

**RULE 1228. MOTIONS**

- (a) Scope and Contents. After a hearing has commenced in a proceeding, a request may be made by motion for any procedural or interlocutory ruling or relief desired. Other motions may be made as provided for elsewhere in this Regulation. Motions shall set forth the ruling or relief sought, and state the grounds therefore and the statutory or other authority relied upon, if any.
- (b) Presentation. The requirements of Rule 1207 shall apply to all written motions. Motions made during hearings may be stated orally upon the record provided, however, that the Presiding Officer may require that such motions be reduced to writing and filed separately.
- (c) Objections. Any party or staff counsel shall have seven days within which to answer or object to any written motion unless the period of time is otherwise fixed by the Presiding Officer.
- (d) Rulings On. The Presiding Officer designated to preside at a hearing is authorized to rule upon any motion not formally acted upon by the District Board prior to the commencement of the hearing where immediate ruling is essential in order to proceed with the hearing, and upon any motion filed or made after the commencement thereof and prior to the submission of his proposed decision in the proceedings; provided, however, that no motion made before or during a hearing, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon by a Presiding Officer except as a part of either his proposed decision submitted after the conclusion of the hearing; provided further, that this subsection shall not be construed as precluding a Presiding Officer, within his discretion, from referring any motion to the District Board for ultimate determination. The District Board will rule upon all other motions and upon such motions as the Presiding Officer may certify to the District Board for disposition.
- (e) District Board Action. With respect to any motion filed or made to a Presiding Officer after a hearing has commenced and referred to the District Board, unless the District Board acts within 30 days after such filing or referral, whichever is later, the motion shall be deemed to have been denied. The Presiding Officer shall

notify the parties to the proceeding of the date on which a motion is referred to the District Board either by an announcement on the record where the hearing is in session or by written notice if the hearing is in recess.