

FIRST REGULAR SESSION

SENATE BILL NO. 216

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 20, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0767S.02I

AN ACT

To repeal sections 324.001 and 621.045, RSMo, and to enact in lieu thereof thirteen new sections relating to the registering of roofing contractors, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 324.001 and 621.045, RSMo, are repealed and thirteen
2 new sections enacted in lieu thereof, to be known as sections 324.001, 341.300,
3 341.305, 341.310, 341.315, 341.320, 341.325, 341.330, 341.333, 341.335, 341.340,
4 341.345, and 621.045, to read as follows:

324.001. 1. For the purposes of this section, the following terms mean:
2 (1) "Department", the department of insurance, financial institutions and
3 professional registration;
4 (2) "Director", the director of the division of professional registration; and
5 (3) "Division", the division of professional registration.

6 2. There is hereby established a "Division of Professional Registration"
7 assigned to the department of insurance, financial institutions and professional
8 registration as a type III transfer, headed by a director appointed by the governor
9 with the advice and consent of the senate. All of the general provisions,
10 definitions and powers enumerated in section 1 of the Omnibus State
11 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this
12 department and its divisions, agencies, and personnel.

13 3. The director of the division of professional registration shall promulgate
14 rules and regulations which designate for each board or commission assigned to
15 the division the renewal date for licenses or certificates. After the initial
16 establishment of renewal dates, no director of the division shall promulgate a rule
17 or regulation which would change the renewal date for licenses or certificates if

18 such change in renewal date would occur prior to the date on which the renewal
19 date in effect at the time such new renewal date is specified next occurs. Each
20 board or commission shall by rule or regulation establish licensing **or**
21 **registration** periods of one, two, or three years. Registration fees set by a board
22 or commission shall be effective for the entire licensing period involved, and shall
23 not be increased during any current licensing period. Persons who are required
24 to pay their first registration fees shall be allowed to pay the pro rata share of
25 such fees for the remainder of the period remaining at the time the fees are
26 paid. Each board or commission shall provide the necessary forms for initial
27 registration, and thereafter the director may prescribe standard forms for renewal
28 of licenses and certificates. Each board or commission shall by rule and
29 regulation require each applicant to provide the information which is required to
30 keep the board's records current. Each board or commission shall have the
31 authority to collect and analyze information required to support workforce
32 planning and policy development. Such information shall not be publicly
33 disclosed so as to identify a specific health care provider, as defined in section
34 376.1350. Each board or commission shall issue the original license or certificate.

35 4. The division shall provide clerical and other staff services relating to
36 the issuance and renewal of licenses **or certificates of registration** for all the
37 professional licensing and regulating boards and commissions assigned to the
38 division. The division shall perform the financial management and clerical
39 functions as they each relate to issuance and renewal of licenses and
40 certificates. "Issuance and renewal of licenses and certificates" means the
41 ministerial function of preparing and delivering licenses or certificates, and
42 obtaining material and information for the board or commission in connection
43 with the renewal thereof. It does not include any discretionary authority with
44 regard to the original review of an applicant's qualifications for licensure or
45 certification, or the subsequent review of licensee's or certificate holder's
46 qualifications, or any disciplinary action contemplated against the licensee or
47 certificate holder. The division may develop and implement microfilming systems
48 and automated or manual management information systems.

49 5. The director of the division shall maintain a system of accounting and
50 budgeting, in cooperation with the director of the department, the office of
51 administration, and the state auditor's office, to ensure proper charges are made
52 to the various boards for services rendered to them. The general assembly shall
53 appropriate to the division and other state agencies from each board's funds

54 moneys sufficient to reimburse the division and other state agencies for all
55 services rendered and all facilities and supplies furnished to that board.

56 6. For accounting purposes, the appropriation to the division and to the
57 office of administration for the payment of rent for quarters provided for the
58 division shall be made from the "Professional Registration Fees Fund", which is
59 hereby created, and is to be used solely for the purpose defined in subsection 5
60 of this section. The fund shall consist of moneys deposited into it from each
61 board's fund. Each board shall contribute a prorated amount necessary to fund
62 the division for services rendered and rent based upon the system of accounting
63 and budgeting established by the director of the division as provided in
64 subsection 5 of this section. Transfers of funds to the professional registration
65 fees fund shall be made by each board on July first of each year; provided,
66 however, that the director of the division may establish an alternative date or
67 dates of transfers at the request of any board. Such transfers shall be made until
68 they equal the prorated amount for services rendered and rent by the
69 division. The provisions of section 33.080 to the contrary notwithstanding, money
70 in this fund shall not be transferred and placed to the credit of general revenue.

