

the Commission shall within twenty days of receipt of a request, notify the applicant or licensee of the time and place of hearing, which hearing shall be held by the Committee not more than thirty days nor less than ten days from the date of service of such notice.

12-2639. *Method of serving notice of contemplated action and notice of hearing.* Any notice required by Section 12-2636 or Section 12-2638 of these Regulations, may be served either personally by an employee of the Department or by certified mail, return receipt requested, directed to the applicant for or holder of a license, at his last known address as shown by the records of the Department. If notice is served personally, it shall be deemed to have been served at the time when delivery is made to the person addressed. When notice is served by certified mail, it shall be deemed to have been served on the date born upon the return receipt showing delivery of the notice to the addressee or refusal of the addressee to receive notice. In the event that the addressee is no longer at the last known address as shown by the records of the Department and no forwarding address is available, the notice shall be deemed to have been served on the date the return receipt bearing such notification is received by the Department.

12-2640. *Procedure when a person fails to appear for a requested hearing.* If an applicant for or holder of a license who has requested a hearing does not appear and no continuance has been or is granted, the Committee may hear the evidence of such witnesses as may have appeared, and the Committee may proceed to consider the matter and render a decision on the basis of evidence before it, in the manner required by Section 12-2641 of these Regulations.

12-2641. *Majority of Committee to hear and decide.* At each hearing, at least a majority of the members of the Committee shall be present to hear the evidence and render a decision.

12-2642. *Rights of person entitled to hearing.* A person entitled to a hearing shall have the right:

- (a) to be represented by counsel;
- (b) to present all relevant evidence by means of witnesses and books, papers, and documents;
- (c) to examine all opposing witnesses on any matter relevant to the issues; and
- (d) to have subpoenas issued to compel the attendance of witnesses and the production of relevant books, papers, and documents upon making written request therefor to the Committee.

12-2643. *Powers of the Committee in holding hearings.* In connection with any hearing held, the Committee shall have the power:

- (a) to request of the Commissioners that counsel from the Office of the Corporation Counsel be appointed to represent the District in any case before the Committee;
- (b) to administer oaths or affirmations to witnesses called to testify;
- (c) to subpoena witnesses and relevant books, papers, and documents;
- (d) to take testimony;
- (e) to examine witnesses; and
- (f) to direct continuance of any case.

12-2644. *Contempt procedures.* In proceedings before the Committee, if any person refuses to respond to a subpoena or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or refuses to obey any lawful order of the Commission rendered pursuant to a decision made by the Committee after hearing, the Commission may make application to the proper court for an order requiring obedience thereto.

12-2645. *Evidence.* In all proceedings held by the Committee, the Committee shall receive and consider any evidence or testimony. However, the Committee may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence or testimony.

12-2646. *Burden of proof.*

(a) In any Committee proceeding resulting from the Commission's contemplated action to deny a license, the applicant shall have the burden of satisfying the Committee of his qualifications.

(b) In any Committee proceeding resulting from the Commission's contemplated action to refuse to renew, to suspend, or to revoke a license, the District Government shall have the duty of producing evidence to establish that a prima facie case exists for refusing to renew, suspending, or revoking a person's license, and when such evidence is produced, then such person shall have the burden thereafter of going forward with the evidence.