

RULES OF PRACTICE AND PROCEDURE OF
CONTESTED CASES BEFORE THE BOARD OF
COUNTY COMMISSIONERS OF CONVERSE COUNTY, STATE OF WYOMING

I. GENERAL PROVISIONS AND DEFINITIONS

Section 1. Authority. These rules of practice and procedure are promulgated by authority of Article XII of the Wyoming Constitution, W.S. §16-3-102 and W.S. §18-3-501 to 18-3-524.

Section 2. Purpose. These rules are intended to set forth a comprehensive and understandable procedure for the conduct of contested cases pursuant to the Wyoming Administrative Procedure Act.

Section 3. Application of Rules. These rules shall apply to the conduct of administrative contested cases involving disputed County action or inaction, as authorized by W.S. §16-3-102.

Section 4. Construction. These Rules are to be liberally construed to assure the unbiased, fair, expeditious and impartial conduct of contested case proceedings.

Section 5. General Course of Contested Case Proceedings. Unless otherwise provided by law, the course of contested case proceedings is governed by the contested case provisions of the Wyoming Administrative Procedure Act, these rules and, to the extent their application is not inconsistent with application to an administrative contested case proceeding, the Wyoming Rules of Civil Procedure.

Section 6. The following definitions are set forth:

- (a) "Agency" means the agency whose final action or inaction is in dispute.
- (b) "Board" means the Board of County Commissioners of Converse County who is responsible to hear the case involving the matter in dispute and render a final decision.
- (c) "Case" means a proceeding before the board in which the legal rights, duties or privileges of a party are to be determined after an opportunity for hearing as defined in W.S. §16-3-107.
- (d) "Ex parte discussions" means discussions by the board or hearing officer and one or more parties in the absence of and without notice to other adverse party(ies).
- (e) "Party" means the petitioner who is seeking relief, each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
- (f) "Petition" means a document requesting case review by the board.

(g) "Petitioner" any person, firm, corporation, partnership or association who, pursuant to law, is entitled to challenge agency action or inaction and files a petition for case review.

Section 7. County Attorney to be Present. In all matters before the board, the County Attorney or his representative may be requested to be present to assist and advise the board in consideration of the case.

Section 8. Representation.

(a) Any party may represent himself before the board, or he may be represented by an attorney who is duly admitted to practice law in Wyoming, or if not admitted, one who is associated with an active member of the Wyoming State Bar. The agency may be represented by any of its employees or by its Assistant County Attorney.

(b) The filing of any pleading, responsive pleading or other appearance by an attorney constitutes his appearance for the party for whom the pleading is filed. The board shall be notified in writing of withdrawal from any case.

Section 9. Telephone Conferences At the discretion of the board, telephone conference calls may be used to conduct any proceeding, including the contested case hearing. Parties or their witnesses may be allowed to participate in hearings via the telephone.

Section 10. Computation of Time. The computation of any period of time prescribed or allowed by these rules shall be in accordance with the provisions of Rule 6, Wyoming Rules of Civil Procedure, revised December 20, 1991.

Section 11. Severability. If any portion of these rules is found to be invalid or unenforceable, the remainder shall be in effect,

II. COMMENCEMENT OF CONTESTED CASE PROCEEDINGS

Section 1. Commencement of Proceedings.

(a) Cases may be commenced by any person who files a petition for review of any final agency action or inaction. Petitions shall be in writing and, to the extent consistent with law, may be in letter form.

(b) All petitions for case review shall include:

(I) The name, mailing address and phone number of the person disputing the agency action or inaction;

(ii) A concise statement of the facts, issues and contentions which the petitioner considers relevant to the contested case, including sufficient reference to the agency action or inaction which is disputed; and

(iii) A concise statement as to the relief desired, including any request for hearing.

(c) To the extent consistent with law, the board may request petitions also include:

(I) The facsimile transmission number if available, and mailing address of the petitioner's representative or attorney; and

(ii) A reference to the statutes, rules or orders that may apply, if known.

(d) To the extent consistent with law, a contested case may be initiated by the agency itself.