71 7. The director of the division shall be responsible for collecting and
72 accounting for all moneys received by the division or its component agencies. Any
73 money received by a board or commission shall be promptly given, identified by
74 type and source, to the director. The director shall keep a record by board and
75 state accounting system classification of the amount of revenue the director
76 receives. The director shall promptly transmit all receipts to the department of
77 revenue for deposit in the state treasury to the credit of the appropriate
78 fund. The director shall provide each board with all relevant financial
79 information in a timely fashion. Each board shall cooperate with the director by
80 providing necessary information.

81 8. All educational transcripts, test scores, complaints, investigatory
82 reports, and information pertaining to any person who is an applicant or licensee
83 of any agency assigned to the division of professional registration by statute or
84 by the department are confidential and may not be disclosed to the public or any
85 member of the public, except with the written consent of the person whose records
86 are involved. The agency which possesses the records or information shall
87 disclose the records or information if the person whose records or information is
88 involved has consented to the disclosure. Each agency is entitled to the
89 attorney-client privilege and work-product privilege to the same extent as any

90 other person. Provided, however, that any board may disclose confidential
91 information without the consent of the person involved in the course of voluntary
92 interstate exchange of information, or in the course of any litigation concerning
93 that person, or pursuant to a lawful request, or to other administrative or law
94 enforcement agencies acting within the scope of their statutory
95 authority. Information regarding identity, including names and addresses,
96 registration, and currency of the license of the persons possessing licenses to
97 engage in a professional occupation and the names and addresses of applicants
98 for such licenses is not confidential information.

99 9. Any deliberations conducted and votes taken in rendering a final
100 decision after a hearing before an agency assigned to the division shall be closed
101 to the parties and the public. Once a final decision is rendered, that decision
102 shall be made available to the parties and the public.

103 10. A compelling governmental interest shall be deemed to exist for the
104 purposes of section 536.025 for licensure fees to be reduced by emergency rule, if
105 the projected fund balance of any agency assigned to the division of professional
106 registration is reasonably expected to exceed an amount that would require
107 transfer from that fund to general revenue.

108 11. (1) The following boards and commissions are assigned by specific
109 type transfers to the division of professional registration: Missouri state board
110 of accountancy, chapter 326; board of cosmetology and barber examiners, chapters
111 328 and 329; Missouri board for architects, professional engineers, professional
112 land surveyors and landscape architects, chapter 327; Missouri state board of
113 chiropractic examiners, chapter 331; state board of registration for the healing
114 arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers
115 and funeral directors, chapter 333; state board of optometry, chapter 336;
116 Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338;
117 state board of podiatric medicine, chapter 330; Missouri real estate appraisers
118 commission, chapter 339; and Missouri veterinary medical board, chapter
119 340. The governor shall appoint members of these boards by and with the advice
120 and consent of the senate.

121 (2) The boards and commissions assigned to the division shall exercise all
122 their respective statutory duties and powers, except those clerical and other staff
123 services involving collecting and accounting for moneys and financial
124 management relating to the issuance and renewal of licenses, which services shall
125 be provided by the division, within the appropriation therefor. Nothing herein

126 shall prohibit employment of professional examining or testing services from
127 professional associations or others as required by the boards or commissions on
128 contract. Nothing herein shall be construed to affect the power of a board or
129 commission to expend its funds as appropriated. However, the division shall
130 review the expense vouchers of each board. The results of such review shall be
131 submitted to the board reviewed and to the house and senate appropriations
132 committees annually.

133 (3) Notwithstanding any other provisions of law, the director of the
134 division shall exercise only those management functions of the boards and
135 commissions specifically provided in the Reorganization Act of 1974, and those
136 relating to the allocation and assignment of space, personnel other than board
137 personnel, and equipment.

