

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 46. BOARD OF APPRAISAL

[R07-362]

#### PREAMBLE

- 1. Sections Affected**

R4-46-101	<b><u>Rulemaking Action</u></b>
R4-46-201	Amend
	Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 32-3605(A), 32-3605(B), 32-3612, 32-3613, 32-3614, 32-3615  
Implementing statutes: A.R.S. §§ 32-3605(B)(2), 32-3605(B)(3), 32-3605(B)(4), 32-3605(B)(5), 32-3605(B)(6)
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 13 A.A.R. 3767, November 9, 2007 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Deborah G. Pearson, Executive Director
Address:	1400 W. Washington St., Suite 360 Phoenix, AZ 85007
Telephone:	(602) 542-1593
Fax:	(602) 542-1598
E-mail:	deborah.pearson@appraisal.state.az.us
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**

The changes in the existing rules are to comply with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which requires state licensing boards to recognize and ensure that state licensed and certified appraisers meet the minimum criteria issued by the Appraiser Qualifications Board of The Appraisal Foundation, and to comply with A.R.S. §§ 32-3605(B)(2) and 32-3605(B)(3), which require the Board to adopt criteria for licensing and certification of appraisers that at a minimum are equal to the minimum criteria for licensing adopted by the Appraiser Qualifications Board. The amendments will adopt the most recent version of *The Real Property Appraiser Qualification Criteria* adopted January 1, 2003, all *Interpretations and Supplementary Information* as of February 1, 2007, and *Appendix, Real Property Qualifications* effective January 1, 2008 ("2008 Criteria"). The most recent version includes the following interpretations and guide notes issued by the Appraiser Qualifications Board: (1) May 5, 2006 Interpretation–Continuing Education Waivers and Deferrals; (2) May 5, 2006 Interpretation–Continuing Education Requirements for Partial Years; (3) January 8, 2007 Interpretation–Continuing Education Credit for Attendance at State Appraiser Regulatory Agency Meetings; (4) AQB Guide Note 4 (GN-4) relating to practicum courses to be used for experience credit; and (5) AQB Guide Note 5 (GN-5) relating to reciprocity, temporary practice, renewals, and applications for the same credential in another jurisdiction.

The amendments propose to establish that a minimum percentage of an applicant's quantitative experience requirements must include work product where the applicant inspected the subject property.

The amendments propose to revise the definition of "Direct Supervision."

Notices of Proposed Rulemaking

The amendments propose to require that an appraiser who wishes to become a supervising appraiser and existing supervising appraisers complete a course regarding the role of supervising appraisers.

The proposed rules propose to provide for enforcement of the requirements for a supervising appraiser.

- 6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None

- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business and consumer impact:**

The major economic impact of the rules will be the indirect beneficial effect for the public and regulated community due to specific interpretation of the criteria for licensed and certified appraisers and the requirements for supervising appraisers. The cost, if any, to the regulated community, trainees and course providers will be minimal. There will be no cost to the public. The Board will bear the cost of incorporating and enforcing the rules.

- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Deborah G. Pearson, Executive Director

Address: 1400 W. Washington St., Suite 360  
Phoenix, AZ 85007

Telephone: (602) 542-1593

Fax: (602) 542-1598

E-mail: [deborah.pearson@appraisal.state.az.us](mailto:deborah.pearson@appraisal.state.az.us)

- 10. The time, place and nature of the proceedings for the making, amendment or repeal of the rules, or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rules:**

Date: December 13, 2007

Time: 9:00 a.m.

Location: 1400 W. Washington St.  
Basement Conference Room B-2  
Phoenix, AZ

Nature: The Board will hold an open meeting to hear opinions and suggestions, and to adopt, amend or repeal the rules. The Agenda for this Board meeting will be available to the public the day before the meeting. It may be obtained by contacting the Board office at (602) 542-1558, or by visiting the Board's web site at [www.appraisal.state.az.us](http://www.appraisal.state.az.us), [Meetings](#), [Board Meeting Agenda](#). In addition, written comment will be accepted at the Board office, 1400 W. Washington St., Suite 360, Phoenix, AZ 85007 between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday through December 12, 2007.

