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Approved: Sila M. Calderón
Secretary of State
By: [signature]
Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO
PUBLIC BUILDINGS AUTHORITY
SAN JUAN, PUERTO RICO

RULES OF UNIFORM ADMINISTRATIVE PROCEEDINGS OF THE PUBLIC BUILDINGS AUTHORITY

ARTICLE I - LEGAL BASE

These rules has been approved in virtue of Section 3.2 of Law Number 170, of the twelfth day of August of 1988. These rules will be known as RULES OF UNIFORM ADMINISTRATIVE PROCEEDINGS OF THE PUBLIC BUILDINGS AUTHORITY.

ARTICLE II - PURPOSES

These rules are adopted with the purpose of establishing the norms to regulate the proceedings of adjudication in the Public Buildings Authority, in order to establish a uniform proceeding to be followed in all the adjudications that will be carried out in the agency.

ARTICLE III - APPLICATION

These rules will be of application to all adjudicative proceedings that will be ventilated in the Public Buildings Authority.

ARTICLE IV - INITIATION OF THE ADJUDICATIVE PROCEEDING

All proceedings of adjudication before the Public Buildings Authority will be initiated with the filing of a complaint, request or petition, personally or by written communication within the term established by the laws or rules.

ARTICLE V - VENUE

The complainant or solicitor could perform the filing at the Clerk's office, that for these purposes will be maintained in the Office of Legal Services of the Public Buildings Authority, but the proceedings will be followed in the office that the agency determines.

ARTICLE VI - PROMOTER OF THE CASE

Any person authorized by the laws administered by the Public Buildings Authority, or that claims a right under the same, or under the rules or regulations issued thereunder, could file a complaint request or petition in the Public Buildings Authority.

ARTICLE VII - CONTENTS OF THE COMPLAINT OR PETITION

The complaint or request should include the following information:

1. Name and postal addresses of all the parties.
2. Constitutive facts of the claim.
3. Reference of the legal applicable dispositions, if they're known.
4. Remedy that is requested.
5. Signature of the petitioner of the proceeding. In cases of legal persons, petitions should be signed by their authorized representative.

ARTICLE VIII - NOTIFICATION OF HEARING

The agency will notify in writing to all the parties or their authorized representatives and intervening parties, the date, hour and place in which the adjudicative hearing will be held. The notification should be by mail or personally, with no more than fifteen (15) days of anticipation to the date of the hearing, except that for duly justified causes, consignated in the notification, be it necessary to reduce said period, and should contain the following information:

a) Date, hour and place in which the hearing will be held, as well as its nature and purpose.
b) Warning that the parties can appear assisted by attorneys but will not be obligated to be so represented, including the cases of corporations and societies.
c) Reference to the legal dispositions or regulations that authorize the celebration of the hearing.
d) Reference to the legal dispositions or regulations presumptively infringed, if an infraction is imputed, and to the constitutive facts of such infraction.
e) Warnings of the measures that the agency could take if any party does not appear to the hearing.
f) Warning that the hearing would not be suspended.

ARTICLE IX - REQUEST OF INTERVENTION

1. Any person that would have a legitimate interest in an adjudicative proceeding before an agency could submit a request in writing and duly founded, so that it should permit, intervene or participate in such proceeding. The agency could concede or deny the request, to its discretion, taking into consideration, between others, the following factors:

   a) That the interest of the petitionary could be affected adversely by the adjudicative proceeding.

   b) That no other legal way exists, so that the petitionary could protect adequately his interest.

   c) That the interest of the petitionary be therefore represented adequately by the parties in the proceeding.

   d) That the participation of the petitionary could help reasonably to prepare a more complete file of the proceeding.

   e) That the participation of the petitionary could extend or dilate excessively the proceeding.

   f) That the petitionary represent or be spokesman of other groups or entities of the community.

   g) That the petitionary could give information, expertness, specialized councilling or technique assessment that would not be available in any other mode in the proceeding.

2. If the agency decides to deny a request of intervention, in an adjudicative proceeding, it will notify its determination by writing to the petitionary with the foundations to the same and stating the legal resource or revision available.

ARTICLE X - CONFERENCE BEFORE THE HEARING

The designated official for presiding the hearing could convoke motu proprio or at request by a party, a conference before the hearing, and could order to the parties to meet previously to the same and file a report within the five (5) working days previous to the date of the hearing.