(e) All petitions shall be filed with one original and four copies.

Section 2. Limitation periods.

(a) Unless otherwise required by law, the petition for case review shall be filed within thirty (30) days of the date of the final agency action or inaction at issue.

(b) Any petition not timely filed shall be dismissed, unless written evidence and documentation is submitted which shows the lateness was not caused by petitioner but by some external factor beyond his control.

Section 3. Filing and Service of Papers.

(a) In all contested case, the parties shall:

(I) file all original documents, pleadings and motions with the board; and

(ii) serve all parties, including the agency whose action or inaction is disputed, true and complete copies of the particular document, pleading or motion filed with the board.

(b) The matter shall be deemed filed upon receipt by:

(I) hand delivery to the board at the Converse County Commissioners Office, Converse County Building, Douglas, Wyoming, 82633.

(ii) mailing to Converse County Commissioners, 107 N. 5th Street, Douglas, WY 82633, by proper address, as evidenced by the envelope and postmark or other competent evidence of mailing; or

(iii) facsimile transmission to (307) 358-5998, provided the facsimile transmission is followed by an original mailed document within twenty four (24) hours of the facsimile transmission.

(c) Service under this rule may be made either by hand delivery, by mail transmittal to the last known address, or by facsimile transmission. If a party is represented, service may be made upon that party's attorney. See, Rule 5(b), Wyoming Rules of Civil Procedure.

Section 4. Stay of agency action.

(a) To the extent consistent with law, the petitioner may request the agency action in dispute be stayed pending disposition of the case.

(b) Any decision to stay the agency action shall be within the discretion of the board.

Section 5. Answers or responsive pleadings. As required by law, the agency shall file an answer to the petition. The answer shall fully and plainly inform the parties involved of the nature of the agency's defense or reason for the decision or action upon the particular matter involved.

Section 6. Ex parte discussions. Except to the extent authorized by law, the board, staff members of the board, and any presiding officer designated by the board are prohibited from engaging in ex parte discussions with any individual or party on any material fact at issue after commencement of a case until its final disposition.

III. MOTIONS AND ORDERS

Section 1. Motions.

(a) An application for a board order shall be by motion which, unless made during the conduct hearing, shall be in writing and shall state with particularity the grounds and the relief or order sought. Written motions shall advise the parties that should they wish to contest the motion, they must file a written response serving copies on the board and all parties within fifteen (15) days of service of the motion. The response shall set forth the party's objections to the motion. No motions shall be filed within twenty (20) days of a hearing unless otherwise allowed by these rules.

(b) Absent a request for hearing by a moving party or any party affected by the motion, the board may, in its discretion, determine the motion without a hearing. A motion not

determined within 90 days after filing shall be deemed denied. The board may upon reasonable notice to all parties, hear orally or otherwise, any motion filed in connection with hearings under these rules.

Section 2. Joinder of Persons.

(a) Any party may move for the joinder of persons to a case when necessary to accord complete relief to persons already parties. A motion for joinder shall be filed within the time limits applicable to motions and shall be served by certified mail on the proposed parties. The motion shall set forth the names and addresses of the persons to be made parties, state why said persons are necessary for just adjudication, and notify the proposed party as well as all other parties, state why said persons are necessary for just adjudication, and notify the proposed party as well as all other parties that a response to the motion must be filed with the board within fifteen (15) days of the date of the motion.

(b) Upon motion, the board may order joinder if complete relief to those persons already parties cannot otherwise be accorded. The order shall be served by certified mail on the joined party. The board in its discretion may proceed with an appeal without requiring joinder if its jurisdiction over the proposed parties can be acquired only by their consent or voluntary appearance; however, any order rendered therein does not affect the rights or liabilities of absent persons.

Section 3. Intervention.

(a) Upon timely motion, any person may be permitted to intervene in a case:

(i) When a statute confers an unconditional right to intervene; or

(ii) When the movant claims an interest relating to the matter or transaction which is the subject of the case and he is so situated that the disposition of the case may as a practical matter impair or impede his ability to protect that interest.

