Overseas Private Investment Corporation

§ 710.13 Proceeding and an opportunity for a
hearing. Notice must include:
(a) A statement of allegations and
the basis thereof sufficiently detailed
to enable the former employee to pre-
pare an adequate defense;
(b) Notification of the right to a
hearing; and
(c) An explanation of the method by
which a hearing may be requested.

§ 710.5 Failure to request hearing.
The President of OPIC may take ap-
propriate action referred to in § 710.13
in the case of any former OPIC em-
ployee who has failed to make a writ-
ten request to OPIC for a hearing with-
in 30 days after receiving adequate no-
tice.

§ 710.6 Appointment and qualifications
of examiner.
When a former OPIC employee after
receiving adequate notice requests a
hearing, a presiding official (herein-
after referred to as “examiner”) shall
be appointed by the President of OPIC
to make an initial decision. The exam-
iner shall be a responsible person who
is a member of the bar of a State or of
the District of Columbia, who is impar-
tial and who has not participated in
any manner in the decision to initiate
the proceedings. The examiner may or
may not be an OPIC employee.

§ 710.7 Time, date and place of hear-
ing.
The examiner shall establish a rea-
sonable time, date and place to conduct
the hearing. In establishing a date, the
examiner shall give due regard to the
former employee’s need for:
(a) Adequate time to prepare a de-
fense properly; and
(b) An expeditious resolution of alle-
gations that may be damaging to the
individual’s reputation.

§ 710.8 Rights of parties at hearing.
A hearing shall include, at a min-
umum, the following rights for both
parties to:
(a) Represent oneself or be rep-
resented by counsel;
(b) Introduce and examine witnesses
and submit physical evidence (includ-
ing the use of interrogatories);
(c) Confront and cross-examine ad-
verse witnesses;
(d) Present oral argument; and
(e) Receive a transcript or recording
of the proceedings on request.

§ 710.9 Burden of proof.
In any hearing under this part, OPIC
shall have the burden of proof and
must establish substantial evidence of
a violation of the statutory or post-em-
ployment restrictions.

§ 710.10 Findings.
The examiner shall make a deter-
mination exclusively on matters of
record in the proceeding and shall set
forth in the written decision all find-
ings of fact and conclusions of law rel-
levant to the matters in issue.

§ 710.11 Appeal.
(a) Within 20 days of the date of the
initial decision, either party may ap-
peal the decision to the President of
OPIC. The President’s decision on such
appeal shall be based solely on the
record of the proceedings or those por-
tions thereof cited by the parties to
limit the issues.
(b) If the President modifies or re-
verses the examiner’s decision, the
President shall specify such findings of
fact and conclusions of law as are dif-
ferent from those of the examiner.
(c) The decision of the President on
appeal shall constitute final adminis-
trative decision. An initial decision of
the examiner which has not been ap-
pealed during the 20-day period pro-
vided shall become a final administra-
tive decision on the twenty-first day.

§ 710.12 Finding of violation.
The President of OPIC shall take ap-
propriate action referred to in § 710.13
in the case of an individual who is
found in violation of the statutory or
regulatory post-employment restric-
tions, after a final administrative deci-
sion.

§ 710.13 Appropriate action.
Appropriate action includes:
(a) Prohibiting the individual from
making, on behalf of any other person
(except the United States), any formal
or informal appearance before, or with
the intent to influence, any oral or