138 (4) "Board personnel", as used in this section or chapters 317, 326, 327,
139 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall
140 mean personnel whose functions and responsibilities are in areas not related to
141 the clerical duties involving the issuance and renewal of licenses **or certificates**
142 **of registration**, to the collecting and accounting for moneys, or to financial
143 management relating to issuance and renewal of licenses **or certificates of**
144 **registration**; specifically included are executive secretaries (or comparable
145 positions), consultants, inspectors, investigators, counsel, and secretarial support
146 staff for these positions; and such other positions as are established and
147 authorized by statute for a particular board or commission. Boards and
148 commissions may employ legal counsel, if authorized by law, and temporary
149 personnel if the board is unable to meet its responsibilities with the employees
150 authorized above. Any board or commission which hires temporary employees
151 shall annually provide the division director and the appropriation committees of
152 the general assembly with a complete list of all persons employed in the previous
153 year, the length of their employment, the amount of their remuneration, and a
154 description of their responsibilities.

155 (5) Board personnel for each board or commission shall be employed by
156 and serve at the pleasure of the board or commission, shall be supervised as the
157 board or commission designates, and shall have their duties and compensation
158 prescribed by the board or commission, within appropriations for that purpose,
159 except that compensation for board personnel shall not exceed that established
160 for comparable positions as determined by the board or commission pursuant to
161 the job and pay plan of the department of insurance, financial institutions and

162 professional registration. Nothing herein shall be construed to permit salaries
163 for any board personnel to be lowered except by board action.

164 12. All the powers, duties, and functions of the division of athletics,
165 chapter 317, and others, are assigned by type I transfer to the division of
166 professional registration.

167 13. Wherever the laws, rules, or regulations of this state make reference
168 to the division of professional registration of the department of economic
169 development, such references shall be deemed to refer to the division of
170 professional registration.

171 14. (1) The state board of nursing, board of pharmacy, Missouri dental
172 board, state committee of psychologists, state board of chiropractic examiners,
173 state board of optometry, Missouri board of occupational therapy, or state board
174 of registration for the healing arts may individually or collectively enter into a
175 contractual agreement with the department of health and senior services, a public
176 institution of higher education, or a nonprofit entity for the purpose of collecting
177 and analyzing workforce data from its licensees, registrants, or permit holders for
178 future workforce planning and to assess the accessibility and availability of
179 qualified health care services and practitioners in Missouri. The boards shall
180 work collaboratively with other state governmental entities to ensure coordination
181 and avoid duplication of efforts.

182 (2) The boards may expend appropriated funds necessary for operational
183 expenses of the program formed under this subsection. Each board is authorized
184 to accept grants to fund the collection or analysis authorized in this
185 subsection. Any such funds shall be deposited in the respective board's fund.

186 (3) Data collection shall be controlled and approved by the applicable state
187 board conducting or requesting the collection. Notwithstanding the provisions of
188 sections 324.010 and 334.001, the boards may release identifying data to the
189 contractor to facilitate data analysis of the health care workforce including, but
190 not limited to, geographic, demographic, and practice or professional
191 characteristics of licensees. The state board shall not request or be authorized
192 to collect income or other financial earnings data.

193 (4) Data collected under this subsection shall be deemed the property of
194 the state board requesting the data. Data shall be maintained by the state board
195 in accordance with chapter 610, provided that any information deemed closed or
196 confidential under subsection 8 of this section or any other provision of state law
197 shall not be disclosed without consent of the applicable licensee or entity or as

198 otherwise authorized by law. Data shall only be released in an aggregate form
199 by geography, profession or professional specialization, or population
200 characteristic in a manner that cannot be used to identify a specific individual or
201 entity. Data suppression standards shall be addressed and established in the
202 contractual agreement.

203 (5) Contractors shall maintain the security and confidentiality of data
204 received or collected under this subsection and shall not use, disclose, or release
205 any data without approval of the applicable state board. The contractual
206 agreement between the applicable state board and contractor shall establish a
207 data release and research review policy to include legal and institutional review
208 board, or agency-equivalent, approval.

