

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION (TOBACCO)**

**CHAPTER 560-8-6
ADMINISTRATIVE HEARINGS**

**560-8-6-.05. Nature of the Proceeding; Hearing Procedure;
Burden of Proof – Administrative Hearings.**

- (1) Administrative hearings held under these rules shall be only as formal as is necessary to preserve order and be compatible with the principles of justice.
- (2) All parties shall have the right to be represented by legal counsel and to obtain the appearance of witnesses and documentary evidence. The parties shall have the right to respond and present evidence on all issues involved and to cross-examine all witnesses.
- (3) The standard of proof concerning all issues presented in the administrative 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. In cases involving the preliminary denial of license applications or the seizure of tobacco, alternative nicotine, or vapor products, the applicant or licensee shall have the burden of proof and shall present its case first. In all other cases the party commencing the case shall have the burden of proof and shall present its case first.
- (5) 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. Secs. 48-2-12, 48-11-4, 48-11-18.