(b) A person desiring to intervene shall serve a motion to intervene upon the board and all parties in the case. The motion shall state the grounds therefore, shall set forth the position for which intervention is sought, and shall advise the parties that should they wish to contest the motion they must file with the board and serve on all parties a written response within fifteen (15) days of service of the motion. No motion to intervene shall be filed within twenty (20) days of a hearing unless otherwise allowed by these rules.

Section 4. Continuances and Extensions of Time.

(a) Generally, motions requesting continuances or extensions of time are disfavored, yet they may be granted sparingly and only upon a showing of good cause or when necessary to assure fairness and otherwise avoid manifest injustice; . .

(b) Unless time does not permit, motions for a continuance of any scheduled hearing or conference shall be in writing, shall state the reasons therefore and shall be filed and served on all parties. A request for a continuance that is not in writing shall, within five days of the request, be submitted in writing and fulfill the requirements relating to the statement of reasons .

(c) Motions for an extension of time for the doing of any act prescribed or allowed by these rules or by order of the board, shall be filed prior to the expiration of the applicable time period and served on all parties.

IV. PREHEARING PRACTICE AND PROCEDURE

Section 1. Processing of case.

(a) Upon filing a petition to commence a contested case, the contested case shall be assigned a docket number. Papers, pleadings, motions, orders, documents, transcripts, evidence and exhibits pertaining thereto, shall all reference the assigned docket number.

(b) The board shall examine the petition, dismiss if untimely, notify the petitioner of any apparent errors or omissions, and request any additional information the board wishes to obtain and is permitted by law to require. If the petition is timely filed the board shall:

(I) Docket for commencement of formal contested case procedures in accordance with W.S. §16-3-107 et seq, and these rules; or

(ii) If authorized by law, notify the petitioner that a determination in his or her favor has been made and specify the action to be taken by the agency; or

(iii) Notify the petitioner of the denial of review and the reasons for the denial. Review may be denied if the petition is not timely, does not meet the definition of a contested case, or fails to state a claim upon which relief may be granted. Denial of a petition for case review is a final decision of the board.

Section 2. Scheduling.

(a) Upon docketing, the board shall take appropriate action towards final disposition, which may include but is not limited to scheduling prehearing conferences, motion hearings, settlement conferences and the contested case evidentiary hearing.

(b) The board shall provide all parties timely written notice of all scheduled proceedings.

Section 3. Designation and authority of presiding officers.

(a) A presiding officer may be designated by assigning a case to one (1) or more member(s) of the board or a licensed attorney employed by Converse County who is knowledgeable of and qualified in the particular areas which are the subject of the appeal. The functions of the presiding officer shall be conducted in an impartial manner.

(b) Pursuant to W.S. §16-3-112(b), a presiding officer shall have all powers necessary to conduct a fair and impartial hearing, including but not limited to the following:

(I) To administer oaths and affirmations;

(ii) To subpoena witnesses and require the production of any books, papers or other documents relevant or material to the inquiry;

(iii) To rule upon offers of proof and relevant evidence;

(iv) To provide for discovery and determine its scope;

(v) To preside over and regulate the course of the hearing;

(vi) To hold conferences for the settlement or simplification of the issues;

(vii) To dispose of procedural requests or similar matters;

(viii) With the consent of the board, to declare that the matter is taken under advisement and that the decision and order of the board will be announced at a later date;

(ix) To make a recommended decision for the board's consideration; and

(x) To take any other action authorized by law.

(c) Failure or refusal to appear or obey orders of the presiding officer may result in the sanctions provided in W.S. 16-3-107(c) and (f).

Section 4. Recusal. Any member of the board or presiding officer may, at any time while a case is pending and without stating a reason, recuse himself from consideration of the case by serving a notice of recusal with the board for service on all parties and filing in the case record. From and after the date of the notice of recusal, the member shall not participate in any decisions or orders with regard to the case.