- 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rules or class of rules:**

Not applicable

- 12. Incorporation by reference and their location in the rules:**

*The Real Property Appraiser Qualification Criteria adopted January 1, 2003, All Interpretations and Supplementary Information as of February 1, 2007, and Appendix, Real Property Qualifications Effective January 1, 2008 ("2008 Criteria").* The location in the rules is R4-46-201 and R4-46-207.

- 13. The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. BOARD OF APPRAISAL

ARTICLE 1. GENERAL PROVISIONS

Section  
R4-46-101. Definitions

**ARTICLE 2. LICENSING AND CERTIFICATION**

Section  
R4-46-201. Appraiser Qualification Criteria

**ARTICLE 1. GENERAL PROVISIONS**

**R4-46-101. Definitions**

In these rules, unless the context otherwise requires:

“Arizona or State Certified General Appraiser” No change

“Arizona or State Certified Residential Appraiser” No change

“Arizona or State Licensed Appraiser” No change

“Appraisal Foundation” No change

“Appraiser” No change

“Board” No change

“Board counsel” No change

“Board staff” No change

“Complaint” No change

“Consent agreement” No change

“Consulting assignment” No change

“Conviction” No change

“Course provider” No change

“Direct supervision” means that a supervising appraiser is ~~physically present to direct and oversee~~ directing and overseeing the production of each appraisal assignment.

“Disciplinary action” No change

“Dismissal” No change

“Distance education” No change

“Due diligence” No change

“Formal complaint” No change

“Formal hearing” No change

“Informal hearing” No change

“Informational interview” No change

“Initial review” No change

“Investigation” No change

“Investigator” No change

“Jurisdictional criteria” No change

“Letter of concern” No change

“Letter of due diligence” No change

“Letter of remedial action” No change

“Mentor” No change

“Order” No change

“Party” No change

“Practicing appraiser” No change

“Probation” No change

“Property tax agent” No change

“Remedial action” No change

“Respondent” No change

- “Rules” No change
- “Summary suspension” No change
- “Supervising appraiser” No change
- “Trainee” No change
- “USPAP” No change
- “Workfile” No change

ARTICLE 2. LICENSING AND CERTIFICATION

**R4-46-201. Appraiser Qualification Criteria**

- A. Except as provided in subsections (B), (C), and (D), an applicant for the applicable classification of license or certificate shall meet that classification’s criteria established by the Appraiser Qualifications Board (AQB) in either *The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria* adopted February 16, 1994 effective January 1, 1998, ~~all~~ all Interpretations and Supplementary Information as of January 1, 2002, and *Appendix I, Criteria Revisions* effective January 1, 2003, (“1998 Criteria”), or *The Real Property Appraiser Qualification Criteria* adopted January 1, 2003, ~~all~~ all Interpretations And Supplementary Information as of ~~November 1, 2005~~, February 1, 2007, and *Appendix, Real Property Qualifications* ~~Effective effective~~ effective January 1, 2008 (“2008 Criteria”), as follows:
1. The requirements are divided into three components: education, experience and examination. An applicant shall meet the criteria in effect at the time the applicant completes a particular component.
  2. The Board shall give credit for completion of a component if the applicant meets either the 1998 Criteria or the 2008 Criteria for any component completed prior to January 1, 2008.
  3. The Board shall give credit for completion of a component only if the applicant meets the 2008 Criteria for any component completed on or after January 1, 2008.
  4. On and after November 1, 2008, an applicant shall meet the 2008 Criteria for all components, regardless of when the component was completed. Both the 1998 Criteria and the 2008 Criteria are incorporated by reference and are on file with the Board. These incorporated criteria include no future additions or amendments. A copy of the incorporated criteria may be obtained from the Board or The Appraisal Foundation.
- B. Regardless of whether a transaction is federally related:
1. A State Licensed Residential Appraiser is limited to the scope of practice in A.R.S. § 32-3612(A)(3), and
  2. A State Certified Residential Appraiser is limited to the scope of practice in A.R.S. § 32-3612(A)(2).
- C. Notwithstanding the criteria incorporated by reference in subsection (A),
1. An applicant shall not obtain more than 75% of required qualifying education through distance education,
  2. An applicant shall not obtain the 15-hour National USPAP Course, or its equivalent, approved through the AQB Course Approval Program, through distance education, ~~and~~
  3. Qualifying education credit may be obtained at any time before the date of application, except the 15-hour National USPAP Course or its AQB approved equivalent must be obtained within two years preceding the date of application, ~~and~~
  4. 75% of the applicant’s quantitative experience requirements must include work product where the applicant inspected the subject property. This subsection (C)(4) shall become effective May 1, 2008.
- D. Notwithstanding the criteria incorporated by reference in subsection (A), there is no Trainee Real Property Appraiser Classification.
1. A supervising appraiser shall instruct and directly supervise a trainee for any classification of license or certificate in the entire preparation of each appraisal. The supervising appraiser shall approve and sign all final appraisal documents: certifying the appraisals are in compliance with the Uniform Standards of Professional Appraisal Practice. A supervising appraiser and trainee must work in the same state and the supervising appraiser must personally and physically supervise the entire inspection of each appraised property with the trainee. To demonstrate responsibility for the instruction, guidance, and direct supervision of the trainee, the supervising appraiser shall:
    - a. ~~Sign the appraisal report and certify the report is in compliance with the Uniform Standards of Professional Appraisal Practice;~~
    - b. ~~Personally supervise the entire physical inspection of each appraised property with the trainee, and~~
    - e. ~~Review and sign each trainee appraisal report.~~
  2. A trainee may have more than one supervising appraiser, but a supervising appraiser shall not supervise more than three trainees at any one time. A trainee shall maintain an appraisal log for each supervising appraiser and, at a minimum, include the following in the log for each appraisal:
    - a. Type of property,
    - b. Date of report,
    - c. Property description,
    - d. Description of work performed by the trainee and scope of review and supervision by the supervising appraiser,

