

Dear Senators DARRINGTON, Vick, Bock, and
Representatives WILLS, Luker, Burgoyne:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho State Police - Peace Officer Standards and Training Council:
IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council (Docket No. 11-1101-1201).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 08/31/2012. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/01/2012.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Principal Legislative Research Analyst - Brooke Murdoch

DATE: August 14, 2012

SUBJECT: Idaho State Police - Peace Officer Standards and Training Council

IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council (Docket No. 11-1101-1201)

The Idaho State Police submits notice of **temporary** and **proposed** rulemaking at IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council. The temporary and proposed rule identifies the conduct that may constitute cause for decertification of an officer and establishes due process procedures for summary and non-summary decertification proceedings.

We note the following:

- (1) Sections 091 and 092 of this rulemaking contain substantially the same language as that contained in Sections 091 and 092 of Docket No. 11-1101-1102, which was reviewed during the 2012 Legislative Session. Notably, Sections 091 and 092 of Docket No. 11-1101-1102 were rejected by Senate Concurrent Resolution No. 122; and
- (2) Section 032.03 of the rule, page 41, provides that the "Rules of Procedure in contested cases shall be governed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, or Section 092, of the rule, as applicable." We note that Section 19-5109(3), Idaho Code, mandates that all proceedings taken by the Peace Officer Standards and Training Council ("POST Council") be conducted in accordance with the Administrative Procedures Act ("APA"). The APA allows for deviation from its provisions in limited code sections that explicitly state "unless otherwise provided by statute or rule." (see Sections 67-5243(3) and 67-5246(4), Idaho Code.)

The temporary rule became effective on July 1, 2012. Negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

The rule appears to be within the authority granted to the POST Council in Section 19-5107, Idaho Code.

cc: Idaho State Police/Peace Officer Standards & Training
William L. Flink, Division Administrator

Mike Nugent Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

IDAPA 11 - IDAHO STATE POLICE

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-1201

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2012.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 19-5107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 15, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Identifies the specific conduct that may constitute cause for decertification; requires an officer charged with a felony or misdemeanor to notify his agency head within five business days; requires an agency head to notify POST within fourteen days of learning of the charge; allows an agency head intending to hire a decertified officer to petition the Council, ten years after the date the officer was decertified, for reconsideration for law enforcement officer employment; and defines and streamlines the POST Council's decertification procedures so the Council and officers under investigation can have allegations of unethical behavior or misconduct resolved more quickly while also protecting the officers' due process rights.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Necessary to protect the public health, safety, or welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact William L. Flink at (208) 884-7251.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2012.

DATED this 21st day of June, 2012.

William L. Flink, Division Administrator
Idaho State Police/Peace Officer Standards & Training
700 S. Stratford Dr.
Meridian, ID 83642
Phone: (208) 884-7251/Fax: (208) 884-7295

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
FOR DOCKET NO. 11-1101-1201**

032. POST COUNCIL.

01. Compensation. Except for the Division Administrator of the POST Council, the members of the Council receive no compensation from POST for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their functions, as prescribed by law. (4-7-11)

02. Council Resignations. Any Council member who ceases to qualify as such shall at once notify the Governor and Chairman in writing. Any Council member who desires to terminate their services shall notify the Governor and Chairman in writing of their intentions. (4-2-08)

03. Contested Cases. Rules of Procedure in contested cases shall be governed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, or Section 092, of this rule, as applicable. (~~4-2-08~~)(7-1-12)T

(BREAK IN CONTINUITY OF SECTIONS)

063. CODE OF ETHICS/STANDARDS OF CONDUCT.

Each applicant shall attest that he has read, understands, and will abide by the POST Council's Code of Ethics as standards of professional conduct and that he has read and understands the conduct that may constitute cause for decertification as found in the POST Council's Code of Ethics and Subsections 091.03 and 091.04. (~~3-21-12~~)(7-1-12)T

02. Personal and Official Life. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of my duty. (3-21-12)

03. Appropriately Enforce the Law. I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. (3-21-12)

04. Public Trust. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. (3-21-12)

05. Professional Performance. I know that I alone am responsible for my own standard of

professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement. (3-21-12)

(BREAK IN CONTINUITY OF SECTIONS)0

091. INTRODUCTION.

01. **Certificates and Awards.** Certificates and awards may be presented by the Council for the purpose of recognizing or raising the level of competence of law enforcement and to foster cooperation among the Council, agencies, groups, organizations, jurisdictions, and individuals. Any applicant who is the subject of an investigation is not eligible for POST certification of any kind while under investigation by an agency with competent authority and jurisdiction. (3-20-97)(7-1-12)T

