

(Adopted April 7, 1978)(Amended February 2, 1979)

**RULE 1229. DECISIONS**

- (a) Where a case is heard before the District Board itself, no member thereof who did not hear the evidence shall vote on the decision unless that member certifies on the record that he has read the record including the transcript, or has listened to tape recordings of the proceedings.
- (b) If a proceeding is heard by either a hearing officer or member of the District Board alone, he shall prepare a recommended decision in such form that it may be adopted as the decision and findings in the proceeding. If a proceeding is heard by two or more members of the District Board, but less than a quorum of the Board, then the Presiding Officer at such hearing shall prepare a recommended decision, concurred in by a majority of the members of the District Board who heard such proceeding, in such form that may be adopted as the decision and findings in the proceeding. A copy of the recommended decision shall be filed with the District Board as a public record and a copy of the recommended decision shall be served by the Clerk of the District Board on each party in the proceeding and his attorney. The District Board itself may adopt the recommended decision in its entirety.
- (c) If the recommended decision is not adopted as provided in subdivision (b), the District Board itself either may decide the proceeding upon the record, including the transcript, with or without taking additional evidence, or may refer the proceeding to the same Presiding Officer to take additional evidence. If the proceeding is so assigned to a Presiding Officer, he shall prepare a recommended decision as provided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such recommended decision shall be furnished to each party and his attorney as prescribed in subdivision (b). The District Board itself shall decide no proceeding provided for in this subdivision without affording the parties an opportunity to present either oral or written argument before the District Board itself.  
If additional evidence is introduced before the District Board itself, no District Board member may vote on the decision in the proceeding unless he has complied with subdivision (a).

- (d) The decision of the District Board pursuant to this Rule shall be in writing and shall contain findings of fact and a determination of the issues presented. Copies of such decision shall be delivered to the parties personally or sent to them by mail in accordance with Rule 1207.