

## Chapter Bgo 2

## PLEADING, PRACTICE AND PROCEDURE

Bgo 2.01	Definitions	Bgo 2.10	Conduct of hearings; continuances; appearances; examination of witnesses
Bgo 2.02	How proceedings initiated	Bgo 2.11	Subpoenas; witness fees
Bgo 2.03	Denial of license	Bgo 2.12	Pre-hearing conferences
Bgo 2.04	Style of pleadings, etc.	Bgo 2.13	Arguments
Bgo 2.05	Notice of hearing and statement of issues	Bgo 2.14	Variations
Bgo 2.06	Answer	Bgo 2.15	Petition for rules or declaratory rulings
Bgo 2.07	Admission by not denying		
Bgo 2.08	Default; relief therefrom		
Bgo 2.09	Service and filing of papers		

Note: This chapter was created by emergency rule effective 10-8-74.

**Bgo 2.01 Definitions.** As used in these rules "board" means the bingo control board; the "executive secretary" means the executive secretary of the bingo control board; "licensee" means an organization licensed under ch. 163 to conduct bingo or a supplier licensed under ch. 163 to sell bingo supplies and equipment; "applicant" means an organization or supplier that has applied for a license pursuant to ch. 163; "license" means a license issued pursuant to ch. 163 to conduct bingo or to sell bingo supplies and equipment.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.02 How proceedings initiated.** Proceedings to suspend or revoke the license of an organization to conduct bingo or the license of a supplier to sell bingo supplies and equipment may be initiated by the board or upon the recommendation of the executive secretary, in the same manner as a summons is served under ch. 801, Stats.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75; correction made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1985, No. 351.

**Bgo 2.03 Denial of license.** The denial of a license by the executive secretary shall state with particularity, and in writing, the lack of qualifications or merit of the applicant. Notification of the denial shall include notice to the the applicant of the right to demand a hearing before the board on the matter of the denial.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.04 Style of pleadings, etc.** All pleadings, notices, orders and other papers filed in such proceedings shall be captioned, "Before the State of Wisconsin Bingo Control Board" and shall be entitled "In the Matter of the (Suspension or Revocation) of the license of \_\_\_\_\_, respondent" or "In the Matter of the Denial of a license to \_\_\_\_\_, applicant".

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.05 Notice of hearing and statement of issues.** Notices of hearing shall be addressed to the respondent or applicant at his last post office address, shown on the records of the board; shall include the statement of issues; and shall be substantially the following form:

## WISCONSIN ADMINISTRATIVE CODE

Bgo 2

"To (Name of organization or supplier)

\_\_\_\_\_  
(Post office or street address)\_\_\_\_\_  
(Name of city, village, town), Wisconsin\_\_\_\_\_  
Respondent (or Applicant)

"Please take notice that a hearing will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at room number \_\_\_\_\_ (or other proper designation) of the \_\_\_\_\_ building (or other proper designation) number \_\_\_\_\_ street in the city of \_\_\_\_\_, Wisconsin at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., or as soon thereafter as the matter may be reached, on the question of:

- (1) (If for the denial of a license) whether the license, heretofore denied to the above-named applicant pursuant to chapter 163 of the Wisconsin Statutes, should be issued; or
- (2) (If for the suspension or revocation of a license) whether the license heretofore denied to the above-named licensee/respondent pursuant to chapter 163 of the Wisconsin Statutes, should be suspended or revoked.

"The issues involved and the charges there to be considered are as follows: (Here set out the alleged grounds for suspension or revocation as provided by section 163.18 (or 163.25) Wisconsin Statutes, with sufficient particularity to permit the respondent to answer and defend the charges.)

"You are required to make answer in writing to the said charges at least \_\_\_\_\_ days before the time set for said hearing; otherwise the charges will be deemed to be admitted.

"Dated at Madison, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_."