Section 5. Prehearing Conference. The board or presiding officer may order a prehearing conference. If so ordered, each party may be required to file a prehearing statement no later than five (5) days before the conference. The statement shall contain such items, information, and directions as deemed necessary to conduct a useful conference. The prehearing conference shall be an informal proceeding conducted expeditiously and may be held by telephone conference call. The results of the conference may be made the subject of an order which shall be provided to all parties to the case. The prehearing order shall control the course of the hearing unless modified by the board to prevent manifest injustice. The prehearing conference shall consider:

- (a) The identification, simplification and delineation of all issues to be considered at the hearing;
- (b) The necessity or desirability of amending the petition;
- (c) The possibility of obtaining admission(s) of fact and of documents which will avoid unnecessary proof;
- (d) Stipulations as to qualifications of expert witnesses;
- (e) Formulating procedures to govern the hearing; and
- (f) Such other matters as may aid in the disposition of the case.

Section 6. Preliminary Statement. For cases in which there is no prehearing conference, each party may be ordered to file and serve upon the other parties a preliminary statement. The parties shall be afforded at least thirty (30) days for the preparation and filing of any statement. Unless otherwise ordered, the statement shall set forth:

- (a) A brief summary of the contentions of the party;
- (b) Significant uncontroverted facts about which there is no genuine issue (these may be established by admission or stipulation) ;
- (c) Contested issues of fact remaining for decision;
- (d) Contested issues of law to be determined at the hearing. The parties may include memoranda of law on significant legal issues;
- (e) The names, addresses, and a brief description of the testimony of each witness the party intends to present at the hearing;

(f) Copies of all exhibits to be introduced (this does not foreclose the introduction of other exhibits which become available or are discovered later); and

(g) Estimated time required for the hearing.

V. DISCOVERY

Section 1. Discovery; Generally. Unless otherwise prohibited by law or limited by these rules or board order, the taking of discovery shall be available to the parties the provisions of W.S. §16-3-107(g) and Rules 26, 28 through 37 (excepting Rule 37(b)-(e) therefrom) of the Wyoming Rules of Civil Procedure.

Section 2. Discovery; Limitations.

(a) The board may issue discovery and protective orders in accordance with the Wyoming Rules of Civil Procedure. Time limits for the completion of all discovery may be established as a part of any prehearing order.

(b) Unless otherwise ordered or stipulated, no party may serve on any other party more than thirty (30) interrogatories in the aggregate. Each subpart shall be counted as a separate interrogatory. Interrogatories shall be arranged so that after each question there shall be left a blank space reasonably calculated to allow the answering party to answer. For consolidated cases involving multiple parties the board may impose further limits on the number of allowed interrogatories.

(c) Unless otherwise ordered, discovery documents shall not be filed with the board except in support of a motion to compel or as evidence.

(d) Board orders may be enforced pursuant to W.S. §16-3-107(c)

VI. BOARD

Section 1. Evidence and testimony.

(a) Generally, the taking of evidence at the contested case hearing shall be governed by W.S. §16-3-108 (1977), and case law thereunder.

(b) All testimony shall be under the following oath or affirmation:

[Do each of you swear (or affirm) that the testimony you will give in this matter will be the truth, the whole truth and nothing but the truth under penalty of perjury?]

(c) Any part of the evidence may be received in written form if doing so will facilitate the hearing without substantial prejudice to the interests of any party. If such written evidence would not be admissible under the Wyoming Rules of Evidence, all parties must be afforded a reasonable opportunity to confront and cross-examine the author of the written evidence. Generally, such a reasonable opportunity is afforded by giving all parties written notice of the intent to introduce and rely upon the written evidence within a reasonable period of time prior to the scheduled evidentiary hearing.

(d) Documentary evidence may be received in the form of a copy of excerpt. Upon request, parties shall be given an opportunity to compare the copy with the original if available. Documentary or physical evidence submitted for consideration shall be marked as exhibits. Petitioner's exhibits shall be marked by numbers beginning with "1"; respondent's exhibits shall be marked by letters of the alphabet beginning with "A".

(e) The grounds for objection to any evidence or testimony shall be briefly stated. Rulings on all objections shall appear in the records. Formal exception to an adverse ruling is not required.

