

§93.212. Proposal for Decision.

(a) Following **a contested case [the]** hearing, the ALJ shall review the evidence and testimony and prepare a PFD which shall include findings of fact and conclusions of law, **and, if appropriate, may include recommendations for an appropriate decision or sanction.** **[The ALJ shall also prepare a proposed final order for the commissioner to sign adopting the PFD.]**

(b) The ALJ shall serve copies of the PFD **[and proposed final order]** on all parties of record within 30 days after conclusion of the hearing. The parties may submit exceptions to the PFD and replies to the exceptions. Exceptions, replies to exceptions, and related briefs must be submitted to the ALJ and **to the commission through [to]** the department and, unless otherwise indicated, must be filed within deadlines established by the ALJ. The ALJ may amend the PFD **[and proposed final order]** in response to the exceptions, replies, or briefs submitted. If the ALJ makes substantive revisions, the ALJ shall circulate the amended PFD **[and proposed final order]** to the parties for additional exceptions and briefs before submitting the PFD **[and proposed final order] to the Department [commissioner].**

(c) The ALJ shall submit the PFD **[and proposed order]** together with all materials listed in **the APA [Government Code] §2001.060, to the Department [commissioner for review].** No additional briefs may be submitted after the case is under submission to the **commission [commissioner]** for decision unless requested by the **commission [commissioner].** **The APA §2001.058 provides the standards the commission must follow if its decision differs from the PFD. [commissioner may:]**

**[(1) Adopt the PFD and proposed final order, in whole or in part;]**

**[(2) Modify and adopt the PFD and proposed final order, in whole or in part;]**

**[(3) Decline to adopt the PFD and proposed final order, in whole or in part;]**

**[(4) Remand for further proceedings by the ALJ, including for the limited purpose of receiving additional briefing or evidence from the parties on specific issues; or]**

**[(5) Take another lawful and appropriate action with regard to the case.]**

(d) The **commission [commissioner]** shall make a **decision regarding the PFD [final determination]** within 30 days of the date of receipt of the PFD **[and proposed final order].**