## STATE OF WISCONSIN BINGO CONTROL BOARD

By \_\_\_\_\_

Executive Secretary

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.06 Answer.** A written answer shall be filed in all cases involving suspension or revocation of licenses. The answer shall be verified and shall be filed with the executive secretary in triplicate (original and 2 copies) within at least one-half the time intervening between the notice of hearing and the time set for said hearing, and such time for answer shall be stated in said notice as required by s. Bgo 2.05. The answer must contain:

- (1) A specified denial of each material allegation of the charges controverted by the respondent.
- (2) A statement of any new matter constituting a defense or mitigating the offense charged, which the respondent wishes to have considered.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

Register, March, 1985, No. 351

**Bgo 2.07 Admission by not denying.** Every material allegation of the charges not controverted as prescribed shall be taken as true, but new matter in the answer shall be deemed controverted without any reply being served or filed.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75; reprinted to restore dropped copy, Register, March, 1985, No. 351.

**Bgo 2.08 Default; relief therefrom.** In case the respondent fails to submit an answer as required by s. Bgo 2.06, or fails to appear at the hearing at the time fixed therefore, the charges specified may be taken as true and the board may make findings and enter its order on the basis of the facts revealed by investigation and made part of the record. But the board may, for good cause shown, relieve the respondent from the effect of such default and permit him to answer and defend the proceeding, at any time before the board enters its order or within 60 days thereafter.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.09 Service and filing of papers.** Unless otherwise provided by law, all orders, notices and other papers may be served by the executive secretary or the board by first class or registered mail addressed to the party at the last post office address, shown on the records of the board, or to his attorney of record. Papers required to be filed with the executive secretary or board may be mailed to the address designated by the executive secretary or board.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.10 Conduct of hearings; continuances; appearances; examination of witnesses.** Unless otherwise ordered by the board, all hearings shall be conducted by the board, or on behalf of the board by a representative of the attorney general acting as consul for the board or a hearing officer designated by the board, who shall swear all witnesses competent to take an oath. Continuances and adjournments may be granted by the board for cause shown. The respondent may appear in person or by any officer, member, regular employee, or attorney. Witnesses may be examined on behalf of the board by any member of the board or by a representative of the attorney general acting as consul for the board. The respondent or any of its agents, officers, members, or employees may be examined adversely and depositions taken as prescribed by the Wisconsin Statutes governing such matters and civil court proceedings.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.11 Subpoenas; witness fees.** Subpoenas may be signed and issued by the executive secretary, any member of the board or the clerk of any court of record. Witness fees and mileage of witnesses subpoenaed on behalf of the board shall be paid at the rate prescribed for witnesses in circuit court, upon filing with the executive secretary their affidavits of attendance and travel, and shall be charged to appropriation for the administration of the Wisconsin Statutes governing such matters.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.12 Pre-hearing conferences.** Pre-hearing conferences may be held at the convenience of the parties and shall be conducted by a hearing examiner or a representative of the attorney general acting as consul to the board, who shall keep and preserve a record of any agreement as to the issues or procedure or admission of fact which may be made at such

## Bgo 2

conference. Such record shall be attached to the file and constitute a part of the official record of the case.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.13 Arguments.** Except as provided in s. 227.12 Stats., arguments shall be submitted to the board in writing unless otherwise ordered. Seven copies of such written arguments shall be filed with the executive secretary within such time as may be fixed at the hearing. The executive secretary shall forthwith send a copy to each member of the board.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.14 Variances.** The provisions of the Wisconsin Statutes, governing variances between the allegations and the proof in civil court proceedings shall apply to proceedings under these rules.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.

**Bgo 2.15 Petition for rules or declaratory rulings.** (1) Petitions for the adoption, repeal or amendment of rules and for declaratory rulings shall be governed by ss. 227.015 through 227.022, and s. 227.06, Stats.

(2) Petitions shall be captioned, "Before The State of Wisconsin Bingo Control Board".

(3) Duties with reference to investigation, filing of papers, giving of notices, etc. shall be performed by the executive secretary.

(4) Hearings shall be conducted by the board unless otherwise ordered by the board.

(5) All final determinations shall be made by the board.

History: Cr. Register, December, 1974, No. 228, eff. 1-1-75.