

MICHIGAN UNARMED COMBAT REGULATORY ACT (EXCERPT)
Act 403 of 2004

***** 338.3644.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3644.amended Formal complaint.

Sec. 44. (1) A summary suspension order, cease and desist order, or injunctive relief issued or granted in relation to a license is in addition to and not in place of an informal conference; criminal prosecution; or proceeding to deny, revoke, or suspend a license; or any other action authorized under this act.

(2) After an investigation is conducted and a formal complaint is prepared, the department shall serve the formal complaint on the respondent and the complainant. At the same time, the department shall serve the respondent with a notice describing the compliance conference and hearing process and offering the respondent a choice of 1 of the following opportunities:

(a) An opportunity to meet with the department to negotiate a settlement of the matter.

(b) If the respondent is a licensee or registrant under this act, an opportunity to demonstrate compliance before a contested case hearing is held.

(c) An opportunity to proceed to a contested case hearing.

(3) A respondent upon which service of a formal complaint is made under this section may select, within 15 days after the receipt of notice, 1 of the options described in subsection (2). If a respondent does not select 1 of those options within the time period described in this section, then the department shall proceed to a contested case hearing as described in subsection (2)(c).

(4) An informal conference may be attended by a member of the commission, at the discretion of that commission, and may result in the agreement of the parties and the department to a settlement. A settlement may include the revocation or suspension of a license; censure; probation; restitution; or a penalty under section 48. The commission may reject a settlement and require a contested case hearing.

(5) An employee of the department may represent the department in any contested case hearing.

(6) This chapter does not prevent a person against which a complaint is filed from showing compliance with this act or a rule promulgated or an order promulgated or issued under this act.

(7) If an informal conference is not held or does not result in a settlement, the department shall allow the respondent an administrative hearing. A member of the commission may attend a hearing under this section.

(8) The department or the department of the attorney general may petition a court of competent jurisdiction to issue a subpoena that requires the person subpoenaed to appear or testify or produce relevant documentary material for examination at a proceeding.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.