209 (6) Each board may promulgate rules subject to the provisions of this
210 subsection and chapter 536 to effectuate and implement the workforce data
211 collection and analysis authorized by this subsection. Any rule or portion of a
212 rule, as that term is defined in section 536.010, that is created under the
213 authority delegated in this section shall become effective only if it complies with
214 and is subject to all of the provisions of chapter 536 and, if applicable, section
215 536.028. This section and chapter 536 are nonseverable and if any of the powers
216 vested with the general assembly under chapter 536 to review, to delay the
217 effective date, or to disapprove and annul a rule are subsequently held
218 unconstitutional, then the grant of rulemaking authority and any rule proposed
219 or adopted after August 28, 2016, shall be invalid and void.

341.300. As used under sections 341.300 to 341.345, the following
2 **terms shall mean:**

3 (1) "Department", the department of insurance, financial
4 institutions and professional registration;

5 (2) "Out-of-state applicant", any applicant who has not
6 established and maintained a place of business as a registered roofing
7 contractor in this state within the preceding year or has not submitted
8 an income tax return as a resident of this state within the preceding
9 year;

10 (3) "Person", any individual, firm, partnership, association,
11 corporation, limited liability company, or other group or combination
12 thereof acting as a unit;

13 (4) "Roofing contractor", one who has the experience, knowledge,
14 and skill to construct, reconstruct, alter, maintain, and repair roofs and

15 use materials and items used in the construction, reconstruction,
16 alteration, maintenance, and repair of all kinds of roofing and
17 waterproofing as related to roofing, all in such manner to comply with
18 all plans, specifications, codes, laws, and regulations applicable thereto.

341.305. 1. Beginning in January 1, 2019, a person who practices
2 or offers services as a roofing contractor in this state for compensation
3 or uses any title, sign, abbreviation, card, or device to indicate that
4 such person is a roofing contractor may register with the department
5 according to the provisions of sections 341.300 to 341.345.

6 2. The department shall not register the following persons as a
7 roofing contractor under sections 341.300 to 341.345:

8 (1) Persons subcontracted by a registered roofing contractor;

9 (2) The owner of property acting as a home improvement
10 contractor; or

11 (3) Persons licensed by another state agency performing work
12 within the scope of their license and the roof repair does not exceed
13 two thousand dollars, including electricians, plumbers, and HVAC
14 contractors.

341.310. 1. There is hereby created in the state treasury the
2 "Roofing Contractor Fund", which shall consist of moneys collected
3 under sections 341.300 to 341.345. The state treasurer shall be
4 custodian of the fund. In accordance with sections 30.170 and 30.180,
5 the state treasurer may approve disbursements. The fund shall be a
6 dedicated fund and, upon appropriation, moneys in the fund shall be
7 used solely for the administration of sections 341.300 to 341.345.

8 2. Notwithstanding the provisions of section 33.080 to the
9 contrary, any moneys remaining in the fund at the end of the biennium
10 shall not revert to the credit of the general revenue fund.

11 3. The state treasurer shall invest moneys in the fund in the
12 same manner as other funds are invested. Any interest and moneys
13 earned on such investments shall be credited to the fund.

341.315. The department is authorized to promulgate rules and
2 regulations necessary for the administration of sections 341.300 to
3 341.345, including regulations regarding:

4 (1) The content of registration applications and the procedures
5 for filing an application for an initial or renewal registration in this
6 state;

7 (2) All applicable fees set at a level to produce revenue, which
8 shall not exceed the cost and expense of administering the provisions
9 of sections 341.300 to 341.345; and

10 (3) The hiring of employees, who administer and oversee the
11 requirements of sections 341.300 to 341.345, and who may investigate
12 any alleged misconduct under sections 341.300 to 341.345. Persons
13 hired under this subdivision shall be paid out of the roofing contractor
14 fund established under section 341.310.

 341.320. 1. An applicant for registration as a roofing contractor
2 shall submit to the department a completed application furnished by
3 the department accompanied by the required nonrefundable fee of no
4 more than two hundred dollars or a renewal fee to be determined by
5 the department. Such application shall include the applicant's name,
6 business name, evidence of insurance as required under subsection 3
7 of this section, a telephone number, a street address, whether the
8 applicant is a member of the Roofers & Siding Contractors Alliance, or
9 its successor organization, and such pertinent information as the
10 department may require.

11 2. An applicant shall have ninety days from the day the
12 application is submitted to complete the application process or else the
13 application shall be automatically denied and any fees paid by the
14 applicant forfeited. Such applicant shall then reapply in order to
15 obtain a certificate of registration.