02. **Property.** Certificates and awards remain the property of the Council and are only valid as long as the officer has not been decertified and is appointed as an Idaho peace, county detention, juvenile detention, juvenile probation, correction, adult probation and parole, or misdemeanor probation officer, or an Idaho Department of Juvenile Corrections Direct Care Staff member. (3-29-10)

03. **Decertification – Mandatory, Discretionary, Reporting, Eligibility.** (3-30-07)(7-1-12)T

a. The Council shall decertify any officer who is convicted, as defined in Section 19-5109, Idaho Code, of any felony or offense which would be a felony if committed in this state. (7-1-12)T

b. The Council may decertify any officer who is convicted, as defined in Section 19-5109, Idaho Code, of any misdemeanor; willfully or otherwise falsifies or omits any material information to obtain any certified status; or violates for any of the standards of conduct as established by the council's code of conduct or code of ethics, as adopted and amended by the council causes set forth in Subsection 091.04. (7-1-12)T

c. Any officer charged with a felony, ~~a non-traffic misdemeanor,~~ or a misdemeanor ~~that would be a felony if committed in this state, must~~ shall notify ~~the POST Division Administrator~~ his agency head within ~~fourteen~~ five (145) business days. ~~Failure to notify constitutes a violation of the Law Enforcement Code of Ethics and the Law Enforcement Code of Conduct.~~ (3-29-10)(7-1-12)T

d. The agency head of an officer charged with a felony or misdemeanor shall notify the POST Division Administrator within fourteen (14) days of learning of the charge. (7-1-12)T

e. Any officer decertified by the Council ~~is shall~~ not be eligible for POST certification of any kind ~~in the future~~ for ten (10) years following the date of decertification. An agency head intending to hire an officer who has been decertified shall request a waiver from the POST Council. No decertified officer shall exercise any law enforcement authority until recertified by the POST Council. Any officer who is the subject of a POST decertification investigation ~~is shall~~ not be eligible for POST certification of any kind while under investigation. (3-29-10)(7-1-12)T

04. **Law Enforcement POST Council's Code of Conduct Ethics, Additional Cause for Decertification.** ~~As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality, and justice. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. In furtherance of these duties, I hereby adopt and accept~~ In addition to decertifying officers for violating the POST Council's Code of Ethics, the Council may also decertify any officer who engages in any of the following code of conduct which shall be considered a violation of the POST Council's Code of Ethics and standards of professional conduct: (7-1-99)(7-1-12)T

a. ~~I shall conduct myself at all times in a manner that does not damage or have the likely result of~~

~~damaging or bringing the public image, integrity, or reputation of my department or myself into discredit or disrepute~~
Engages in criminal conduct whether charged or not. (7-1-99)(7-1-12)T

b. ~~I shall not possess or~~ Consumes alcoholic beverages on duty ~~or while in uniform on duty or off duty~~, except as ~~expressly required~~ necessary for the lawful performance of my duties. ~~Nor shall I unlawfully possess, sell, consume, use or assist in the use of any illegal or unauthorized drugs or medications on duty or off duty.~~
(7-1-99)(7-1-12)T

c. ~~I shall not engage in any~~ illegal or unlawful harassment or intimidation of another; ~~nor shall I permit personal prejudices, political beliefs, animosities, or friendships to influence my decisions.~~ (7-1-99)(7-1-12)T

d. ~~I shall not lie, give misleading information,~~ Lying or falsify falsifying official written or verbal communications ~~in official reports or in my actions with another person or organization when it is reasonable to expect that such information may be relied upon because of my position or affiliation with my department.~~
(3-30-07)(7-1-12)T

e. ~~I shall willfully observe and obey the lawful verbal and written rules, duties, policies, procedures, and practices of my department. I shall also subordinate my personal preferences and work priorities to the lawful verbal and written rules, duties, policies, procedures and practices of my department, as well as to the lawful orders and directives of supervisors and superior command personnel of my department. I shall willfully perform all lawful duties and tasks assigned by supervisory and/or superior ranked personnel. Direct, tacit, or constructive refusal to do so is insubordination~~ Engages in inappropriate sexual conduct while on duty. (7-1-99)(7-1-12)T

f. ~~I shall obey the constitutional, criminal and civil laws of the city, county, state, and federal government. I will never~~ Engages in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, or informant in an ongoing investigation or adjudication. (7-1-12)T

~~g. Acts of corruption or bribery, nor will I condone such acts by other police officers.~~
(7-1-99)(7-1-12)T

~~h. Unauthorized use or unlawful conversion of the property, equipment, or funds of his agency.~~
(7-1-12)T

