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**Tenn. Code Ann. § 4-5-319** [\(Copy w/ Cite\)](#)

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*Tenn. Code Ann. § 4-5-319*

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\*\*\* Current through the 2014 Regular Session and amendments approved at the November 4, 2014 General Election \*\*\*

Title 4 State Government  
Chapter 5 Uniform Administrative Procedures Act  
Part 3 Contested Cases

Tenn. Code Ann. § 4-5-319 (2014)

**4-5-319. Agency record.**

(a) An agency shall maintain an official record of each contested case under this chapter. The record shall be maintained for a period of time not less than three (3) years; provided, that the department of labor and workforce development shall be required to maintain the record for such period of time as shall be determined by the agency or otherwise required by law.

(b) The agency record shall consist solely of:

- (1) Notice of all proceedings;
- (2) Any pre-hearing order;
- (3) Any motions, pleadings, briefs, petitions, requests and intermediate rulings;
- (4) Evidence received or considered;
- (5) A statement of matters officially noticed;
- (6) Proffers of proof and objections and rulings thereon;
- (7) Proposed findings, requested orders, and exceptions;
- (8) The tape recording, stenographic notes or symbols, or transcript of the hearing;
- (9) Any final order, initial order, or order on reconsideration;

(10) Staff memoranda or data submitted to the agency unless prepared and submitted by personal assistants and not inconsistent with § 4-5-304(b); and

(11) Matters placed on the record after an ex parte communication.

(c) A record, which may consist of a tape or similar electronic recording, shall be made of all oral proceedings. Such record or any part thereof shall be transcribed on request of any party at such party's expense or may be transcribed by the agency at its expense. If the agency elects to transcribe the proceedings, any party shall be provided copies of the transcript upon payment to the agency of a reasonable compensatory fee.

(d) Except to the extent that this chapter or another statute provides otherwise, the agency record shall constitute the exclusive basis for agency action in adjudicative proceedings under this chapter, and for judicial review thereof.

**HISTORY:** Acts 1974, ch. 725, § 8; 1975, ch. 370, §§ 3, 12; 1978, ch. 938, §§ 4, 5; T.C.A., §§ 4-514, 4-5-108(g); Acts 1982, ch. 874, § 60; 1999, ch. 520, § 27; 2011, ch. 82, § 1.

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