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COLORADO CIVIL RIGHTS COMMISSION

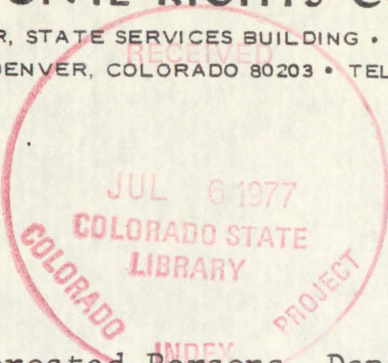
DEPARTMENT OF REGULATORY AGENCIES

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STATE OF COLORADO

RICHARD D. LAMM
GOVERNOR

STAFF

JAMES F. REYNOLDS
Director

JACK T. LANG Y MARQUEZ
Deputy Director

BRANCH OFFICES

ALAMOSA
815 Main Street
589-9101

COLORADO SPRINGS
County Office Building
27 E. Vermijo
632-2075

DENVER
6th Floor, State Services Building
892-2621

GRAND JUNCTION
1000 N. 9th Street
243-9242

PUEBLO
212 W. 13th
545-3520

July 1, 1977

TO: All Interested Persons, Departments
Agencies and Institutions

FROM: *JFR*
Colorado Civil Rights Commission
James F. Reynolds, Director

SUBJECT: "NOTICE OF PROPOSED RULE MAKING"

Notice is hereby given of proposed rule making by the Colorado Civil Rights Commission and of a public hearing in connection therewith to commence at 1:30 p.m. on Friday, July 29, 1977 in Room 132 of the State Services Building, 1525 Sherman Street in Denver, Colorado.

The Civil Rights Commission shall consider proposed amendments, revisions and additions to the Rules and Regulations pursuant to authority provided under C.R.S. 1973, 24-34-307 (14) and 24-4-103 relating to rule making authority.

The subjects and issues involved are contained in the attached digest. Any interested person may submit written data, views or arguments or present the same orally, relevant to the proposed rules and regulations. The Commission shall consider all submissions. Copies of the proposed rules and regulations may be obtained from the Colorado Civil Rights Commission at Room 600c, 1525 Sherman Street, Denver, Colorado, 80203 phone 892-2621.

In accordance with the Colorado Sunshine Law, all people who receive or expect to receive compensation for services relating to the aid or influence of "The adoption or defeat of any...rule...or decision of any board or commission of this state which has been delegated rule-making authority by the General Assembly" must register with the Secretary of State before engaging in such activity. For more information, call the Secretary of State's Office.

COLORADO CIVIL RIGHTS COMMISSION
DIGEST OF RULE AND REGULATION CHANGES TO BE CONSIDERED
AT PUBLIC HEARING JULY 29, 1977

Rule 1 - Definitions

- A. 1. Amend to conform to C.R.S. 1973 (no substantive change)
 - 2. Same as A. 1
 - 3. Same as A. 1

- C. Investigating Official
Amend to clarify definition

- E. Hearing Examiner
Amend to conform to C.R.S. 1973, 24-34-305 (e) (i), as amended.

- H. Counsel
Amend to clarify definitions of counsel and Commission's counsel and requiring admission to practice in Colorado

- J. Coordinator
Amend to clarify definition

- K. Staff
Amend to clarify definition

- L. Investigation
Amend to include collection of statistical data and other documents

Rule 2 - Complaints

- C. Contents
 - 5. Amend to conform to C.R.S., 1973 (no substantive change)

- E. Time Limits
 - 1. (a) (b) (c) Amend to conform to C.R.S., 1973 (no substantive change)

- F. Manner of Filing
 - 3. Provides for Commission to mail a courtesy copy of complaint by Regular U.S. Mail with certificate of mailing to the respondent, rather than by certified mail.

Rule 3 - Investigation

- A. Investigation
Provides for prompt investigation to be made by investigating official. (no substantive change)

- B. Discovery Procedure
Rescinded and readopted to provide that depositions, subpoenas

and other discovery procedures provided by the Colorado Rules of Civil Procedure may be used by parties after determination of probable cause is issued. Provides that "order of the court" shall mean order of the commission.

D. Conciliation, etc.

3. Clarifies requirement that Director report the failure to conciliate to the Commission and the mailing of notice of such report to respondent

E. Disclosure

2. Provides for complainant to examine complaint and application for reconsideration. Allows either party, their attorneys or agents to examine the evidence in a file, excluding legally confidential material.

Rule 4 - Reconsideration

A. Application

1. Clarifies rights for requesting an extension of time for application of reconsideration.
3. Provides for Commission to send copies of application for reconsideration to respondent by Regular U.S. Mail rather than Certified Mail. Allows respondents to submit written statement in opposition to the application for reconsideration within 13 days after the date of mailing.

B. Commission's Action on Reconsideration

4. Provides for respondent to appear before the Commission during reconsideration.

Rule 5 - Action by Commission

Provides that notice of action by the Commission under Rule 3 (D) (2) be sent to all parties.

Rule 6 - Notice of Hearing

A. Notice of Hearing and Answer

1. Notice of hearing with copy of complaint will be sent to respondent by Regular U.S. Mail. Such Notices will include date, time and place of hearing. Respondent may be represented at hearing by counsel as defined in Rule 7.
 - a. Complainant shall also be notified of hearing by Regular U.S. Mail

- B. Extension of Time for Filing Answers
The Hearing Examiner is added to those persons who may extend the time for filing answers.
- C. Contents of Answers
Provides that answers shall include full legal name and form of doing business and allows that all affirmative defenses in the answer, if not specifically alleged, shall be waived.
- D. Amendment
Rescinded. Subrules E, F and G are amended to be D, E and F.

Rule 7 - Hearing

- A. Appearance
Amend to delete paragraph 1 dealing with complainant's presence at hearing and re-number paragraphs 2 and 3 as 1 and 2
2. Respondents may appear at hearings PRO SE or by Counsel.
- D. Conduct of Hearing
3. Amend to conform to C.R.S. 1973 (no substantive change)
- M. Damages
Rescind and re-letter paragraph N as paragraph M

Rule 10 - Final Order

- A. Hearing Examiner's Decision - Time Limit
Amend to conform to C.R.S. 1973 (no substantive change)
- C. Issuance
2. Rescinded. Paragraph 3 amended to be paragraph 2 and new subrule C (3) is adopted which provides for application of procedures in the Administrative Procedure Act, CRS 1973, 24-4-105, (14) and (15) to apply to appeals of the Hearing Examiner's Decision.
- G. Closed Meetings
Amended to provide for open meetings.

Rule 12 - Judicial Review and Enforcement

- C. Statute
Amend to comply with the C.R.S., 1973. Provides for judicial review to also comply with the Administrative Procedure Act, CRS 1973, 24-4-106, as amended, where no conflict exists.

Rule 13 - Exclusiveness of Remedy

Amend to conform to C.R.S., 1973 (no substantive change)

Rule 14 - Adoption and Amendment of Rules

Amend to conform to C.R.S. 1973 (no substantive change)

Rule 17 - Injunctions

- A. Filing
Amended to conform to C.R.S., 1973 (no substantive change)
 - 3. Rescinds section requiring that Respondent be served with Notice to Answer.
- B. Final Determination
Amended to conform to C.R.S., 1973 (no substantive change)

GENERAL REGULATION SIX - PRESERVATION OF RECORDS

- A. Retention of Records during Processing of Claims
Records relevant to a civil rights action shall be kept until final disposition of change of suit.
Final disposition and relevant records defined.
- B. Failure to comply shall create rebuttal presumption that records contained information adverse to the interests of the party.