

Subchapter E. Appeals of Orders of Conservation

§93.501. Appeals of Orders of Conservation.

- (a) Unless the credit union's former board of directors files a timely written appeal, the commissioner's order of conservation becomes final **and non-appealable** when the statutory time for appeal expires.
- (b) If a timely request for hearing is filed **with the appeal**, the commissioner shall forward the matter to SOAH to set a hearing. **[The hearing date shall be for no earlier than the 11th day and no later than the 30th day after the date on which the appeal is received.]**
- (c) The credit union's former board of directors has the burden to prove by a preponderance of the evidence that the board should regain control of the credit union.
- (d) The SOAH hearing on an order of conservation is closed to the public. All orders and correspondence relating thereto are confidential and may not be revealed to the public. Parties with access to confidential information during the contested case must sign a confidentiality agreement as provided in §91.8000(f) of this title (relating to Discovery of Confidential Information).
- (e) Parties must file exceptions, **if any**, to the PFD within five days **after [of]** the date of service of the PFD. Replies to exceptions shall be filed within **three [eight]** days of the date of service of the **exceptions [PDF]**.
- (f) The Commission shall meet to consider the PFD no later than 45 days after the Department receives the PFD from SOAH.**