scale is unacceptable, the individual is required to reapply for the standard license. (4-15-98)

- b. Pay renewal fee of twenty-five dollars (\$25). (4-15-98)

03. To Renew a License More Than Two Years After The Expiration Date. An individual is required to reapply for the standard license. (4-15-98)

04. Option to a Check Scale for Standard License Renewal. A practical examination successfully completed may be used in-lieu-of a check scale for renewal. (4-15-98)

05. Option to a Check Scale for Specialty License Renewal. An examination as may be devised by the Board may be used in-lieu-of a check scale for renewal of specialty licenses. (4-15-98)

401. -- 499. (RESERVED)

500. METHOD OF SCALING FOREST PRODUCTS FOR COMMERCIAL PURPOSES.

01. Scribner Decimal "C". Log scaling by the Scribner decimal "C" method shall be made according to scaling practices and procedures described in the "Idaho Log Scaling Manual" and Sections 501 through 504 of these rules. (5-8-09)

02. Cubic Volume. Log scaling by a cubic volume method shall be made according to scaling practices and procedures agreed upon in writing between parties to a scaling agreement. (5-8-09)

03. Other Scaling Methods. Log scaling by any method other than Scribner decimal "C" or cubic volume shall be considered and determined by the Board upon written request. (5-8-09)

501. GROSS VOLUME CONVERSIONS.

01. Conversion to Gross Decimal "C" or Gross Cubic Volume. Gross volume measurement determined in a manner other than decimal "C" or cubic volume shall be converted to an equivalent decimal "C" or cubic volume gross scale. (5-8-09)

02. Conversion Factors. Measurement procedures and converting factors described in the Special Situations Measurement section, Chapter Two (2) of the "Idaho Log Scaling Manual," may be used to express decimal "C" board foot equivalents. (5-8-09)

03. Other Conversion Factors. Measurement procedures and converting factors not listed in the "Idaho Log Scaling Manual" shall be considered and determined by the Board upon written request. (5-8-09)

502. GENERAL SCALING REQUIREMENTS.

01. Written Scaling Specifications. At any scaling site, licensed scalers shall be provided with a written document that states the information necessary to scale logs in accordance with a contractual scaling agreement. (5-8-09)

02. Recording Measurements on Scale Tickets. For each log scaled, scalers shall record a combination of data from which both gross and net volume can be derived. This data shall include scaling length and scaling diameter(s). (5-8-09)

03. Load Identification. Scalers shall ensure that all loads are readily identifiable upon completion of scaling. (5-8-09)

503. GROSS DECIMAL "C" SCALE DETERMINATION.

Contractual scaling agreements relating to determination of Scribner decimal "C" gross scale shall not establish any scaling requirement that differs from those stated in the "Idaho Log Scaling Manual" except for a minimum top diameter that may be smaller than five and fifty-one hundredths inches (5.51") actual measure. Licensed scalers shall be provided with written scaling specifications that denote any minimum top diameter that is smaller than five and fifty-one hundredths inches (5.51") actual measure. (5-8-09)

504. NET DECIMAL “C” SCALE DETERMINATION.

Contractual scaling agreements relating to determination of Scribner decimal “C” net scale may establish scaling requirements that differ from those stated in the “Idaho Log Scaling Manual.” Licensed scalers shall be provided with written scaling specifications that clearly describe any changes in net scale scaling practices. (5-8-09)

505. -- 799. (RESERVED)

800. CHECK SCALING PROCEDURES.

01. Valid Check Scale. (4-15-98)

a. Check scaling shall require a minimum of fifty (50) logs containing a decimal “C” gross scale of at least ten thousand (10,000) board feet. When other methods of measurement are used, the check scaler will investigate the situation and determine the most logical method of check scaling. (4-15-98)

b. Check scaling will be performed without scaler’s knowledge, when possible. (4-15-98)

c. Check scales shall be performed only on logs that are in the same position as presented to the scaler. (4-15-98)

d. Check scales shall not be performed if the logs are not spread adequately enough, in the check scaler’s discretion, to allow for accurate scaling. If these conditions arise, the check scaler shall make a written report describing the conditions and surrounding circumstances. The Board shall make a decision as to the disposition of these conditions and direct the check scaler accordingly. (4-15-98)

e. The check scaler shall use the written scaling specifications that have been provided to the scaler. In the absence or omission of written scaling specifications, logs shall be check scaled according to scaling methodology stated within the “Idaho Log Scaling Manual.” (5-8-09)

