

PROCEDURES TO BE OBSERVED AT ANY HEARINGS
PROVIDED FOR UNDER
THE MISSISSIPPI PAWNSHOP ACT
(Section 75-67-301 et. seq., Miss Code of 1972, as amended),
THE MISSISSIPPI SAVINGS BANK LAW (Section 81-14-57 et. seq.),
THE MISSISSIPPI INTERNATIONAL BANKING ACT (Section 81-25-1, et. seq.)
AND
FOR ANY HEARINGS PROVIDED FOR IN CONNECTION WITH ANY OTHER ACTS,
BUSINESSES, PROFESSIONS, OR LICENSES
THAT MAY BE REGULATED BY
THE DEPARTMENT OF BANKING AND CONSUMER FINANCE
FOR WHICH HEARING PROCEDURES HAVE NOT BEEN PREVIOUSLY ADOPTED

Purpose of These Rules and Procedures

These rules and procedures have been adopted for the purpose of providing a general guideline for the conduct of any administrative hearings for which the Commissioner of the Department of Banking and Consumer Finance, State of Mississippi, (hereinafter "the Commissioner") has been charged by law to conduct relating to businesses, professions, or licenses coming under the jurisdiction of the Mississippi Department of Banking and Consumer Finance (hereinafter "the Department") for which hearing procedures have not been previously adopted.

There presently exist separate rules and procedures to be observed at public hearings conducted by the State Board of Banking Review for new bank charters and protested branch bank applications, as well as separate rules and procedures to be observed at public hearings relating to the Mississippi Small Loan Law, the Motor Vehicle Sales Finance Laws, and Loan Broker Laws. None of those rules and procedures will be changed or affected by the adoption of the rules and procedures set out herein.

SECTION 1. Hearings.

(a) All hearings regarding denial, suspension or revocation of licenses or any other matters affecting the status of licenses, all hearings regarding possible fines or costs assessed against licensees, as well as all hearings on any other matters coming within and under the jurisdiction of the Department of Banking and Consumer Finance of the State of Mississippi, shall be held in the office of the Commissioner, Department of Banking and Consumer Finance.

(b) A written notice specifying the offense or offenses for which the licensee (or person or entity coming under the jurisdiction of the Department) is charged and notice of the time and place of the hearing will be served upon the licensee (or person or entity coming under the jurisdiction of the Department) at least ten days (10) days prior the hearing date. Such notice may be served by mailing a copy thereof by certified mail, postage prepaid, to the last known residence or business address of the licensee, person or entity coming under the jurisdiction of the Department.

(c) Each matter coming before the Commissioner on a formal basis shall receive a concise title that is descriptive of the subject matter and a number, and be docketed accordingly. Thereafter, all papers filed with respect thereto shall bear title and number and be likewise noted on the Commissioner's docket.

(d) All papers filed with the Commissioner and all exhibits to pleadings or applications shall be printed, typewritten, mimeographed, multilithed, or as otherwise approved by the Commissioner. If typewritten, the typing shall appear on one side of the paper only, double spaced, and the paper shall be 8-1/2 by 11 inches, except where exhibits may require a larger sheet. Where such exhibits are on larger sheets, the same shall be folded so as to make a sheet of the above size. Quotations may be single spaced and indented.

(e) Upon the written application of any party or his attorney, subpoenas requiring the attendance of witnesses for the purpose of taking testimony at hearings or by depositions shall be signed and issued by the Commissioner. Subpoenas duces tecum will be issued upon the written application of a party or his attorney only at the discretion of the Commissioner and then only when the application sets forth as plainly as possible the books, accounts, papers, or records desired to be produced and the purpose of their production. The original and all copies shall show at whose instance the subpoena is issued.

(f) Service of process - All subpoenas, subpoenas duces tecum, and other process issued in proceedings pending before the Commissioner shall extend to all parts of the state and may be served by any person authorized to serve process of courts of record in the state. Such officer shall be entitled to the same fees as are paid for like services in the Circuit Courts of the state, the costs to be borne by the party at whose instance the process is served.

(g) Deposits of costs - At his discretion, the Commissioner may require a deposit or other guaranty that the fees of officers serving process will be paid.

(h) Depositions of witnesses - In any investigation or proceeding before the Commissioner, the Commissioner or any party to the proceeding may take the depositions or witnesses residing within or without the state in the manner prescribed by law for the taking of depositions in civil actions in the courts of record of the state.

(i) Attorneys at Law - Attorneys at law authorized to practice in the courts of this state may appear and represent parties in interest in proceedings before the Commissioner (or such parties may appear in their own proper person), and may sign, and verify where verification is required or desired, pleading and other papers filed on behalf of parties represented by them, in like manner and with like effect as is the practice of the Circuit Courts of the state. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party. Upon the request of any licensee or applicant, copies of all notices, documents, and pleadings affecting such licensee or applicant shall be sent to its designated attorney or attorneys.

(j) Amendments - At his discretion and under such conditions as he may prescribe, the Commissioner may allow any pleading, application, or other paper filed in a proceeding to be amended or corrected or any omission therein to be supplied.

(k) At any hearing, the Commissioner shall administer oaths as may be necessary for the proper conduct of the hearing. All hearings shall be conducted by the Commissioner, who shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination made by the Commissioner shall be based upon sufficient evidence of sustain it.

(l) Orders - The Commissioner shall, within thirty (30) days after conclusion of the hearing, reduce his decision to writing and forward an attested true copy thereof to the last known residence or business address of such licensee or permit holder by way of United States first-class, certified mail, postage prepaid. All orders of the Commissioner shall be entered upon minutes kept and copies thereof shall be served upon the interested parties.