- e. Number of actual work hours by the trainee on the assignment, and
- f. The signature and state certificate number of the supervising appraiser. ~~This subsection (D)(2)(f) is effective January 1, 2008.~~
- 3. ~~A supervising appraiser and trainee shall work in the same geographic area, and in no event shall the supervising appraiser and trainee work in different states.~~
- 4.3. A supervising appraiser shall provide to the Board in writing the name and address of each trainee within 10 days of engagement, and notify the Board in writing immediately upon termination of the engagement. A state certified appraiser is not eligible to be a supervising appraiser unless the appraiser's certificate is in good standing and the appraiser has not been subject to license or certificate suspension, probation, or mentorship within the last two years. ~~This subsection (D)(4) is effective January 1, 2008.~~
- 4. An appraiser who wishes to act as a supervising appraiser must submit proof of completion of a minimum of four hours of continuing education approved by the Board regarding the role of a supervising appraiser before such supervision begins. The required course shall not be taken through distance education.
- 5. All supervising appraisers shall submit to the Board proof of completion of a minimum of four hours of continuing education approved by the Board regarding the role of a supervising appraiser within 60 days of the effective date of this subsection (D)(5). The required course shall not be taken through distance education. If the supervising appraiser does not take the course within 60 days of the effective date of this subsection (D)(5), the supervising appraiser may no longer act as a supervising appraiser until the class is taken and proof has been submitted to the Board.
- 4.6. In the event that an appraiser (who wishes to act as a supervising appraiser) or a supervising appraiser does not comply with the requirements of this subsection (D):
  - a. The appraiser (who wishes to act as a supervising appraiser) or the supervising appraiser will be subject to disciplinary action pursuant to A.R.S. § 32-3631(A)(8), and
  - b. The trainee shall not receive experience credit for all hours logged during the period that the notification of engagement is not filed with the Board. The trainee shall not receive experience credit for any hours logged during the period the supervising appraiser or appraiser (who wishes to act as a supervising appraiser) has failed to comply with the requirements of this subsection (D).