(f) Irrelevant, immaterial or unduly repetitious evidence shall be excluded, without regard to whether such evidence is in verbal or written form.

(g) Effect shall be given to the rules of privilege as recognized by Wyoming law.

(h) Notice may be taken of judicially cognizable facts, along with technical or scientific facts within the agency's specialized knowledge or information, provided the parties are properly notified of any material facts noticed. W.S. §16-3-108, (1977).

Section 2. Subpoenas.

(a) Subpoenas for appearance and to produce books, papers, documents or exhibits will be issued by the board, upon written motion of any party, or on the board's own motion, pursuant to W.S. S16-3-107(c).

(b) Subpoenas may be enforced pursuant to W.S. §16-3-107(c) .

VII. HEARING PRACTICE AND PROCEDURE

Section 1. Notice of Hearing. A hearing shall be set by notice which shall provide the time, place and nature of the hearing, the docket number assigned to the case; the legal authority and jurisdiction under which the hearing is to be held, the particular sections of the statutes and the rules involved, and a short and plain statement of the matters asserted. The Notice of Hearing shall be sent by mail or personally to the petitioner and all parties at least thirty (30) days before the date set for hearing. If an emergency exists or it is necessary and proper such matter be heard sooner, the matter may be set for hearing before the (30) day period set forth above.

Section 2. Hearing; Generally.

(a) At the date, time and place of the hearing, the board or presiding officer shall hear all matters presented. The board or presiding officer has full authority to limit time for the conduct of a hearing.

(b) The hearing is open to attendance by the public, except for such portions closed by the board pursuant to any statute expressly authorizing closure. To the extent a hearing is conducted by telephone and not closed, the availability of public attendance is satisfied by allowing members of the public an opportunity, at reasonable times, to hear or inspect the record.

Section 3. Burden of Going Forward; Burden of Persuasion. Except as specifically provided by law or in this section, the petitioner shall have the burden of going forward and the ultimate burden of persuasion, which burden shall be met by a preponderance of reliable and probative evidence.

Section 4. Order of Procedure at Hearing.

(a) As nearly as possible, where evidence is presented, hearings shall be conducted in accordance with the following order or procedure:

(i) The board shall announce that the hearing is convened and shall indicate the docket number and title of the case to be heard.

(ii) Any motions or preliminary matters shall be heard.

(iii) Opening statements will be heard at the discretion of the board, to briefly explain the party's position and outline the proposed evidence which will be offered together with the purpose thereof.

(iv) Unless otherwise provided by law, the party generally with the burden of proof will be the first to present evidence, all other parties being allowed to cross-examine in an orderly fashion. When the party with the burden of proof rests, other parties will then be allowed to present their evidence, again allowing for orderly cross-examination. Rebuttal evidence will be allowed only in the discretion of the board or presiding officer.

(v) Closing statements may be made at the conclusion of the presentation of evidence by both parties. These statements may include summaries of the evidence and legal arguments.

(b) The board may ask for proposed findings of fact and conclusions of law from both parties, at a date established by the board.

(c) After all proceedings have been concluded, the board shall dismiss and excuse all parties and declare the hearing closed. The board shall advise the parties that the final decision shall be announced within due and proper time following consideration of all matters presented at the hearing.

Section 5. Record of Proceedings. The proceedings including all testimony shall be reported verbatim by any appropriate means, to include video cameras. A copy of such proceedings will be furnished to any party upon written request and the payment of a reasonable fee. If one or more parties desire the hearing transcribed by a certified court reporter, they must make the necessary arrangements and bear the cost thereof.

Section 6. Briefs. Any party who desires to tender a written brief may do so, at his option, before or during the evidentiary hearing. If a party desires to submit a brief after the hearing, a request of the board shall be made. If approved, a date shall be set by which such brief is due. In addition, the board may request parties to submit supplemental briefs after the hearing is closed and during consideration of the case. Briefs should set forth the factual and legal position of the party, be filed and served on all parties to the contested case.

Section 7. Post-hearing supplementation.

