

Chapter S-L 50

PROCEDURES BEFORE THE SAVINGS AND LOAN REVIEW BOARD

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S-L 50.01 Definitions. In this chapter:

- (1) "Board" means the savings and loan review board or its authorized representative.
- (2) "Commissioner" means the commissioner of savings and loan or his authorized representative.
- (3) "Days" mean calendar days computed under section 990.001 (4) of the statutes.
- (4) "Statutes" mean the Wisconsin Statutes.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75

S-L 50.03 Communications with the review board. Written communications and documents may be mailed to or filed with the savings and loan review board at Suite 401, 131 West Wilson Street, Madison, Wisconsin 53702. All pleadings before the board shall be captioned, "Before the Savings and Loan Review Board." Wherever practicable, all papers filed in connection with any hearing before the board shall be typewritten on 8½" by 11" paper.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75

S-L 50.05 Hearings before the review board. (1) **NOTICE OF HEARING.** Notices of hearings before the board shall contain the date, time and location of the hearing, a short summary of the matter to be considered, and such other information as the board may consider appropriate.

(2) **LOCATION OF HEARINGS.** Unless otherwise required by law or ordered by the board, all hearings conducted by the board shall be held at Suite 401, 131 West Wilson Street in Madison, Wisconsin.

(3) **HEARINGS OPEN TO THE PUBLIC.** (a) Except as provided in paragraph (b), all hearings conducted by the board shall be open to the public.

(b) Where the subject of a hearing is information that is required by law to be kept confidential, that portion of a hearing dealing with such information may be closed to the public.

(4) **SUBPOENAS.** The board may issue subpoenas to compel the attendance of a party or witness at any hearing before the board, as provided in section 885.01 of the statutes.

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(5) **TRANSCRIPTS.** (a) A transcript of each public hearing before the board constituting a contested case within the meaning of section 227.01 of the statutes shall be made at the direction of the board. A transcript may be made of other public proceedings before the board, at the direction of the board or upon request of an interested party establishing a reasonable need for a transcript of the proceeding.

(b) Any person desiring a transcript shall so indicate and shall pay the cost thereof. When a transcript is prepared upon request of an interested party, the requestor shall also pay the cost of obtaining the original. However, if the board determines that the cost of a transcript would result in an undue economic hardship to a person having a reasonable need for a transcript, a transcript or copy shall be provided at the expense of the office of commissioner of savings and loan.

(6) **EVIDENCE.** Rules of evidence in proceedings before the board are governed by section 227.10 of the statutes.

(7) **PRE-HEARING CONFERENCES.** (a) Before any hearing conducted by the board, the board may direct the parties to appear for a conference to consider:

1. The clarification of issues.
2. The necessity or desirability of amendments to any pleadings.
3. The possibility of admitting facts or documents which will avoid unnecessary proof.
4. The limitation of the number of witnesses.
5. Such other matters as may aid in the equitable disposition of the proceedings.

(b) The board may make a memorandum reciting the action taken at the pre-hearing conference and limiting the issues to those not disposed of by admissions or agreements among the parties. The memorandum shall be stipulated to by the parties and shall be controlling on the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice.

(8) **CONDUCT OF HEARINGS.** At its discretion the board may, upon notice to the parties:

- (a) Grant extensions, continuances, and adjournments, for cause shown.
- (b) Set time limits on oral arguments to be presented to the board.
- (c) Require each party to furnish a list of intended witnesses in advance of any hearing.
- (d) Establish such other procedural requirements as it deems necessary for the orderly conduct of proceedings before the board.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

S-L 50.07 Service. Unless otherwise specified, all materials required under this chapter may be served by personal delivery or by mail, first-class postage prepaid and properly addressed to the person to be

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served at his last known address. When notice is so mailed it shall be deemed to have been served when deposited in the U.S. mails.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

S-L 50.09 Appeals to the review board. (1) **RIGHT TO APPEAL.** Except as provided in section 215.02(15) (d), any person aggrieved by an act, order or determination of the commissioner, which relates to savings and loan associations, may appeal to the board as provided in section 215.04 (4) of the statutes.