02. Cooperative Scaling. Cooperative scaling involves two (2) scalers, using different scaling specifications, working together to determine the log scale volume. In these instances, each scaler shall be individually responsible for the scale recorded. (4-15-98)

03. Team Scaling. Team scaling is two (2) scalers, using the same scaling specifications, working together to determine the log scale volume. In these instances, both scalers shall be responsible for the scale recorded, except that if one (1) of the individuals is an apprentice scaler, the licensed scaler shall be responsible for the scale recorded. (4-15-98)

04. Holding Check Scale Log Loads. All log loads involved in an unacceptable check scale will be held at the point of the check scale until such time as the logs have been reviewed with the scaler, or for a period up to forty-eight (48) hours. (4-15-98)

a. During this period the load(s) shall not be moved or tampered with in any way. (4-15-98)

b. The Board’s check scaler shall affix a tag to mark all loads which must be held, and notify the scaler and landing supervisors respectively. (4-15-98)

801. -- 809. (RESERVED)

810. CHECK SCALING STANDARDS OF VARIATION.

01. Allowable Limits of Variation. To determine a check scale as acceptable or unacceptable for Board consideration, and when the method of measurement is the Coconino Scribner decimal C log rule, a scaler must be within allowable limits of variation in the following categories:

CATEGORY		ALLOWABLE VARIATION
Gross Volume	For logs in round form	+/- 2.0 percent
	For logs in fractional or slab form	+/- 5.0 percent
Net Volume	Check scale percent of defect on logs checked	
	Sawlogs	Up to 10 +/- 2.0 percent 10.1 to 15 +/- 3.0 percent 15.1 to 20 +/- 0.2 percent for each percent of defect Over 20 +/- 5.0 percent
	Pulp Logs	+/- 5.0 percent
	Cedar Product Logs	+/- 8.0 percent
Species Identification Errors		3.0 percent
Product Classification Errors		3.0 percent

(4-15-98)

02. Combination Logs. For purposes of determining product classification errors, combination logs shall be counted as one-half (1/2), one-third (1/3), one-fourth (1/4) -- depending on the number of scaling segments - - to arrive at a piece or log count variation. Combination logs shall be considered only when provided for in a contractual scaling agreement or written scaling specifications. (4-15-98)

03. Check Scales Involving Multiple Variations. Some check scales will involve more than one (1) parameter of variation. The overall allowable limit of variation to determine acceptability or unacceptability of the total gross or net scales shall be determined by the following formula:

OAV =	$\frac{(a \times E) + (b \times E) + (c \times F)}{(D + E + F)}$
OAV =	overall allowable percentage variation
A =	allowable percentage variation for gross/net sawlog scale
B =	allowable percentage variation for gross/net pulp log scale
C =	allowable percentage variation for gross/net cedar products scale
D =	check scaler's gross/net sawlog scale
E =	check scaler's gross/net pulp log scale
F =	check scaler's gross/net cedar products log scale

(4-15-98)

811. -- 819. (RESERVED)

820. REQUESTED CHECK SCALE.

A check scale may be performed upon request of any individual, company, or corporation.

(4-15-98)

01. Submission of Request. (4-15-98)

a. The request must be in writing and approved by the **Board's** executive director. (4-15-98)

b. The request must be made by a party directly affected and involve disputes on scaling. (4-15-98)

02. Cost of a Requested Check Scale. The fee is two hundred dollars (\$200) for each day, or part of a day, that the check scaler is scaling the logs. (4-15-98)

821. -- 829. (RESERVED)

830. CHECK SCALE REPORT.

01. Check Scale Results. The check scaler shall make a report of his findings to the Board. (4-15-98)

02. Persons Entitled to a Copy of the Check Scale Report. (4-15-98)

a. Persons directly affected and entitled to a copy of the check scale report on temporary permits and relicensure check scales are the scaler and the scaler's employer(s). (4-15-98)

b. Persons directly affected and entitled to a copy of the check scale report on routine and requested check scales include the scaler, the scaler's employer(s), the scaler's supervisor(s), the logging contractor(s), or other persons directly affected by the check scale report as determined by the **Board's** executive director **of the Idaho Board of Scaling Practices**. (4-15-98)

831. -- 909. (RESERVED)

