
**Rules of
Department of Economic
Development
Division 140—Division of Finance
Chapter 9—County Issuance of Revenue Bonds**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 140—Division of
Finance**

**Chapter 9—County Issuance of Revenue
Bonds**

**4 CSR 140-9.010 County Issuance of
Revenue Bonds Per Senate Bill 554**

*Emergency rule filed Nov. 10, 1980,
effective Jan. 1, 1981, expired Feb. 11,
1981.*

4 CSR 140-9.020 Rules of Procedure

*PURPOSE: This rule sets procedures for
the hearings required by section 361.265
which established procedures for the
issuance of Cease and Desist Orders and
the removal or suspension of officers and
directors of banks and trust companies.*

(1) Definitions. As used in these rules, except as otherwise required by the context—

(A) Commissioner shall mean the commissioner of finance, who is referred to sometimes as the director of the Division of Finance;

(B) Hearing Officer shall mean the commissioner or such other person designated by the commissioner to conduct hearings; and

(C) Respondent shall mean the bank, trust company, officer, director or other person against whom the commissioner proposes to take the action authorized by section 361.260 or 361.265, RSMo.

(2) Records. The commissioner will maintain a complete record of all proceedings under this rule. All such records, unless expressly indicated otherwise, shall be maintained as confidential records of the Division of Finance.

(3) Pleadings. Pleadings and briefs shall be bound at the top, shall be typewritten paper eight and one-half inches by fourteen inches (8 1/2" × 14") in size and exhibits annexed to them and, wherever practical, folded to that size. Typing shall be on one (1) side of the paper only and shall be double spaced except that footnotes and quotations in excess of a few lines may be single spaced.

(4) Title and Number. Pleadings, briefs and other documents shall show the title of the proceeding before the commissioner and shall show the name and address of the attorney, if any, on the flyleaf or at the end of the document.

(5) Commencement of Action. The hearing process is begun by the delivery to the respondent of a notice of charges which shall set forth the facts constituting the basis for the proposed action. Attached to the notice shall be a copy of the proposed order or action, a notice of the time and place at which the hearing will be held and a stipulation of consent by which the respondent may consent to the order or action without a hearing.

(6) Waiver of Procedures. The respondent, prior to or at the time of hearing, may waive the calling of witnesses, the cross-examination of witnesses, the filing of briefs or other documents or any other procedures. The respondent may elect to proceed by presenting oral arguments and documentary evidence supporting its position.

(7) Stipulations. The respondent may stipulate to any or all of the facts set forth in the notice of charges. Such procedure is desirable wherever practical.

(8) Prepared Testimony. With the approval of the hearing officer, a witness may read testimony into the record and direct examination. Before any prepared testimony is read, the witness, unless excused by the hearing officer, shall deliver copies to the hearing officer, to the commissioner's attorney and to the court reporter if the matter is recorded by a court reporter. If the hearing officer deems that substantial saving of time will result without prejudice to the objectives of the hearing, prepared testimony may be copied into the record without having the witness read it aloud; provided, however, that the witness shall be available for cross-examination on any topic germane to the proceedings.

(9) Costs. The hearing will be recorded by tape recorder unless the commissioner or respondent requests the appointment of a court reporter to transcribe the proceedings. In the event a court reporter is employed, the costs of the original and one (1) copy of the transcript shall be taxed against the respondent.

*Auth. sections 361.105, RSMo (Cum. Supp. 1993), 361.260, 361.262, RSMo (Cum. Supp. 1990), 361.264 and 361.266—361.269, RSMo (1986). *Original rule filed Sept. 16, 1985, effective Nov. 28, 1985.*

**Original authority: 361.105, RSMo (1967), amended 1993; 361.260, RSMo (1939), amended 1967, 1977, 1985, 1990; 361.262, RSMo (1985), amended 1988, 1990; 361.264, RSMo (1985); and 361.266—361.269, RSMo (1985).*