~~i. Intentional and unauthorized disclosure of confidential information or information that may compromise an official investigation.~~
(7-1-12)T

~~j. Failure to report being charged with a felony or misdemeanor within five (5) business days.~~
(7-1-12)T

~~k. Refusal to respond or failure to respond truthfully to questions asked in relation to an investigation or legal proceeding.~~
(7-1-12)T

~~05. Law Enforcement Code of Ethics.~~ (3-30-07)

~~a. As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.~~
(3-30-07)

~~b. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.~~
(3-30-07)

~~e. I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. (3-30-07)~~

~~d. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. (3-30-07)~~

~~e. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement. (3-30-07)~~

092. DUE PROCESS PROCEDURES.

01. Legal Authority. In accordance with the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01.050, the POST Council declines to adopt in whole or in part the procedures established in IDAPA 04.11.01 for the resolution of contested cases. The procedures provided within Section 092, Due Process Procedures, are designed and promulgated to specifically meet the unique needs and requirements of the law enforcement profession for expeditious decision-making and handling of petitions for review in order to assure public safety and to secure a just, speedy and economical determination of all contested matters presented to the POST Council. These due process procedures have been designed to meet or exceed minimum Constitutional requirements for due process for the officers involved in contested matters, while providing the Peace Officer Standards and Training Council procedures for fulfillment of its obligations to protect the safety of the public and the integrity of the law enforcement profession. (7-1-12)T

02. Overview. The POST Division Administrator shall oversee and conduct investigations into all trustworthy allegations or information received pertaining to officer conduct which could be a cause for decertification as set forth in these rules. Based upon the results of the investigation in each case, the Division Administrator shall make a determination whether decertification proceedings shall be commenced. The due process procedures set forth in these rules shall apply to all decertification proceedings once they are commenced. (7-1-12)T

03. Investigations. (7-1-12)T

a. The officer may be interviewed during the investigation. The officer shall receive an administrative warning requiring the officer to respond to questions, to answer such questions truthfully, and to acknowledge his understanding that no statements provided shall be used against him in criminal proceedings, as based on Garrity v. New Jersey 385 U.S. 493 (1967). (7-1-12)T

b. Refusal to respond or failure to respond truthfully to questions asked in relation to an investigation under Section 092 shall be cause for decertification. (7-1-12)T

04. Due Process Procedures - Summary Decertification. If the POST Division Administrator determines that the allegations of conduct by the officer constitute cause for decertification and create a situation involving an immediate danger to the public health, safety, or welfare, he shall issue an order of decertification, including a brief, reasoned statement to justify both that the immediate danger exists and the decision to summarily decertify. (7-1-12)T

a. The order shall include findings of fact and conclusions of law and shall be effective when issued. (7-1-12)T

b. The officer and his agency head shall be provided written notice of the order and a copy of the record. (7-1-12)T

i. The notice of the order shall advise the officer of his right to respond to the order and present the

POST Division Administrator, in writing or in person, with any reasons why the action should not have been taken. The order shall specify a deadline for such response. (7-1-12)T

ii. The notice shall inform the officer of his right to be represented by a person of the officer's own choosing during the opportunity to respond. (7-1-12)T

iii. The notice shall establish a date for an emergency hearing on the matter within seven (7) days of the date of the order. (7-1-12)T

c. The decision of the POST Division Administrator shall become final if the officer fails to appear at the emergency hearing, or respond within the time allowed, or if a response has been waived in writing by the officer, whichever occurs first. (7-1-12)T

d. If the officer appears at the emergency hearing or responds in writing, the POST Division Administrator shall review and consider his response, and shall, within seven (7) days of the emergency hearing or receiving written response, make a decision and give notice of the decision to the officer. (7-1-12)T

e. The decision of the POST Division Administrator is a final decision that is subject to review pursuant to Subsection 092.06. (7-1-12)T

f. The agency record need not constitute the exclusive basis for POST action in a summary proceeding or for judicial review thereof. (7-1-12)T

05. Due Process Procedures - Non-Summary Decertification. If the POST Division Administrator determines that the allegations of conduct by the officer do not create a situation involving an immediate danger to the public health, safety, or welfare, the officer shall be provided notice and an opportunity to respond before a decision is made to decertify. (7-1-12)T

a. The POST Division Administrator shall provide the officer with a notice of the intent to decertify, which shall state the basis or reason for the contemplated decertification and an explanation of the evidence supporting the intended action. (7-1-12)T

b. The officer shall be given the opportunity to respond to the notice and present the POST Division Administrator, in writing or in person, any reasons why the intended action should not be taken. The notice shall inform the officer of his right to be represented by a person of the officer's own choosing during the opportunity to respond. The deadline for the opportunity to respond shall not occur sooner than fourteen (14) days after the notice is given. After the officer has responded, or after the period to respond has expired or has been waived in writing by the officer, whichever occurs first, the POST Division Administrator shall, within twenty-eight (28) days, make a decision on the decertification of the officer and give notice of the decision and the reasons therefore to the officer. (7-1-12)T

