**Section 338.110 Rights and Responsibilities in Administrative Hearings**

a) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.

b) An appellant may request the Department employee who had direct involvement in the case or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the Administrator of the Administrative Hearings Unit to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.

c) Any motions from the appellant or the Department shall be filed with the administrative law judge at least ten calendar days before the hearing. Copies shall be sent to the Department's representative and the appellant.

d) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.

e) During the administrative hearing, the appellant and the Department have the right to:

1) present and question witnesses;

2) present any information relevant to the issues;

3) question or disprove any information, including an opportunity to question opposing witnesses; and

4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.

f) In an administrative hearing, the appellant bears the burden of proving, by a preponderance of the evidence, that the Department was in error when it denied the appellant's application for a foster family home license.