

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 4: Adjudication

§ 404. Notice

Cite as: 1 CNCA § 404

A. Except for emergency adjudication under 1 CNCA § 407, an agency shall give reasonable notice of the right to a hearing in a disputed case.

B. In case of applications or petitions submitted by persons other than the agency, within a reasonable time after filing the agency shall give an initial notice to all parties that an action has been commenced which must include:

1. the official file or other reference number; the name of the proceeding, and a general description of the subject matter;
2. the name, official title, mailing address, e-mail address, fax address and telephone number of the presiding officer;
3. a statement of the time, place and nature of the pre-hearing conference or hearing, if any;
4. the name, official title, mailing address and telephone number of any attorney or employee who has been designated to represent the agency; and
5. any other matter that the presiding officer considers desirable to expedite the proceedings.

C. In case of actions initiated by the agency that may or will result in an order, the agency shall give an initial notice to the party or parties against which the action is brought by personal service in a manner appropriate under the rules of civil procedure for the service of process in a civil action in Cherokee Nation which includes:

1. notification that an action that may result in an order has been commenced against them; and
2. a short and plain statement of the matters asserted, including the issues involved; and
3. a statement of the legal authority and jurisdiction under which the hearing is held that includes identification of the statutory sections involved; and
4. the official file or other reference number, the name of the proceeding and a general description of the subject matter; and

5. the name, official title, mailing address [e-mail address] [fax address] and telephone number of the presiding officer, or, if no officer has been appointed at the time the first notice is given, the name, official title, mailing address [e-mail address] [fax address] and telephone number of any attorney or employee designated to represent the agency; and

6. a statement that a party who fails to attend any subsequent proceeding in a disputed case may be held in default;

7. a statement that the party served may request a hearing and instructions in plain language about how to request a hearing; and

8. the names and last known addresses of all parties and other persons to which notice is being given by the agency.

D. When a pre-hearing, hearing or other hearing, meeting or conference is scheduled, the agency shall give notice that shall contain the pre-hearing information described in this subsection at least fourteen (14) days before the hearing.

E. Any notice may include other matters that the presiding officer considers desirable to expedite the proceedings.

Historical Data

LA 13-07, eff. March 19, 2007.