

Subchapter J. SUMMARY PROCEEDINGS.

§22.183. Disposition by Default.

- (a) **Default.** A default occurs when a party who does not have the burden of proof fails to appear for a hearing or request a hearing within 30 days after service of notice of an opportunity for a hearing.
- (b) **Default order.** Upon default, the presiding officer may issue a default order - either a proposal for decision or a final order - disposing of the proceeding without a hearing. A default order requires adequate proof that:
 - (1) The notice of the opportunity for a hearing included a disclosure in at least twelve-point, bold-face type, that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default, if the defaulting party fails to timely request a hearing; and
 - (2) The notice of opportunity for a hearing was sent by certified mail to:
 - (A) the party's last known address in the commission's records, if the party has a license, certificate, or registration approved by the commission;
 - (B) the registered agent for process for the party on file with the Secretary of State, if the party does not have a license, certificate, or registration approved by the commission and is registered with the Secretary of State; or
 - (C) an address for the party identified after reasonable investigation, if subparagraphs (A) and (B) of this paragraph do not apply.
- (c) **Exceptions and replies.** Any party may file exceptions to a default proposal for decision and replies to exceptions under §22.261(d) of this title (relating to Proposals for Decision).
- (d) **Motions for rehearing.** Any party may file a motion for rehearing to a default final order under §22.264 of this title (relating to Rehearing).
- (e) **Late hearing request.** If a party requests a hearing after the deadline to request a hearing, but before a default order has become final, the presiding officer may grant the request for good cause shown.