(a) After a hearing and before a decision has been issued, a party may file a motion for post-hearing supplementation of the record to submit additional, newly discovered evidence on material issues. If such motion is approved, all other parties are entitled to at least one response to the new evidence as may be ordered by the board, with the record to be closed on a date set by the order allowing supplementation of the record. All evidence submitted contrary to the supplementation order shall be returned.

(b) On its own motion the board may reconvene the proceeding for additional evidence.

VIII. CASE DISPOSITION

Section 1. Informal Disposition.

(a) Informal disposition may be made of any case or any issue in a case by stipulation or agreed settlement.

(b) If the parties reach an agreed settlement, the settlement shall be in writing and the board shall be presented with the terms thereof. The board may disapprove a settlement only if it clearly violates provisions of law or public policy. The board shall enter a final order dismissing the case upon such approved settlement or upon notice by the petitioner that the petition for case review is withdrawn.

Section 2. Default Order.

(a) If a party fails to attend or participate in a pretrial conference, hearing, or other stage of a contested case proceeding, the board may serve upon all parties written notice of a proposed default order, including a statement of the grounds.

(b) Within ten (10) days after service of a proposed default order, the party against whom it was issued may file a written motion requesting the proposed order be vacated and stating the grounds therefore. During the time within which a party may file a written motion under this subsection, the board may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order has been issued, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings.

(c) The board shall issue or vacate the default order promptly after expiration of the time within which the party may file a written motion under subsection (b).

(d) Upon issuance of a default order, the board shall conduct, without the participation of the party in default, any further proceedings necessary to complete the contested case and determine all issues in the proceeding, including those affecting the defaulted party.

Section 3. Recommended Decision. In those cases where the law requires the presiding officer make a recommended decision, the officer shall file the recommended decision and serve copies of the recommended decision on all parties to the contested case, all parties shall have ten (10) days from date of service of the recommended decision to file exceptions to the recommended decision. Any party filing exceptions shall also properly serve all other parties with the exceptions. The board shall consider the recommended decision and any filed exceptions thereto, and within any time period prescribed by law, enter a final decision either affirming, modifying or rejecting the recommended decision, in accordance with W.S. §16-3-110 (1977), and these rules.

Section 4. Final Decision.

(a) The board shall make and enter a written decision containing findings of fact and conclusions of law. The findings of fact shall be derived from the relevant and probative evidence of record in a proceeding, matters officially noticed in that proceeding, and matters within the board's knowledge as acquired through performing its functions and duties. Such findings shall be based on the kind of evidence which reasonably prudent persons are accustomed to rely in the conduct of their affairs, even if such evidence would be inadmissible in a civil trial. The board's experience, technical competence, and specialized knowledge may be utilized in evaluating the evidence. Final decisions may be in either order or decision letter form.

(b) The written decision shall be entered in the record and will, without further action, become the decision and order as a result of the hearing. Forthwith upon filing, the board shall provide a copy of the decision to the petitioner or his representative and all other parties either personally or by mail.

IX. RECONSIDERATION

(a) Within ten (10) days of the date of the final decision, any party may petition for reconsideration by filing a motion with the board. The board shall issue a written order denying the motion, granting the motion and dissolving or modifying the decision and order, or granting the motion and setting the matter for further proceedings. A motion for reconsideration does not toll the time period within which a party may seek judicial review of the final decision nor is the filing of a motion for reconsideration a prerequisite for judicial review.

(b) A motion for reconsideration may be granted on any of the following grounds:

(i) Irregularity in the proceedings;

(ii) Fraud, misrepresentation, or other misconduct of an adverse party;

(iii) Error in calculation within the order;

(iv) Newly discovered evidence, material as to the party applying, which the party could not, with reasonable diligence, have discovered and produced at the hearing; or

(v) An error of law contained within the decision.

(c) Clerical mistakes in decisions and orders or other parts of the record may be corrected by the board at any time of its own initiative, or on the motion of any party. During the pendency of a judicial appeal, such mistakes may be corrected only with leave of the court having jurisdiction.