## NOTICE OF PROPOSED RULEMAKING

### TITLE 5. CORRECTIONS

#### CHAPTER 4. BOARD OF EXECUTIVE CLEMENCY

[R07-357]

#### PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R5-4-101                    | Amend                    |
| R5-4-102                    | Amend                    |
| Article 2                   | Amend                    |
| R5-4-201                    | Amend                    |
| Article 3                   | Amend                    |
| R5-4-301                    | Amend                    |
| R5-4-302                    | Amend                    |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
    - Authorizing statute: A.R.S. § 31-401(G)
    - Implementing statute: A.R.S. §§ 31-401, 31-402, and 38-431.01
  - 3. List of all previous notices appearing in the Register addressing the proposed rules:
    - Notice of Rulemaking Docket Opening: 13 A.A.R. 3533, October 19, 2007
  - 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
    - Name: Duane Belcher, Executive Director
    - Address: Board of Executive Clemency  
1645 W. Jefferson St., Suite 101  
Phoenix, AZ 85007

Notices of Proposed Rulemaking

Telephone: (602) 542-5656  
Fax: (602) 542-5680  
E-mail: Duane.belcher@aboec.state.az.us

**5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The Board is updating its rules to complete the plan of action contained in a five-year-review report approved by the Council in December 2006 and to make the rules more clear, concise, and understandable.

**6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None

**7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

No substantive changes are being made to the rules. As a result, the only economic impact is the Board's cost to complete the rulemaking.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Duane Belcher, Executive Director  
Address: Board of Executive Clemency  
1645 W. Jefferson St., Suite 101  
Phoenix, AZ 85007  
Telephone: (602) 542-5656  
Fax: (602) 542-5680  
E-mail: Duane.belcher@aboec.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

An oral proceeding regarding the proposed rules will be scheduled if a written request is submitted to the individual listed in item 4 within 30 days after this notice is published.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

TITLE 5. CORRECTIONS

CHAPTER 4. BOARD OF EXECUTIVE CLEMENCY

ARTICLE 1. GENERAL PROVISIONS

Section  
R5-4-101. Definitions  
R5-4-102. ~~Public Comment at Board Hearings~~

~~ARTICLE 2. EXECUTIVE CLEMENCY ACTIONS PARDON~~

Section  
R5-4-201. Pardon

ARTICLE 3. RECISSION OR REVOCATION

Section

- R5-4-301. Rescission Hearings
- R5-4-302. Revocation Hearings

ARTICLE 1. GENERAL PROVISIONS

**R5-4-101. Definitions**

In this Chapter, unless otherwise specified:

1. "Applicant" means an individual who asks the governor to grant a pardon.
2. "Board" means the Arizona Board of Executive Clemency, as established by A.R.S. § 31-401(A). ~~(formerly the Arizona Board of Pardons and Paroles).~~
3. "Department" means the Arizona Department of Corrections.
4. "Good cause" means a reason that the Board determines is substantial enough to afford a legal excuse.
- 4.5. "Inmate" means an individual who is in the custody or under the jurisdiction of the Department, including an individual in custody or on parole, home arrest, work furlough, or community supervision.
- 5.6. "Pardon" means an action by the governor that absolves an applicant individual of the legal consequences of the a crime for which the applicant individual was convicted.
- 6.7. "Presiding Officer" means either the Chairperson of the Board or the Chairperson of a Board panel assigned to conduct a hearing.
8. "Release" means parole, home arrest, work furlough, or community supervision.
- 7.9. "Rescission" means an act of the Board that to void voids a previously made release decision that was previously granted by the Board before the inmate is released.
- 8.10. "Request to rescind" means a document asking the Board to void a decision to grant an inmate a release for a rescission.
- 9.11. "Revocation" means an act by the Board to terminate that terminates an inmate's release status because of a violation of a release condition.
- 10.12. "Street time" means from the time interval between when an inmate accepts is released on parole until and the time parole is revoked or completed.
- 11.13. "Warrant" means a document of written allegations issued by the Department, initiated by the Department or Board or any member of the Board on an inmate who is alleged to have violated a condition or conditions of release that specifies an alleged violation of a condition of a release.
- 12.14. "Work day" means Monday through Friday of each week every day except federal Saturdays, Sundays, and state holidays listed at A.R.S. § 1-301.

