

**Rule 15-517. Additional rules of procedure.**

1        (a) Governing rules. Except as otherwise provided in this article, the Utah Rules of Civil  
2 Procedure, the Utah Rules of Appellate Procedure governing civil appeals, and the Utah Rules of  
3 Evidence apply in formal discipline actions and disability actions.

4        (b) Standard of proof. Formal complaints of misconduct, petitions for reinstatement and  
5 relicensure, and petitions for transfer to and from disability status shall be established by a  
6 preponderance of the evidence. Motions for interim suspension pursuant to Rule 15-518 shall be  
7 established by clear and convincing evidence.

8        (c) Burden of proof. The burden of proof in proceedings seeking discipline or transfer to  
9 disability status is on the OPC. The burden of proof in proceedings seeking a reversal of a  
10 screening panel recommendation of discipline, or seeking reinstatement, relicensure, or transfer  
11 from disability status is on the respondent.

12        (d) Related pending litigation. Upon a showing of good cause, a formal action or a disability  
13 proceeding may be stayed because of substantial similarity to the material allegations of a  
14 pending criminal, civil, or disciplinary action.

15        (e) The complainant's actions. Neither unwillingness of the complainant to prosecute an  
16 informal or formal complaint, nor settlement or compromise between the complainant and the  
17 respondent, nor restitution by the respondent shall, in and of itself, justify abatement of  
18 disciplinary proceedings.

Effective November 1, 2018