

Chapter DFI-Bkg 77

CONSUMER CREDIT REVIEW BOARD

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Note: Chapter Bkg 77 was renumbered Chapter DFI-Bkg 77 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, June, 1997, No. 498, eff. 7-1-97.

DFI-Bkg 77.01 Procedure. The following rules of procedure, adopted pursuant to ss. 220.037 (2) and 227.45, Stats., shall govern all types of proceedings had before the consumer credit review board. In any case where the statute involved provides a procedure inconsistent with these rules the statute shall govern to the extent of such inconsistency. If in any case the forms set out in these rules be found not appropriate, parties may devise forms substantially similar to those herein prescribed, to meet such situations.

Note: Section 220.037 was repealed by 1997 Wis. Act 27.

History: 1-2-56; correction made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1993, No. 449.

DFI-Bkg 77.02 Definition. “Commissioner” refers to the commissioner of banking.

Note: 1995 Wis. Act 27 replaced the commissioner of banking with the division of banking in the department of financial institutions.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68.

DFI-Bkg 77.03 Form of notice of appeal. Any interested person aggrieved by any act, order or determination of the administrator of the division of banking under chs. 138, 214, 217, and 218, Stats., may file with the administrator of the division of banking within 10 days after the act, order or determination to be reviewed an original and 8 copies of a notice of appeal in the manner prescribed by s. DFI-Bkg 10.03 in the following form:

To the Wisconsin Consumer Credit Review Board: The undersigned hereby appeals from the order of the Administrator of the Division of Banking dated _____, 19 ____, whereby it was ordered that (here set forth the substance of the order.)

The nature of petitioner’s interest is: (Here set forth the nature of petitioner’s interest).

The grounds of appeal are the following: (Here set forth the exceptions or objections relied on, and if no answer has been filed, then also an answer to the findings of fact in the order, in the manner prescribed by section DFI-Bkg 11.11 of the Rules of Procedure for proceedings and hearings had before the Administrator of the Division of Banking).

Dated _____, 19 ____.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68.

DFI-Bkg 77.04 Procedure. Upon the filing of said notice, the administrator of the division of banking shall fix a time for hearing by giving at least 10 days written notice of the time and place when said matter will be heard to the person applying for review or his or her attorney and upon any other person who participated in the proceedings before the administrator of the division of banking or his or her attorney, stating the issues to be considered.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; correction made under s. 13.93 (2m) (b) 5., Stats., Register, December, 1991, No. 432.

DFI-Bkg 77.05 Service and filing of papers. Notice of hearing may be given by registered mail addressed to the party at the last known post office address, or to the attorney of record, return receipt requested, and the return receipt signed by the addressee or agent shall be presumptive evidence that such notice was received by the addressee on the day stated on the receipt. Papers required to be filed with the board may be mailed to the following address:

Office of Administrator of the Division of Banking
P.O. Box 7876
Madison, WI 53707

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; corrections made under s. 13.93 (2m) (b) 5. and 6., Stats., Register, December, 1991, No. 432.

DFI-Bkg 77.06 Conduct of hearings; continuances; appearances; examination of witnesses. Continuances and adjournments may be granted by the board for cause shown. The appellant may appear in person or by any officer, regular employee or attorney. Any other interested person may likewise so appear. Proceedings shall be in conformity to s. 220.035 (1) (c), Stats. Witnesses competent to take an oath shall be sworn by the chairman of the board or the presiding officer and may be examined on behalf of the board by the chairman or presiding officer or by a representative of the attorney general acting as counsel for the board, or, with the permission of the chairman or presiding officer, by any employee of the board or administrator of the division of banking or by any other interested party or their attorneys. Any interested party or any of his or her agents, officers or employees may be examined adversely as prescribed by s. 906.11, Stats. In all other respects, proceedings shall be had as prescribed in ch. 227, Stats.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; corrections made under s. 13.93 (2m) (b) 5. and 7., Stats., Register, December, 1991, No. 432.; correction made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1993, No. 449.

DFI-Bkg 77.07 Subpoenas. The board shall have the powers granted by s. 885.01 (4), Stats.

History: 1-2-56; correction made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1991, No. 432.

DFI-Bkg 77.08 Prehearing conferences. Prehearing conferences may be held at the convenience of the parties and shall be conducted by the administrator of the division of banking or any other employee of the administrator of the division of banking designated by him or her, who shall keep and preserve a record of any agreement as to the issues or stipulation or admission of fact which may be made at such conference. Such record shall be attached to the file and constitute a part of the official record of the case.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; correction made under s. 13.93 (2m) (b) 5., Stats., Register, December, 1991, No. 432.

DFI-Bkg 77.09 Arguments. Except as provided in s. 227.49, Stats., arguments shall be submitted to the board in writing, unless otherwise ordered. Eight copies of such written arguments shall be filed with the administrator of the division of bank-

ing, who shall forthwith send a copy to each member of the board. The time for filing arguments shall be fixed by the officer presiding at the hearing.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; correction made under s. 13.93 (2m) 7, Stats., Register, May, 1993, No. 449.

DFI-Bkg 77.10 Variances. The provisions of s. 802.09, Stats., with reference to variances between the allegations and the

proof, shall apply to proceedings under these rules.

History: 1-2-56; am. Register, July, 1983, No. 331, eff. 8-1-83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1991, No. 432.

DFI-Bkg 77.11 Stay of proceedings. The institution of the proceeding for review shall not stay enforcement of the administrator of the division of banking's decision, but the board may order a stay upon such terms as it deems proper.