The contents of the report, as modificated and/or approved by the designated official, will rule the course subsequent to the proceeding, unless said official for justified cause and in the best interests of justice authorize any modification.

ARTICLE XI - TRANSFER AND SUSPENSION OF THE HEARING

Any party that interests the transfer or the suspension of any trial should request it by writing with no less than five working days previously to the date.

Such request will constitute a waiver to his right that the case be adjudicated within the six months since the filling of the complaint or request.

ARTICLE XII - PROCEEDINGS DURING THE TRIAL

(a) The hearing should be recorded or stenographed, and the functionary that presides the same will prepare a report for the consideration of the agency, or will render the decision in writing, if it has been delegated the authority for it.

(b) The functionary that presides the trial within an atmosphere of relative informality, will offer to all the parties the necessary extension for a complete divulgation of all the facts and questions in discussion, the opportunity of responding, present evidence and argue, conduct cross examination and submit evidence in refutation, except as it has been restrained or limitated by the stipulations in the conference before the hearing.

(c) The Rules of Evidence will not be applicable to the administrative hearings, but the fundamental principles of evidence could be used to obtain a rapid just and economic solution of the proceeding.

(d) The functionary that presides the hearing could concede to the parties a term of fifteen (15) days after concluding the same, for the presentation of proposal of determinations of facts and conclusions of law. The parties could voluntarily waive its right to have the findings of facts established.

(e) Every case submitted to an adjudicative proceeding before the agency should be resolved within a term of six months, since its filling, unless exceptional circumstances do occur.

ARTICLE XIII - DISMISS OR SUMMARY DISPOSITION

The designated official to preside the hearing could dismiss or dispose summarily of a complaint or request, motu proprio or at the request of a party, if he believes that the same does not state facts which justify the concession of a remedy, or that, having no real controversy as to the facts, as to a matter of law proceed, be dictated resolution in favor of the party that corresponds.

ARTICLE XIV - RECONSIDERATION AND JUDICIAL REVISION

Any party adversely affected by a final resolution may request its reconsideration within the term of thirty (30) days since the date of the notification of the resolution or order. The agency within the thirty (30) days of being presented, said motion, should consider it. If he denies it, of course, the term for revision request, will be considered as if never been interrupted. If a determination has been taken in consideration, the term for revision request, will start to count since the date in which it's filed, a copy of the notification of the resolution of the agency resolving definitely the motion. If the agency did not take any action with relation to the motion of reconsideration within the thirty (30) days of having been presented, it will be understood that the same has been refused of plan.

The motion of reconsideration will be jurisdictional in order to request the judicial revision.

ARTICLE XV - EMERGENCY ADJUDICATIVE PROCEEDINGS

The Public Buildings Authority could use adjudicative proceedings of emergency in a situation in which an imminent danger could exist for the health, security and public well being or that an immediate action be required of the agency.

The agency should give that notification that it considers, more convenient, to the persons that would be required to comply with the order or resolution. The order or resolution will be effective emitted.

After emitting an order or resolution of confirmation to this section, the agency should proceed promptly to complete any proceeding that would be required, if no imminent danger exists.

ARTICLE XVI - JUDICIAL REVIEW

A party adversely affected by an order or a final resolution of the agency, and that has exhausted all the remedies provided by the agency or by the corresponding appelative organism, could present a petition of revision before the Superior Court within a term of thirty (30) days beginning with the date of the filing of the copy of the notification of the order, or final resolution of the agency. The party will notify the presentation of the request of judicial revision to the agency and to all the parties, within the term requested. Said notification could be done by mail.

ARTICLE XVII - SEPARABILITY

The declaration by a competent court, that a disposition of this rules is invalid, nule or inconstitutional will not affect the other dispositions, which will preserve all its valid force and efect.

ARTICLE XVIII - DEROGATION

All the rules, norms and procedural uses that regulate the proceedings of adjudication in the Public Buildings Authority, are hereby derogated, inasmuch as they are incompatible with the dispositions of these Rules.

ARTICLE XIX - VIGENCY

These Rules will commence to rule immediately after it's approval by the Executive Director and the Board of Directors of the Public Buildings Authority.

These Rules were approved by the Board of Directors of the Public Buildings Authority on the sixth day of February of 1989.

Arch. Luis Rafael Arias
Executive Director

Mr. Franklin Martínez Monge
President

Att. Sergio Marxuach Pérez
Interim Secretary