



TENNESSEE HISTORICAL COMMISSION
2941 Lebanon Pike
Nashville, Tennessee 37214

Procedures for Contested Case Hearings Pursuant to the Tennessee Heritage Protection Act

To ensure that contested cases are expeditiously presented before the Tennessee Historical Commission (the "Commission"), the Commission will follow the following procedures and requests compliance with the following procedures by parties participating in complaint and waiver proceedings. These procedures apply to all reviews of Initial Orders rendered by an Administrative Law Judge (ALJ) on a complaint filed alleging violations of the Tennessee Heritage Protection Act (the "Act") and all final hearings on waiver petitions. Counsel for the Commission shall provide a copy of these procedures to any public entity that petitions for a waiver; any entity, group, or individual that intervenes on a waiver petition; any entity, group, or individual that files a complaint alleging violations of the Act; and to the ALJ assigned to assist the Commission in its hearing of these matters.

Complaints

All Complaints shall, upon receipt, be referred to an ALJ to render an Initial Order on behalf of the Commission. The Initial Order shall be reviewable by the Commission as provided by law.

Stipulation of Facts

All parties are urged to reach agreement upon as many factual issues as possible. Facts that all parties can agree upon shall be set out in a document entitled "Stipulated Facts" and this document shall be filed with the Administrative Procedures Division (APD) of the Secretary of State and the Executive Director of the Commission not less than 10 business days prior to the scheduled hearing before the Commission. These stipulations must, to the extent possible, include agreements concerning the authenticity and admissibility of all documentary evidence that is expected to be introduced, including but not limited to, photographs, reports, and factual events.

Trial Brief

Each party shall prepare a trial brief that outlines their case. This brief shall be no more than ten pages (8 1/2 x 11) in length; double spaced; in 12-point type; and Times New Roman or Calibri font. It shall include a list of all expected witnesses, a short summary of what each witness is expected to testify and an estimate of the amount of time needed for this testimony. The Trial Brief shall be filed with APD and the Executive Director of the Commission not less than 10 business days prior to the scheduled hearing.

Exhibits

All Exhibits shall be filed with APD and the Executive Director of the Commission not less than 10 business days prior to the scheduled hearing.

Opening Statements and Closing Arguments

Each party's opening statement shall be limited to no more than twenty minutes. Each party's closing argument, including any time for rebuttal argument, shall be limited to no more than thirty minutes.

Case in Chief

Each party shall make every effort to limit their case in chief to a total time of no more than one (1) hour.

Findings of Fact, Conclusions of Law, and Reasons for the Decision

Each party shall file proposed Findings of Fact, Conclusions of Law, and Reasons for the Decision with APD and the Executive Director of the Commission not less than 10 business days prior to the scheduled hearing. The proposed Findings of Fact must include all of the Stipulated Facts. All proposed Findings of Fact, Conclusions of Law, and Reasons for the Decision must be separately stated and numbered for easy reference and discussion by the Commission.

Adopted by the Tennessee Historical Commission this 8 day of October, 2021.

TENNESSEE HISTORICAL COMMISSION

By: 

Derita Coleman Williams
Chairperson
Tennessee Historical Commission