06. Final Decision. The decision or action of the POST Division Administrator shall be final and conclusive unless the officer files with the POST Council a request for a hearing on the decision within fourteen (14) days after the date of the POST Division Administrator's decision. The request for hearing shall include a brief statement of the questions or issues to be addressed during the requested hearing. (7-1-12)T

07. Due Process Procedure - Hearing. Upon receipt of a request for hearing, the POST Council shall assign the matter to a hearing board or officer for hearing. If after the hearing, the hearing board or officer determines that proper cause for decertification did not in fact exist under Subsections 091.03 or 091.04 of these rules, or that proper procedures were not followed in reaching the decision, the hearing board or officer shall order the reinstatement of the officer's certification, or may remand the case to the POST Division Administrator for further proceedings. (7-1-12)T

a. Process and procedure for the hearing before the hearing board or officer shall be as summary and simple as reasonably may be. (7-1-12)T

i. The hearing board or officer appointed by the POST Council shall have the power to subpoena

witnesses, administer oaths, and examine such of the records of the parties as relate to the questions in dispute. (7-1-12)T

ii. The officer shall have the right to be represented at the hearing by a person of the officer's own choosing. (7-1-12)T

iii. The officer shall have the right to discovery under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Sections 520 through 532. (7-1-12)T

iv. Prior to submitting testimonial evidence, the officer shall receive an administrative warning requiring the officer to respond to questions, to answer such questions or provide testimony truthfully, and to acknowledge his understanding that no statements provided shall be used against him in criminal proceedings, as based on Garry v. New Jersey 385 U.S. 493 (1967). (7-1-12)T

v. Refusal to respond or failure to respond truthfully to questions asked in relation to a hearing under this section shall be cause for decertification. (7-1-12)T

vi. A verbatim record of the proceedings at hearing before the hearing board or officer shall be recorded at the POST Council's expense. The verbatim record shall be the official record of the proceedings. (7-1-12)T

vii. Any party to the action may, at its expense, request that a transcript of the proceedings be prepared or that additional recordings be made of the proceedings. Such a request shall be approved if the making of the additional recording does not cause distraction or disruption of the hearing. (7-1-12)T

viii. The hearing board or officer to whom the matter has been assigned shall make such inquiry and investigations as shall be deemed necessary. (7-1-12)T

ix. The hearings shall be held at the principle office of the Idaho Peace Officer Standards and Training in Ada County or in such place as the hearing board or officer may designate. (7-1-12)T

x. The district court, in and for the county of Ada, shall have the power to enforce by proper proceedings the attendance and testimony of witnesses and production and examination of books, papers, and records. (7-1-12)T

b. The decision of the hearing board or officer, consisting of such findings of fact, conclusions of law, and orders as are necessary, together with the record of the proceedings, shall be filed with the POST Council. A copy of the hearing board or officer's decision shall be immediately sent to the parties by United States mail. The decision of the hearing board or officer shall be final and conclusive between the parties, unless a petition for review by the full POST Council is filed with the Council within twenty-eight (28) days. The petition for review shall include a brief statement of the reasons that a hearing is requested. Where the decision and order of the hearing board or officer directed the reinstatement of the officer's certification, the certification shall be reinstated by the POST Division Administrator upon the expiration of the time for filing a petition for review. (7-1-12)T

08. Due Process Procedure - Review by POST Council. If a petition for review is filed, the POST Council shall review the record of the proceedings before the hearing board or officer, briefs submitted in accordance with any briefing schedule it orders, and any transcripts submitted of the hearing. The Council may grant the parties the opportunity to present oral argument, but need not do so. The officer may be represented by a person of the officer's own choosing during the review process. The Council may affirm, reverse, or modify the decision of the hearing board or officer, or may remand the matter. A decision of the POST Council shall be final and conclusive between the parties. The POST Council's decision may be appealed to district court by filing a notice of appeal within twenty-eight (28) days of the filing of the decision. (7-1-12)T

09. Notice. All notices to be given under Section 092, of these rules, shall be made either by personal service, facsimile or by U.S. mail, with postage prepaid, addressed to a party's last known address, as shown in the records and files of the POST Council. Service by mail shall be made by certified mail - return receipt requested. An affidavit of personal service shall be filed by the person making the same. (7-1-12)T

0923 -- 095. (RESERVED)