**R5-4-102. ~~Public Comment at Board Hearings~~**

~~During any hearing conducted by the Board, the Presiding Officer may allow any person to provide oral or written information relevant to the hearing.~~

- A. The Board shall ensure that all hearings are open to the public as required by A.R.S. § 38-431 et seq.
- B. Unless otherwise provided by law, the Board shall conduct a hearing in an informal manner without adherence to the rules of evidence required in a judicial proceeding.
- C. The Board shall allow an inmate to be represented by counsel at a hearing.

ARTICLE 2. EXECUTIVE CLEMENCY ACTIONS PARDON

**R5-4-201. Pardon**

- A. Unless prohibited by law, an individual who has been was convicted of a an Arizona felony offense in Arizona may apply for a pardon if the judgment of guilt or conviction has not been vacated or set aside by a court.
- B. To request apply for a pardon, an eligible individual who is not an inmate shall submit to the Board a completed pardon application form obtained from the Board. The Board, at its discretion, may require the applicant to submit additional information and documents.
- C. In addition to the application form required under subsection (B), an applicant shall submit other information and documents that the Board requests to assist it in deciding whether to recommend a pardon.
- ~~C.D.~~ To request a pardon, an inmate shall submit to the Department a completed pardon application obtained from the Board. The If an inmate applies for a pardon, the Board shall request that the Department shall review the application and verify whether the inmate is eligible to apply for a the pardon. The Board, at its discretion, may require the applicant to submit additional information and documents.
- ~~D.E.~~ After receiving a complete application from an eligible applicant has completed all application requirements, the Board shall schedule a hearing and notify provide advance written notice to the applicant in writing of the date and time location of the hearing.

Notices of Proposed Rulemaking

~~E.F.~~ At the hearing, the Board shall take + one of the following actions:

- ~~1. Vote to deny the request for recommending that the governor grant a pardon and notify the applicant in writing of the Board's decision within 10 work days. The applicant is not eligible to re-apply for a pardon for 3 years from the date that the pardon is denied.~~
- ~~2. Vote to recommend to that the Governor that governor grant a pardon be granted and notify the applicant in writing of the Board's decision within 10 work days.~~

~~F.G.~~ If the Board votes to recommend a pardon, ~~Board members who voted in the affirmative~~ the Presiding Officer shall designate a Board member to prepare and send to the governor a letter of recommendation, including The letter of recommendation may include a statement of individual Board members' reasons for the Board's recommendation voting to recommend a pardon. Letters Board members who voted not to recommend a pardon may prepare and send letters of dissent may be prepared by the dissenting Board members and sent to the governor.

~~G.H.~~ If the Board's recommendation is denied by the governor denies a pardon, the Board shall notify the applicant shall be notified in writing by the Board when the decision is known of the governor's decision within 10 work days after receiving notice of the governor's decision. The applicant is not eligible to re-apply for a pardon for 3 years from the date that the pardon is denied.

~~I.~~ If the Board votes not to recommend a pardon for an applicant or if the governor denies a pardon, the applicant shall not apply again for a pardon for three years from the date of the Board's decision.

**ARTICLE 3. RESCISSION OR REVOCATION**

**R5-4-301. Rescission Hearings**

~~A.~~ To initiate the rescission process, the An officer of the Department, the Board, or any a member of the Board may initiate the rescission process by shall submit submitting to the Board a request to rescind to the Board a previously made release decision that:

~~1. Alleges~~ A request to rescind may be submitted for:

- ~~1.a. Alleged violation of law by the The inmate to be released has violated the law,~~
- ~~2.b. Alleged violation of discipline rules of the Department by the The inmate to be released has violated a disciplinary rule of the Department,~~
- ~~3.c. Alleged inability of the The inmate to be released is not able to meet a condition of release, or~~
- ~~4.d. The lack of accurate or complete information available to the Board lacked accurate or complete information when the Board made the release decision was granted, and~~

~~2.~~ Includes a list of documents and items to be offered as evidence and witnesses who will be called to testify.

~~B.~~ After the Board has receives a completed request to rescind that includes a list of all documents, items of evidence to be submitted, and witnesses who will be called to testify, the board Board shall schedule a rescission hearing unless a hearing officer designated by the Board to conduct a probable cause hearing determines there is no probably cause for the requested rescission, in which case, the request to rescind is deemed denied. And The Board shall provide timely advance notice of the date and location of the rescission hearing to the inmate and the Department.

