

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO TAX UNIT**

**CHAPTER 560-2-16
ADMINISTRATIVE HEARINGS**

560-2-16-.02- Nature of the Proceeding; Hearing Procedure; Burden of Proof.

The hearings held under these Regulations shall only be as formal as is necessary to preserve order and be compatible with the principles of justice.

(1) Parties shall have the right to be represented by legal counsel and to obtain the appearance of witnesses and documentary evidence.

(2) The parties shall also have the right to respond and present evidence on all issues involved and to cross examine all witnesses.

(3) The standard of proof on all issues in the hearing shall be a preponderance of the evidence.

(4) In cases commenced by the issuance of citations by the Department, the Department shall have the burden of proof and shall present its case first.

(5) In cases involving the preliminary denial of license applications or the seizure of alcoholic beverages, the applicant or licensee shall have the burden of proof and shall present its case first.

(6) In all other cases the commencing party shall have the burden of proof and shall present its case first.

(7) A hearing, or a portion thereof, may be conducted by alternate means if the record reflects that all parties have consented and that such procedure will not jeopardize the rights of any party to the hearing. Alternate means, as

used here, includes remote telephonic communication methods such as two-way video-conferencing applications.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.