910. INFORMAL HEARINGS -- SCOPE AND AUTHORITY.

Sections 910 through 980 shall apply to all informal hearings before the Board. These rules are adopted pursuant to Sections 38-1208 and 67-5201, et seq., Idaho Code, and are intended to facilitate the Board in executing its duties and responsibilities under Title 38, Chapter 12, Idaho Code. These rules shall be construed to effectuate the intent of the legislature in adopting the Idaho Scaling Law in a reasonable, fair and expeditious manner. (3-20-04)

911. -- 919. (RESERVED)

920. COMPLAINTS.

01. Submittal of Complaint. **The complaint shall be Is** submitted in writing in the name of the primary complainant. (3-20-04)

02. Contents of Complaint. **The complaint shall Must** state: (3-20-04)

a. The name and address of the person or entity actually aggrieved; (3-20-04)

b. A short and plain statement of the nature of the complaint, including the location and date of the alleged violation; (3-20-04)

c. The complainant's notarized signature; (3-20-04)

d. The complainant shall submit, **with the complaint,** written or documentary evidence in support of the alleged violation; and (3-20-04)

e. In the case of a gross scale complaint, which alleges violations of Section 38-1220(b), Idaho Code, the complainant must also provide a readable copy of the contract, payment slips, and scale tickets for each transaction involved in the alleged complaint. (3-20-04)

921. -- 929. (RESERVED)

930. RESPONSE TO COMPLAINT.

01. Response. The respondent shall submit to the Board a written response to the allegations of the complaint, with supporting evidence, within thirty (30) days after receiving a copy of the same from the Board. The Board shall presume that the respondent received such complaint and evidence within three (3) days after mailing by the Board, unless the respondent submits evidence to the contrary to the Board. (3-20-04)

02. Consideration of Complaint. The Board shall consider a complaint in its next meeting following the timely response of the respondent or the respondent's failure to respond within the time limit of Subsection 930.01. (3-20-04)

931. ACCESS TO RECORDS.

The Board shall provide to the respondent or his counsel a copy of the complaint and any supporting evidence to which the respondent does not have access, at the earliest date after the Board has received the same. The Board shall provide the complainant or his counsel a copy of any answer or response and supporting evidence thereof to which the complainant does not have access, at the earliest date after the Board has received the same. (3-20-04)

932. -- 939. (RESERVED)

940. CONDUCT OF INFORMAL HEARINGS.

01. Hearing Procedure. The chairman of the Board shall minimize, where possible, the use or application of formal court rules of procedure and evidence in the spirit of an informal hearing consistent with the intent of these rules, fairness to the parties, and the interests of justice. (3-20-04)

02. Statements. The complainant and the respondent may make a brief statement concerning the allegation(s) and may introduce new evidence in support of or in opposition to the allegation(s). Statements shall be concise, specific, relevant to the allegation(s), and limited to ten (10) minutes per party, unless the specific allegation(s) as determined by the chairman clearly requires greater time to address the same. (3-20-04)

03. Questions Directed to the Board. All questions at the hearing shall be directed to the Board. The Board shall consider written or oral questions from the complainant or respondent at the hearing or take such questions under advisement. (3-20-04)

04. Questions Asked by the Board. Only the Board may ask questions of the complainant or respondent and may call witnesses. (3-20-04)

05. Representation by Counsel. The complainant and the respondent may be represented by counsel. (3-20-04)

941. -- 949. (RESERVED)

950. TIME FOR BOARD DETERMINATION.

After submission of the complaint and supporting documentation for evidence in accord with Section 930, and after an informal hearing on a complaint wherein the parties have had opportunity to respond to these allegations and to present testimony, documentation, or other evidence thereon in accord with Section 940, the Board may thereafter make its determination or take the matter under advisement and reach its determination within thirty (30) days. (3-20-04)

951. -- 959. (RESERVED)

960. FINAL DETERMINATION.

The Board's determination shall be final, subject to appeal pursuant to Title 67, Chapter 52, Idaho Code. (3-20-04)

961. -- 969. (RESERVED)

970. BOARD ACTION UPON DETERMINATION OF PROBABLE VIOLATION.

In the event that the Board determines that the complaint and supporting evidence indicate a probable violation of the Idaho Scaling Law, the Board shall, within thirty (30) days after that determination, transmit the complaint and supporting documentation to the prosecutor of the county where the violation occurred. (3-20-04)

971. -- 999. (RESERVED)

APPENDIX

I. Official Seal:

