

Evening Hearings

1) Pre-Hearing Procedure

- a) All evening hearings shall conform to the following procedures in addition to all other hearing procedures promulgated by the Director with respect to the particular license at issue.
- b) The Presiding Officer shall schedule the evening hearing not less than thirty days (30) after the date of the original hearing.
- c) All petitions in support of, or in opposition to, an application must be filed with the Department at least ten (10) days prior to the hearing date.
- d) All objections to petition signatures must be made in writing, and filed with the Department at least five (5) days prior to the hearing date.
- e) The Presiding Officer may exclude any petition filed less than ten (10) days prior to the hearing date and any objection filed less than five (5) days prior to the hearing date.
- f) All documents, exhibits, electronically stored information and tangible things that a party intends to introduce as evidence shall be filed with the Department at least five (5) days prior to the hearing date.
- g) The Presiding Officer may require any interested party to submit pre-filed testimony at least five (5) days prior to the hearing date.
- h) The Presiding Officer may exclude any, document, exhibit, electronically stored information, tangible thing or pre-filed testimony filed with the Department less than five (5) days prior to the hearing date.
- i) The Presiding Officer may require the Applicant and all interested parties to attend a Pre-Hearing Conference. The purpose of the Pre-Hearing Conference is to allow the parties an opportunity to
 - i) exchange exhibits, documents, prepared testimony, and admissions or stipulations of fact which will avoid unnecessary proof;
 - ii) define the scope and nature of testimony being offered;
 - iii) prevent repetitive and cumulative evidence or examination; and
 - iv) consider any other matters which may expedite the disposition of the proceeding.

2) Hearing Procedures

- a) The Presiding Officer shall exclude testimony that is redundant, duplicative, or cumulative to the testimony of another witness.
- b) Testimony “en masse” shall mean testimony in unison by a group of interested persons through an affirmative gesture to be determined by the Presiding Officer offered solely to either approve or disapprove of the granting of a license. Testimony “en masse” shall not mean individualized testimony relating to any specific objection raised by an interested party.

- c) The Presiding Officer may qualify a maximum of two (2) witnesses as expert witnesses if the moving party provides credentials indicating that the witness possesses specialized knowledge, skill, experience, or training in the subject matter about which the witness is testifying.
- d) Testimony by an interested party shall be limited to the reasonable requirements of the neighborhood and the desires of the adult inhabitants therein. Such testimony may include evidence of the proximity of outlets located near the proposed licensed premises, evidence of the economic and health effects of other licensed facilities in the designated area, evidence of other facilities affecting travel and demand within the designated area and evidence of the specific desires of an adult inhabitant.