(2) **NOTICE OF APPEAL.** Within 20 days after the act, order or determination to be reviewed, the appellant shall file with the review board an original and 8 copies of a notice of appeal. If the matter to be appealed is a determination made by the commissioner in a contested case as defined in section 227.01 of the statutes, the appellant shall immediately serve a copy of the notice of appeal upon each party to that proceeding. The notice shall be in substantially the following form:

To the Wisconsin Savings and Loan Review Board:

The undersigned hereby appeals from the (order) (act) (determination) of the commissioner of savings and loan dated _____, 19____ in which the commissioner (briefly describe the matter appealed).

The nature of the petitioner's interest is (specify the petitioner's interest in the matter appealed).

The grounds for this appeal are (briefly state grounds within the board's review authority under s. 215.04(4)).

Dated: _____

Name of Appellant

By

(Signature of appellant or its duly authorized representative)

(3) **NOTICE OF HEARING ON APPEAL.** Upon receiving a properly executed notice of appeal stating grounds for review within the board's jurisdiction, the board shall request the commissioner to make available to the board the full public record of the matter appealed and shall, within 30 days, serve a notice of hearing on appeal upon the appellant and each party to the matter appealed. The notice shall assign the time and place of the hearing and shall indicate whether arguments will be limited to briefs and oral arguments based upon the public record or whether additional testimony or evidence will be received by the board.

(4) **BRIEFS.** When arguments are limited to briefs and oral arguments based upon the public record:

(a) The appellant shall, within 10 days after receiving notice of hearing on appeal, file with the board 8 copies of its brief and shall serve at least one copy upon each respondent. The appellant's brief shall contain:

1. A concise statement of the questions presented by the appeal.
2. A clear and concise statement of the facts relied upon by the appellant, including appropriate references to pages of the record when cited.
3. Argument in support of the appeal.

(b) Within 15 days after receiving a copy of the appellant's brief, the respondent shall file with the board 8 copies of its brief and shall serve at least one copy upon the appellant. The respondent's brief shall contain:

1. A concise statement of the questions presented by the appeal, if the respondent disagrees with the appellant's statement of such questions.
2. A concise statement of any facts the respondent deems necessary to correct or amplify the appellant's statement of facts.
3. Argument in support of the respondent.

(6) COMMISSIONER A PARTY TO CERTAIN APPEALS. (a) Except as provided in paragraph (b), the commissioner shall be deemed a party to each appeal to the board.

(b) When an appeal is based upon a decision made by the commissioner to grant or deny a certificate of authority under section 215.07, 215.075 or 215.03 (9) or to approve or disapprove an application under section 215.03 (8) (b), the commissioner shall be a party only to the extent that the appeal is based upon a procedural rule or ruling made by the commissioner.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

S-L 50.11 Public inspection of records in the possession of the review board. (1) TERMS DEFINED. (a) The "legal custodian" of the records of the savings and loan review board is the deputy commissioner of savings and loan.

(b) In this section "record" includes any documentary material, regardless of physical form or characteristics, which is the possession or control of the savings and loan review board.

(2) RECORDS AVAILABLE FOR EXAMINATION. Except as provided in subsection (3), all records shall be available for public inspection at the office of the commissioner of savings and loan during regular office hours and in such a manner as not to interfere with the operation of the office. Copies of written records may be made by office personnel and provided to those requesting them at a reasonable cost and within a reasonable period of time.

(3) CERTAIN RECORDS NOT AVAILABLE. (a) Records of the following, or those portions of records which contain the following, are not available for public inspection:

1. Information obtained in the course of the examination of savings and loan associations and required to remain confidential under section 215.02 (6) of the statutes.
2. Information obtained by the review board or the commissioner under a clear pledge of confidentiality.

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3. Deliberations following a quasi-judicial hearing.

4. Discussions or communications between legal counsel and the commissioner or the review board, concerning the legal rights and duties of the office or the review board with regard to matters within their jurisdiction.

5. Information which in the opinion of the legal custodian invades personal privacy to such an extent as to outweigh the public interest in disclosure.

6. Information that is part of a current investigation which may result in administrative or legal action or which relates to any such action, if disclosure of the information would impede or frustrate the investigation or action.

(b) Nothing in this subsection shall prevent the legal custodian from furnishing a record under such safeguards as the legal custodian may deem appropriate, when required to do so by court order or when requested to do so by a public officer in the official discharge of the public officer's duties.

(4) **THOSE DENIED ACCESS ENTITLED TO A WRITTEN EXPLANATION.** Any person who is denied access to records shall upon written request be entitled to a written explanation from the legal custodian indicating the reasons for the denial.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.