**Section 310.210 Motions**

a) Motions will be made in writing, unless the Comptroller or hearing officer finds that oral motions would expedite the hearing and not interfere with the parties' presentation of their case. Motions are limited to the following:

1) To request dismissal of a Complaint, for failure to state facts which, if true, would form a sufficient basis for the action taken.

2) To request sanctions in accordance with the Section of this Part dealing with Representation.

3) To request sanctions in accordance with the Section of this Part dealing with Discovery.

4) To request dismissal of a Petition for Hearing, for failure to comply with the Section of this Part dealing with Institution of a Contested Case by a Petitioner.

5) To request dismissal of a Complaint where the Department's case has been concluded without sufficient evidence having been presented to form a basis for the action taken.

6) To request a continuance, or extension of time to comply with any provision of this Part.

7) To request an order granting a rehearing, or additional hearings.

8) To request an order that the Comptroller or hearing officer reconsider its Findings of Fact, Conclusion of Law or Recommendation to the Comptroller or to request a new hearing or additional hearings.

9) To request that the Comptroller or hearing officer deem a failure to file an Answer to be an admission of the truth of the allegations contained in the Complaint.

10) To request employment of a hearing officer in a case where the Comptroller is presiding.

11) To request that a hearing officer be excluded from the hearing or deliberations, for cause as specified in Section 310.180(c).

12) To request that an Order be vacated or modified.

13) To request a prehearing conference.

14) To request separation of cases joined by the Department.

b) When any motion is filed, the Comptroller or hearing officer is authorized to question either party to obtain information necessary to a fuller understanding of the issues presented. Where facts are alleged as a basis for the request, which are not a part of the record in the case, an affidavit will be attached to the motion setting forth such facts.