15-301. Investigation, interviews, and appeals.

A. Investigations. The board shall conduct an investigation and otherwise inquire into and determine the character, fitness, and general qualifications of every applicant for admission. In every investigation and inquiry the board may obtain information relating to the character, fitness, and general qualifications of the applicant; and may take and hear testimony, administer oaths and affirmations, and compel, by subpoena, the attendance of witnesses and the production of books, papers, and documents. Any member of the board may administer the oaths and affirmations. Investigations and inquiries shall be informal, but shall be thorough, with the object of ascertaining the truth. Technical rules of evidence need not be observed. Any hearing for that purpose may be held by a division of the board consisting of not less than three members of the board, and either the board chair, the board vice-chair, or a member of the board appointed by the board chair to preside shall serve as the division’s presiding officer. A complete record shall be made of all hearings held under this rule, and each applicant shall be advised of the nature of any allegations or charges made which may lead to denial of licensure, and may cross-examine adverse witnesses, be represented by counsel, and present relevant evidence. Subpoenas shall be freely issued on the written request of any applicant. Failure to respond to subpoenas issued under this rule will be an act of contempt of the Supreme Court and shall forthwith be reported by the board to the Supreme Court.

B. Interviews. The board, any member of the board, or a committee of the board, shall investigate and may hold interviews as to an applicant’s qualification. An interview is not a “hearing” as described in these rules; however, information gathered at an interview of the
applicant shall be admissible at hearings and an applicant’s truthfulness shall be considered relevant to the applicant’s qualifications.

C. Hearings. The board may hold a hearing on the qualifications of any applicant. The hearing may be held by a committee of the board consisting of not less than three members, of whom no fewer than one (1) shall be a member of the board. Members of hearing committees shall be members of the bar of this state, appointed by the chair of the board upon recommendation of the board. The chair of the board or any member of the board appointed by the chair shall chair the committee. The applicant shall be advised of the nature of the subject and purpose of the hearing and may cross-examine witnesses, be represented by counsel, and present evidence on the applicant’s behalf. A record shall be made of all committee hearings. The committee chair shall have the power to issue subpoenas on behalf of the committee. Subpoenas shall be freely issued on the written request of the applicant. Failure to respond to a committee subpoena will be an act of contempt of the Supreme Court and shall be reported by the board to the Supreme Court.

D. Appeals. If after a hearing the board refuses to recommend the admission of an applicant, the board shall make written findings of fact and conclusions. The findings and conclusions of the board shall be filed with the secretary of the board and a copy sent by certified or registered mail to the applicant. Any applicant aggrieved by a decision or action of the board may within sixty (60) days after the date of mailing of the findings and conclusions to the applicant, appeal to the Supreme Court by filing a petition and brief-in-chief with the clerk of the Court specifying wherein the board has erred, and by serving copies on the secretary of the board. A docketing statement and docket fee will not be required. The record on appeal to the Supreme Court shall consist of the application and file of the board, the record of the hearing, whether by tape recording or transcript, and the findings and conclusions of the board. Within forty-five (45)
days after the board has received the petition on appeal it will file a response. Oral arguments shall
be made in accordance with the Rules of Appellate Procedure. The petitioner shall be responsible
for making satisfactory arrangements with the secretary of the board for the record on appeal,
whether by tape recording or transcript. The Supreme Court may tax the costs of appeal against
the petitioner or the board, or partially against both, as it may deem equitable.

[As amended, effective November 1, 1994; as amended by Supreme Court Order No. 2020-8300-
001, effective August 31, 2020.]