X. CASE RECORD

Section 1. Record. Maintenance of the record in all cases shall be the responsibility of the board until the case is disposed and the period for filing an appeal has expired. The record shall include:

(a) All formal and informal petitions, pleadings, motions, orders and notices;

(b) Evidence received or considered including matters officially noticed;

(c) Questions and offers of proof, objections, and rulings thereon;

- (d) Any proposed findings and objections thereto;
- (e) The decision and order of the board; and
- (f) The verbatim report of the proceedings.

Section 2. Inspection of record. Each party, or his authorized representative, shall be permitted to inspect and copy, at their own expense at the offices of the board, all documents regarding the case contained in the board record permitted by law to be inspected and copied.

XI. JUDICIAL REVIEW

Section 1. Judicial Review. Unless otherwise provided by law, any party aggrieved or adversely affected by a final decision in a case is entitled to judicial review in the appropriate district court pursuant to W.S. §16-3-114, Rule 12, Wyoming Rules of Appellate Procedure.

XII. SPECIAL PROCEEDINGS

Section 1. Expedited Contested Case.

(a) Upon request of a party or on the board's own motion, a contested case may be expedited if the case is:

- (i) A matter in which there are no disputed issues of material fact; or
- (ii) A matter in which petitioner does not request a hearing; or
- (iii) A matter in which the parties agree to an expedited proceeding.

(b) If the matter is scheduled on the board's motion, any party shall have ten (10) days from the date of the order scheduling a matter as an expedited case to request reconsideration.

(c) An expedited contested case shall consist of review of any written argument and evidence. Limited oral argument after submission of all written material shall be permitted upon written request of a party.

(d) The board retains the authority to convert the proceeding at any time to a regular contested case when it appears essential facts must be determined in order to permit adequate presentation and disposition of the case.

Section 2. Referral to an Independent Hearing Office.

(a) As authorized by law, an agency whose action or inaction is disputed may refer the dispute to an independent hearing office for contested case resolution.

(b) Where such referral is made, all references within these rules to "board" shall be understood as "independent hearing office."

(c) In any contested case where the board or agency is legally required or elects to refer the contested case to an independent hearing office for either recommended or final decision, referral shall be made immediately upon initiation of the contested case or as otherwise provided by law.

(d) In every such case, the referring agency or board shall transmit to the independent hearing office copies of all file documents which appear pertinent to the disputed agency action or inaction, including any written challenge(s) which initiated the contested case.

(e) In addition to the pertinent file documents referred, the referring agency or board shall affix a transmittal document or cover sheet sufficiently identifying the contested case. The transmittal document or cover sheet shall include:

(I) The name of the referring agency or board;

(ii) The name of the known parties and their attorneys;

(iii) A concise statement of the nature of the contested case;

(iv) Notification of any statutory time limits, such as for the setting of hearings or the entry of decision;

(v) Anticipated special features or unique requirements, such as a party's request for interim, expedited or emergency relief; and

(vi) Certification by an authorized officer of the referring agency or board that all parties have been properly served with a true and complete copy of the transmittal form or cover sheet.

XIII. EFFECTIVE DATE AND REPEAL

These rules become effective immediately upon adoption

ADOPTED this day of 3rd day of February, 2010.

Board of County Commissioners:
Converse County, Wyoming



ED WERNER, Chairman

ATTEST:



LUCILE K TAYLOR,
Converse County Clerk

CERTIFICATION OF ADOPTION

I, Ed Werner, Chairman of the Converse County Board of Commissioners, hereby certify that a rule guiding Converse County was adopted on the 3rd day of February 2010, as to Contested Case Procedure, pursuant to the Wyoming Administrative Procedures Act, Section 16-3-101, et seq., and that the original rule is on file with the Converse County Clerk.

Prior to adoption, this rule was made available for public inspection and comments were received on or before the 1st day of February 2010. The effective date of this rule is upon adoption.

SIGNED this 3rd day of February, 2010.




Ed Werner, Chairman

ATTEST:



Lucile K. Taylor, Converse County Clerk



STATE OF WYOMING }
COUNTY OF CONVERSE } ss
Filed on Feb 3, 2010
Time 4:30 pm


Co Clerk and Register of Deeds

