RULE 1215.   CONDUCT OF HEARING

(a)   When a hearing is set in accordance with Rule 1201, the District Board shall determine whether a hearing officer is to hear the proceeding alone or whether the District Board, or one or more of its members, is to hear the case with or without a hearing officer. The District Board shall designate a Presiding Officer where two or more of its members, without a hearing officer, are designated to hear a proceeding.

(b)   Any hearing officer appointed pursuant to this rule shall be an attorney at law, having been admitted to practice before the courts of this State for at least five years prior to his appointment.

(c)   The Presiding Officer shall have the authority, within the District Board's powers and subject to its published rules as follows:

   (1)   To regulate the course of hearings, including the scheduling thereof, and the recessing, reconvening, and adjournment thereof, unless otherwise provided by the District Board.

   (2)   To take evidence under oath or affirmation.

   (3)   To rule upon offers of proof and receive evidence.

   (4)   To hold appropriate conferences before or during hearings.

   (5)   To dispose of procedural matters but not, before the initial or recommended decisions, to dispose of motions made during hearings to dismiss proceedings or other motions which involve final determination of proceedings.

   (6)   Within the Presiding Officer's discretion, or upon direction of the District Board, to certify any question to the District Board for its consideration and disposition.

   (7)   To take any other action necessary or appropriate to the discharge of the duties vested in the Presiding Officer, consistent with the statutory or other authorities under which the District Board functions and with the rules, regulations, and policies of the District Board or of the District.

(d)   It is the duty of the Presiding Officer to conduct a fair and impartial hearing and to maintain order. Any disregard by participants or counsel of the Presiding Officer's

rulings on matters of order and procedure shall be noted on the record, and where the Presiding Officer deems it necessary, shall be made the subject of a special written report to the District Board. In the event the participants or counsel should be guilty of disrespectful, disorderly or contumacious language or conduct in connection with any hearing, the Presiding Officer immediately may submit to the District Board his report thereon together with his recommendations, and in his discretion suspend the hearing.

(e)   Rulings of the Presiding Officer may not be appealed from during the course of hearings or conferences except in extraordinary circumstances where prompt decision by the District Board is necessary to prevent detriment to the public interest as to the orderly conduct of the hearing. In such instance, the matter shall be referred forthwith by the Presiding Officer to the District Board for determination and the Presiding Officer may in his discretion suspend the hearing until the District Board's determination of the matter.

(f)   Any offer of proof made in connection with an objection taken to any ruling of the Presiding Officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(g)   Unless the District Board acts upon questions referred by the Presiding Officer to the District Board for determination or upon appeals taken to the District Board from rulings of the Presiding Officer within thirty (30) days after referral or filing of the appeal, whichever is later, such referrals or appeals shall be deemed to have been denied. The parties to the proceeding shall be given appropriate notice of the date of the referral or appeal by the Presiding Officer or the appellant, as the case may be.