

## **3112 RECONSIDERATION**

- 3112.1 A petition for reconsideration may be filed by a party within ten (10) days after service of the decision by the Director.
- 3112.2 Neither the filing nor the granting of that petition shall operate as a stay of a final order unless specifically ordered by the Director. A stay shall be granted only upon good cause which shall consist of unusual or exceptional circumstances.
- 3112.3 The petition shall state briefly and specifically the following:
- (a) The matters of record alleged to have been erroneously decided;
  - (b) The grounds relied upon; and
  - (c) The relief sought.
- 3112.4 If the petition is based in whole or in part on new or additional evidence, the new or additional evidence shall be set forth in an affidavit and accompanied by a statement that the petitioner could not with due diligence have known or discovered the new evidence prior to the date the case was presented to the Director for decision.
- 3112.5 The Director in his or her discretion may permit or require oral argument upon a petition for reconsideration.
- 3112.6 If, because of accident, illness, or other good cause, a person fails to receive a hearing or fails to appear for a requested hearing, and has been diligent in bringing the matter to the Director's attention, the Director may grant appropriate relief.
- 3112.7 The Director shall grant or deny a petition for reconsideration within ten (10) days after the filing of the petition. Failure of the Director to act within that period shall be deemed a denial of the petition.
- 3112.8 A facility shall not make a request for reinstatement of a license or for issuance of a new license imposed pursuant to this chapter until one year from the date of the Director's decision, unless the Director's decision should provide otherwise.
- 3112.9 A facility shall not make a request for removal of a restriction imposed pursuant to this chapter until at least ninety (90) days from the date of the Director's decision, unless the Director's decision should provide otherwise.

SOURCE: Final Rulemaking published at 39 DCR 5098, 5113 (July 10, 1992).