

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Attorney General

Dr. E. I. Puckropp
Secretary-Treasurer
State Board of Chiropractic Examiners

July 14, 1975

Michael B. Miller
Special Assistant Attorney General
G-19K Administration Building

Board of Chiropractic Examiners
Rules CHI 1-60

Returned herewith are the above-captioned rules. These rules cannot be filed as promulgated, as they contain several problems in drafting and promulgation. They are:

1. The Statement of Need does not state facts necessitating promulgation of the rules.

2. As no substantive evidence in support of the rules was presented at the public hearing, the Findings of Fact are inadequate to support the rules.

3. Some sections of the rules are vague or do not provide a standard of conduct for the agency:

   a. CHI 31

   b. CHI 21(e)

   c. CHI 43(3)a vis-a-vis Evidence (e)

4. The rules for contested cases do not provide for representation by counsel or a pre-hearing conference, both of which are in the Model Rules.

5. The rules should be renumbered in accordance with Publication Board Rules.

6. Pages 2a and 3 of the rules do not appear continuous.

MBM/sr

Enclosures

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June 19, 1975

Mr. Michael B. Miller
Special Assistant Attorney General
State of Minnesota
St. Paul, Minnesota 55101

Re: Adoption of Rules:

Dear Sir:

Enclosed herewith please find the following:

1. Five copies of the Rules as adopted.
2. Three copies of the Rules as proposed.
3. One transcript of the public hearing.
4. Three copies of Order for Hearing.
5. Three copies of Notice of Hearing.
6. Three copies of Acquisition of Mailing List.
7. Three copies of Secretary of State's Certificate.
8. Three copies of Affidavit of Mailing.
9. Three copies of Statement of Need.
10. Three copies of Findings of Fact.
11. Three copies of Certificate of Agency's Adoption of Rules Resolution.
12. Three copies of Certificate of Agency's Authorizing Resolution.
13. Three copies of Order Adopting Rules.
14. Three copies of Statement of Compliance with the Attorney General's Rulemaking Procedure.
15. Objections to the Rules as proposed by Sydney Berde.
16. Objections to the Rules as proposed by the Minnesota Chapter, American Physical Therapy Assoc.
17. Approval of the Rules as proposed by the Minnesota Chiropractic Association.

As to the mailing list, pursuant to 391 labels and one sheet given to us by the Secretary of State, we mailed notice of public hearing of proposed Rules to all persons and other interested groups as well as to all persons being members

of the Minnesota Legislature on November 18, 1974, which list we did not copy and therefore are unable to forward to you.

These documents are being forwarded to you in accordance with the Office Memorandum submitted by you on July 16, 1974.

Yours very truly,

William Starr

William Starr

WS/jn

Encs.