



Minnesota FAIR Plan

Plan of Operation

MN FAIR Plan

Appendix I

MN FAIR Plan Appeal Procedure

Upon receipt of any appeal request, the following procedure will be observed.

Within 10 business days of the receipt of the appeal request in the office of the FAIR Plan or any member of the Board, the Appellant will be sent a letter acknowledging receipt of their request.

Upon receipt of the appeal request, the Executive Director will review the reasons stated for the appeal and all pertinent documentation available regarding the issue. The Executive Director will also interview those members of the staff or contractors of the FAIR Plan involved in the dispute.

If, in the judgment of the Executive Director, the decision of the staff should be changed, the Director shall contact the Appellant to negotiate an agreed method of resolving the issue to the Appellant's satisfaction. The Appellant will retain the right to request the Board review their appeal whether such an agreement is reached or not. Arriving at an agreed resolution with the Executive Director does not waive the Appellant's right to submit the issue to Board review.

If the Executive Director determines the staff decision should not be changed, or if the Appellant wishes Board review of their appeal in spite of a negotiated agreement, the Executive Director will notify the Board of the appeal request and coordinate setting the date, time and location for the Board appeal meeting. The notification will include a copy of the appeal request, and any other information from the files of the FAIR Plan that the Executive Director feels is pertinent to the discussion.

Due to the private, non-public nature of the information discussed during an appeal meeting, all appeal meetings of the Board will be closed to the public, including the Appellant(s), with the exception of the Department of Commerce Liaison. Minutes of such meetings will be kept, however the FAIR Plan will be under no obligation to honor requests for copies from any party other than a member of the Board, or the Commissioner of Commerce.

Board Members contacted by any person requesting an appeal of a decision of the FAIR Plan staff should instruct the individual to direct their appeal request to the office of the FAIR Plan. Their request and supporting documents will be provided to the Board prior to the appeal meeting.

Appellants should be instructed that their request must be in writing, and should include the specific reason(s) the Board should overturn the decision of the FAIR Plan staff. Their request should also include all supporting documentation that they wish the Board to consider during their deliberations.

The FAIR Plan staff will communicate the Board's decision to the Appellant in writing. If any remedial action is requested by the Board it will be performed by the FAIR Plan staff as directed.

A record of the appeal will be documented in the FAIR Plan Complaint Log.