16 3. No certificate of registration shall be issued or renewed unless
17 the applicant files with the department proof of motor vehicle
18 insurance for all business vehicles, a current worker's compensation
19 insurance policy, and liability insurance with a minimum level of
20 coverage as further promulgated by rule.

21 4. No certificate of registration shall be issued if an out-of-state
22 applicant has had a license revoked or suspended in another state.

23 5. No certificate of registration shall be issued unless an
24 applicant or out-of-state applicant has a no tax due statement from the
25 department of revenue.

 341.325. The department shall promulgate rules to implement the
2 provisions of sections 341.300 to 341.345. Any rule or portion of a rule,
3 as that term is defined in section 536.010, that is created under the
4 authority delegated in this section shall become effective only if it

5 complies with and is subject to all of the provisions of chapter 536 and,
6 if applicable, section 536.028. This section and chapter 536 are
7 nonseverable, and if any of the powers vested with the general
8 assembly pursuant to chapter 536 to review, to delay the effective date,
9 or to disapprove and annul a rule are subsequently held
10 unconstitutional, then the grant of rulemaking authority and any rule
11 proposed or adopted after August 28, 2017, shall be invalid and void.

341.330. A registered roofing contractor shall affix the roofing
2 contractor certificate of registration number and the registrant's name,
3 as it appears on the certificate of registration, to all of his or her
4 contracts and bids. In addition, the official issuing building permits
5 shall affix the roofing contractor's registration number to each
6 application for a building permit and on each building permit issued
7 and recorded.

341.333. Any complaint received by the department concerning
2 a person who is the holder of a certificate of registration issued under
3 sections 341.300 to 341.345 or any complaint regarding the offering of
4 roofing contractor services shall be recorded as received and the date
5 received. The department shall investigate all complaints concerning
6 alleged violations of the provisions of sections 341.300 to 341.345 or if
7 there are grounds for the suspension, revocation, or refusal to issue any
8 certificate of registration.

341.335. 1. The department may refuse to issue or renew, or may
2 suspend or revoke a roofing contractor certificate of registration for
3 failing to meet the requirements of section 341.320 or for one or any
4 combination of causes stated in subsection 2 of this section. The
5 department shall notify the applicant in writing of the reasons for the
6 refusal and shall advise the applicant of his or her right to file a
7 complaint with the administrative hearing commission as provided by
8 chapter 621. Notification shall be deemed sufficient if mailed, first
9 class, to the address listed on the application for registration or
10 renewal by the applicant.

11 2. The department may file a complaint with the administrative
12 hearing commission against any holder of a certificate of registration
13 for any one or combination of the following causes:

14 (1) Impersonation of any person holding a roofing contractor
15 certificate of registration or knowingly allowing any person to use his

16 or her certificate of registration;

17 (2) Issuance of a certificate of registration based upon a material
18 mistake of fact;

19 (3) Failure to affix the roofing contractor certificate of
20 registration number and registrant's name on all contracts and bids, in
21 accordance with section 341.330; or

22 (4) Providing another person with a false registration number.

341.340. 1. The department shall maintain a list of roofing
2 contractors with current certificates of registration on its website.

3 2. The department shall provide notice to the public after a
4 natural disaster that roofing contractors may register with the
5 state. Such notice shall include the use of advertisements and public
6 service announcements in print, broadcast television, radio, and cable
7 television media, as well as the posting of information on the
8 department's website.

341.345. Except as provided in subsection 3 of section 341.330,
2 any person found in violation of sections 341.300 to 341.345 shall be
3 found guilty of a class D misdemeanor. A second conviction for
4 violating sections 341.300 to 341.345 within ten years after the first
5 conviction shall be a class B misdemeanor.

