

## Chapter S-L 1

### PROCEDURE AND PRACTICE

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Note: Chapter S-L 1 as it existed on December 31, 1975 was repealed and a new chapter S-L 1 was created effective January 1, 1976.

#### **S-L 1.01 General provisions. (1) DEFINITIONS.** In this chapter:

- (a) "Code" means the Wisconsin Administrative Code.
- (b) "Commissioner" means the commissioner of savings and loan or his authorized representative.
- (c) "Days" mean calendar days computed under section 990.001 (4) of the statutes.
- (d) "Statutes" mean the Wisconsin Statutes.

(2) **COMMUNICATIONS ADDRESSED TO THE COMMISSIONER.** All written communications, applications and documents may be mailed to or filed with the commissioner of savings and loan at Suite 401, 131 West Wilson Street, Madison Wisconsin 53702. The regular office hours of the commissioner's office are 7:45 to 11:45 a.m. and 12:30 to 4:30 p.m., Monday through Friday. The office is closed on Saturdays and Sundays and on holidays listed in section 16.30 (4) (a) of the statutes.

(3) **FORM OF PLEADINGS.** All pleadings and applications shall be filed with the commissioner in duplicate and shall be captioned "Before the Commissioner of Savings and Loan". Wherever practicable, all papers filed in connection with any hearing shall be typewritten on 8-1/2" by 11" paper.

(4) **NOTICES.** Hearing notices 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 commissioner may consider appropriate.

(5) **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 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.

(6) **LOCATION OF HEARINGS.** Unless otherwise required by law or ordered by the commissioner, all hearings conducted by the office shall be held at the office of commissioner of savings and loan at the address specified in subsection (2).

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

(b) Where the subject of the hearing is information that law required the commissioner to keep confidential, that hearing or portion of a hearing may be closed to the public.

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

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

(b) Any person desiring a copy of a transcript shall so indicate and shall pay the cost thereof. When the transcript is prepared upon request, the requestor shall also pay the cost of obtaining the original. However, if the commissioner 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 office's expense.

(10) **EVIDENCE.** Rules of evidence are governed by section 227.10 of the statutes.

(11) **PRE-HEARING CONFERENCES.** (a) before any hearing the commissioner 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 application or 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 proceeding.

(b) The commissioner may make a memorandum summarizing the action taken at the prehearing 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 proceedings, unless modified at the hearing to prevent manifest injustice.

(12) **ADJOURNMENTS.** For good cause shown, the commissioner may adjourn a hearing to be reconvened at the discretion of the commissioner on 10 days' notice to the parties or at a time stipulated by the parties.

(13) **INFORMAL DISPOSITION OF CASES.** Unless precluded by law, the commissioner may make informal disposition of any contested case by stipulation, agreed settlement, consent order or default. If following a prehearing conference the commissioner determines that there are no

1. Without expressed factual foundation, impugns character, integrity or personal reputation, makes charges concerning improper or immoral conduct, or makes statements impugning the stability or soundness of the association; or

2. Is not significantly related to the business of the association.

(2) NOTICE TO THE ASSOCIATION. (a) A member wishing to communicate with other members under this section shall furnish the association with a signed request containing:

1. The requesting member's full name and address;

2. The nature and extent of his interest in the association;

3. A statement of the reasons for and the purposes of the communication requested;

4. A copy of the proposed communication; and

5. The date of any scheduled meeting of members at which the subject of the correspondence is expected to be presented for consideration.

(b) The request required in paragraph (a) must be furnished to the association:

1. Not less than 30 days before an annual meeting, if the subject of the correspondence is to be presented for consideration at the annual meeting.

2. Not less than 30 days before a special meeting, if the subject of the correspondence is to be presented for consideration at the special meeting.

(3) ASSOCIATION'S ACTION UPON RECEIVING NOTICE. (a) Within 5 days after receiving a request under subsection (2), the association shall notify the requestor of:

1. The number of members of the association and the estimated cost that would be incurred by the association in handling and mailing the proposed communication; or

2. The association's decision not to honor the request because the request fails to comply with the requirements of this section or because the proposed communication is not within the scope of this section, stating the rationale in support of its decision.

(b) If circumstances beyond the control of the association are anticipated to prevent mailing of the proposed communication in time for it to be received by members prior to a particular meeting indicated by the requestor under subsection (2) (a), the association shall so notify the requestor at the earliest possible time.

(c) Unless the association has notified the requestor that it will not honor the request, the association shall, upon receiving a sufficient number of copies of the communication and payment sufficient to defray the association's estimated cost of handling and mailing, mail the communication to all of its members at the earliest practicable date or at such later date as the requestor may specify.

(4) **REVIEW BY THE COMMISSIONER.** Upon request of any member or association the commissioner may review the appropriateness of form, content, frequency, subject or method of mailing any correspondence under this section, as well as the estimated cost of handling and mailing.

**History:** Cr. Register, December, 1975, No. 240, eff. 1-1-76.

**S-L 1.15 Public inspection of records in the possession of the commissioner.** (1) **TERMS DEFINED.** (a) The "legal custodian" of the records of the office of the commissioner of savings and loan is the commissioner.

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

(2) **RECORDS AVAILABLE FOR EXAMINATION.** Except as provided in subsection (3), all records shall be available for public inspection at the commissioner's office 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 by the office 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 office under a clear pledge of confidentiality.

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

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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.