~~C.~~ The Board shall conduct the rescission hearing shall be conducted by the Board. Before the start of the rescission hearing, the The inmate may request that the hearing be continued for good cause. The Board may continue the hearing for good cause at any time. If the board finds that good cause exists, the board shall grant the request for continuance. Good cause includes but is not limited to:

- ~~1. The inmate wants to obtain legal representation;~~
- ~~2. The inmate did not receive timely notification of the hearing; and~~
- ~~3. The inmate lacked opportunity to question adverse witnesses, supportive witnesses, or the parole officer or Department officer who initiated the request to rescind.~~

~~D.~~ At the close of the rescission hearing, the Board shall take + one of the following actions:

- ~~1. Find that the allegations allegation in the request to rescind are is not true, and dismiss deny the request to rescind, The and allow to stand the Board's previous decision to grant release to the inmate will stand.~~
- ~~2. Find that + one or more of the allegations in the request to rescind are true and void the Board's previous decision to grant release to the inmate. The Department shall continue to hold the inmate shall be held in the secure custody of the Department as provided by law.~~
- ~~3. Find that + one or more of the allegations in the request to rescind are true, however, but allow to stand the Board's previous decision to grant release to the inmate to stand with or without additional conditions.~~

**R5-4-302. Revocation Hearings**

~~A.~~ To initiate the revocation process, An officer of the Department, the Board, or any a member of the Board shall request may initiate the revocation process by requesting that the Department issue to the Board a warrant alleging that:

- ~~1. Alleges~~ an inmate violated a condition of the inmate's release; and
- ~~2. Lists~~ documents and items to be offered as evidence and witnesses who will be called to testify.

~~B.~~ After the Department submits a executes the warrant that provides to the Board a list of all documents, items of evidence

to be submitted, and witnesses who will be called to testify and it is determined there is probable cause to believe the inmate violated a condition of the inmate's release or the inmate waives a probable cause hearing, the Board shall schedule a revocation hearing. ~~And The Board shall provide timely advance notice of the date and location of the revocation hearing to the inmate and the Department.~~

- C. ~~The Board shall conduct the revocation hearing shall be conducted by the Board. Before the start of a revocation hearing, the~~ The inmate may request that the hearing be continued for good cause. The Board may continue the hearing for good cause at any time. If the Board finds that good cause exists, the Board shall grant the request for continuance. Good cause includes but is not limited to:
- ~~1. The inmate wants to obtain legal representation;~~
  - ~~2. The inmate did not receive timely notification of the hearing; and~~
  - ~~3. The inmate lacked opportunity to question adverse witnesses, supportive witnesses, or the parole officer who initiated the warrant of arrest.~~
- D. At the close of the revocation hearing, the Board shall take ~~+~~ one of the following actions:
- ~~1. Find that the allegations each allegation in the warrant are is not true and direct, in writing, to that the Department that release the inmate be returned from secure custody to parole, home arrest, work furlough, or community supervision status.~~
  - ~~2. Find that one or more of the allegations in the warrant are true and revoke the inmate's release. The Department shall immediately place the inmate in secure custody and hold the inmate as provided by law.~~
  - ~~2-3.~~ In the case of an inmate on parole, find that + one or more of the allegations in the warrant are true and revoke the inmate's release status parole but place the inmate on home arrest. The Department shall hold the inmate shall be held by the Department in secure custody pending the inmate's release on home arrest.
  - ~~3-4.~~ In the case of an inmate on parole, work furlough, home arrest, or community supervision, find that + one or more of the allegations in the warrant are true but reinstate the inmate's release status with or without additional conditions.
  - ~~4. In the case of an inmate on parole, work furlough, home arrest, or community supervision, find that the allegations in the warrant are true and direct that the inmate's release status be revoked. The inmate shall revert immediately to secure custody and be held by the Department in that status as provided by law.~~
- E. ~~If the Board revokes an inmate's parole status under subsection (D)(2) or (D)(3) is revoked, the Board may require determine whether the circumstances merit the forfeiture of some or all street-time credits earned by the inmate while on release parole.~~