621.045. 1. The administrative hearing commission shall conduct
2 hearings and make findings of fact and conclusions of law in those cases when,
3 under the law, a license **or certificate of registration** issued by any of the
4 following agencies may be revoked or suspended or when the licensee **or**
5 **registrant** may be placed on probation or when an agency refuses to permit an
6 applicant to be examined upon his or her qualifications or refuses to issue or
7 renew a license **or certificate of registration** of an applicant who has passed
8 an examination for licensure or who possesses the qualifications for licensure **or**
9 **registration** without examination:

10 Missouri State Board of Accountancy

11 Missouri State Board for Architects, Professional Engineers, Professional
12 Land Surveyors and Landscape Architects

13 Board of Barber Examiners

14 Board of Cosmetology

15 Board of Chiropractic and Podiatry

16 Board of Chiropractic Examiners

17 Missouri Dental Board
18 Board of Embalmers and Funeral Directors
19 Board of Registration for the Healing Arts
20 Board of Nursing
21 Board of Optometry
22 Board of Pharmacy
23 Missouri Real Estate Commission
24 Missouri Veterinary Medical Board
25 Supervisor of Liquor Control
26 Department of Health and Senior Services
27 Department of Insurance, Financial Institutions and Professional
28 Registration
29 Department of Mental Health
30 Board of Private Investigator Examiners.

31 2. If in the future there are created by law any new or additional
32 administrative agencies which have the power to issue, revoke, suspend, or place
33 on probation any license, then those agencies are under the provisions of this law.

34 3. The administrative hearing commission is authorized to conduct
35 hearings and make findings of fact and conclusions of law in those cases brought
36 by the Missouri state board for architects, professional engineers, professional
37 land surveyors and landscape architects against unlicensed persons under section
38 327.076.

39 4. Notwithstanding any other provision of this section to the contrary,
40 after August 28, 1995, in order to encourage settlement of disputes between any
41 agency described in subsection 1 or 2 of this section and its licensees **or**
42 **registrants**, any such agency shall:

43 (1) Provide the licensee **or registrant** with a written description of the
44 specific conduct for which discipline is sought and a citation to the law and rules
45 allegedly violated, together with copies of any documents which are the basis
46 thereof and the agency's initial settlement offer, or file a contested case against
47 the licensee **or registrant**;

48 (2) If no contested case has been filed against the licensee **or registrant**,
49 allow the licensee **or registrant** at least sixty days, from the date of mailing, to
50 consider the agency's initial settlement offer and to contact the agency to discuss
51 the terms of such settlement offer;

52 (3) If no contested case has been filed against the licensee **or registrant**,

53 advise the licensee **or registrant** that the licensee **or registrant** may, either
54 at the time the settlement agreement is signed by all parties, or within fifteen
55 days thereafter, submit the agreement to the administrative hearing commission
56 for determination that the facts agreed to by the parties to the settlement
57 constitute grounds for denying or disciplining the license of the licensee **or the**
58 **certificate of registration of the registrant**; and

59 (4) In any contact under this subsection by the agency or its counsel with
60 a licensee **or registrant** who is not represented by counsel, advise the licensee
61 **or registrant** that the licensee **or registrant** has the right to consult an
62 attorney at the licensee's **or registrant's** own expense.

63 5. If the licensee **or registrant** desires review by the administrative
64 hearing commission under subdivision (3) of subsection 4 of this section at any
65 time prior to the settlement becoming final, the licensee may rescind and
66 withdraw from the settlement and any admissions of fact or law in the agreement
67 shall be deemed withdrawn and not admissible for any purposes under the law
68 against the licensee. Any settlement submitted to the administrative hearing
69 commission shall not be effective and final unless and until findings of fact and
70 conclusions of law are entered by the administrative hearing commission that the
71 facts agreed to by the parties to the settlement constitute grounds for denying or
72 disciplining the license of the licensee.

73 6. When a holder of a license, registration, permit, or certificate of
74 authority issued by the division of professional registration or a board,
75 commission, or committee of the division of professional registration against
76 whom an affirmative decision is sought has failed to plead or otherwise respond
77 in the contested case and adequate notice has been given under sections 536.067
78 and 621.100 upon a properly pled writing filed to initiate the contested case
79 under this chapter or chapter 536, a default decision shall be entered against the
80 licensee without further proceedings. The default decision shall grant such relief
81 as requested by the division of professional registration, board, committee,
82 commission, or office in the writing initiating the contested case as allowed by
83 law. Upon motion stating facts constituting a meritorious defense and for good
84 cause shown, a default decision may be set aside. The motion shall be made
85 within a reasonable time, not to exceed thirty days after entry of the default
86 decision. "Good cause" includes a mistake or conduct that is not intentionally or
87 recklessly designed to impede the administrative process.