

Bulletin 08-002

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**Clarification of Time Period Within Which to Request a Hearing Pursuant to
NRS 679B.280(1) and NRS 679B.282(1)**

Pursuant to Nevada Revised Statute (NRS) 679B.280(1), upon receipt of a verified report of examination, the Commissioner must deliver a copy of the report to the examinee to provide the examinee the opportunity to review the report. Along with the report of examination, the Commissioner also provides the examinee with notice that he has 10 days, or such additional reasonable time as the Commissioner for good cause deems proper, within which to provide the Division with a written submission or rebuttal to any matters in the report. The examinee also has the opportunity to request a hearing concerning matters contained in the not yet published report.

If the examinee believes a hearing may be necessary, NRS 679B.282(1) explains that the request for a hearing must be made “. . . within the period allowed under subsection 1 of NRS 679B.280 . . .”. This means the examinee has 10 days, or such additional reasonable time as the Commissioner for good cause deems proper, within which to request the hearing. The Division, however, does not consider the 10 day period to be a statute of limitations, the expiration of which would forever bar the examinee from requesting a hearing. The examinee may instead make his request for a hearing within a reasonable time after expiration of the 10 day period if he shows good cause for the delay. The examinee also has the option, within the period allowed in NRS 679B.280(1), of reserving his right to later make a request for a hearing if necessary. This reservation must be made in writing and submitted separately or with the examinee’s written submission or rebuttal to matters in the report pursuant to NRS 679B.280(1).

The absence of the examinee’s request for a hearing on the unpublished report issued, does not affect the examinee’s right to request a hearing on the Commissioner’s Order pursuant to NRS 679B.280.

ALICE A. MOLASKY-ARMAN
Commissioner of Insurance

NRS 679B.280 Report of examination: Right of examinee to review and respond to report; Commissioner to issue order regarding action to be taken on report.

1. Upon receipt of the verified report of the examination, the Commissioner shall deliver a copy of the report to the person examined, together with a notice affording him 10 days or such additional reasonable period as the Commissioner for good cause may allow within which to review the report and make a written submission or rebuttal with respect to recommended changes or any matters contained in the report.

NRS 679B.282 Report of examination: Hearing; filing; distribution.

1. If requested by the person examined, within the period allowed under subsection 1 of NRS 679B.280, or if ordered pursuant to subsection 2 of that section, the Commissioner shall hold a hearing relative to the report and shall not file the report in the Division for public inspection until after the hearing and his order thereon.