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# Chapter VE 1

## PROCEDURES AND PRACTICES


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**VE 1.01 Authorization.** The following rules are adopted by the board pursuant to sections 15.08(5) and 227.08, Wis. Stats., and chapter 453 Wis. Stats.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.02 Scope.** The rules in this chapter govern the procedure of the veterinary examining board relating to alleged violation of chapter 453 Wis. Stats., and rules promulgated thereunder.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.03 Definitions.** For the purposes of these rules:

(1) "Board" means the veterinary examining board.

(2) "Licensee" means a person who holds any license, permit, certificate or registration issued by the board.

(3) "Person prosecuting the complaint" means the attorney or agent of the board who presents evidence supporting the charges in the complaint against the respondent.

(4) "Respondent" means the licensee served with a complaint under these rules.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.04 Institution of proceedings.** Proceedings to revoke or to suspend a license or to reprimand a licensee may be commenced by complaint of the board either on its own motion or upon a written and verified statement of facts by an individual.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.05 Complaint.** The board's complaint shall contain:

(1) The name and address of any person complained against;

(2) A plain and concise statement of the facts constituting the alleged violation. If the alleged violation of the statute or administrative rule is a continuing one, its general nature and the approximate time covered shall be stated in the complaint; but if one or more specific incidents are relied on, each shall be alleged with such particularity as to time, place and circumstance, as may be necessary to advise the respondent of each violation involved. The offense may be alleged in the language of the statute or rule claimed to have been violated, and shall conclude: "contrary to sec. _____ of

the Statutes," or "contrary to _____ Wis. Adm. Code," or both. Separate charges shall be stated in separate paragraphs and shall be numbered consecutively.

(3) A demand in essentially the following form: "Wherefore, the Veterinary Examining Board demands that not less than ten days before the date set for hearing on this complaint, the respondent file an answer to the charges alleged herein in respect to whether the license of respondent should be revoked or suspended, or whether respondent should be reprimanded."

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.06 Filings.** All communications and papers to be filed shall be directed to the board at its office at the General Executive Facility #1, 201 East Washington Avenue, Room 252, Madison, Wisconsin 53702.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.07 Service of complaint and notice of hearing.** The complaint and notice of hearing may be served as prescribed in section 262.06, Wis. Stats., or may be served by certified mail addressed to the respondent at his last address furnished to the board. Service of the complaint and notice of hearing by mail is complete upon mailing. Service may be proved by affidavit.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.08 Answer.** The answer to a complaint shall be verified by the respondent and shall include a specific denial of each material allegation of the charges controverted by the respondent or a statement of any new material constituting a defense or mitigating the offense or matter charged, or any other defense which the respondent wishes to have considered. Every material allegation of the charges not controverted in the answer shall be taken as true, but new matter in the answer shall be deemed controverted without any reply. The answer shall be filed with the board within 20 days after service of the complaint. The board may mail a copy of the answer to any person who filed a verified statement of charges.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.09 Hearings, general.** All hearings shall be held at a time and place to be designated by the board in its notice of hearing. All hearings held by the board or its agent shall be open to the public, unless otherwise provided by law.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.10 Prehearing conference.** In any matter pending before the board where a hearing examiner or board member has been designated to hear the matter, he may direct the person prosecuting the complaint and the respondent, or his attorney, to appear before him to consider the simplification of the issues, the necessity or desirability of amendments to the pleadings, the obtaining of admissions of fact or documents which will avoid unnecessary proof and such other matters as may aid in the disposition of the matter.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.11 Settlements.** Any stipulation or settlement agreement between the person prosecuting the complaint and the respondent,

relating to settlement or disposition of a complaint shall not be effective or binding in any respect except upon approval of the board.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.

**VE 1.12 Deposition to preserve evidence.** With the consent of the board, the person prosecuting the complaint or the respondent may, prior to the date set for hearing, take and preserve evidence before a person designated by the board in the manner provided in chapter 887, Wis. Stats., only with respect to a witness:

(1) Who is beyond reach of the subpoena of the board;

(2) Who is about to go out of state, not intending to return in time for the hearing;

(3) Who is so sick, infirm or aged as to make it probable that he will not be able to attend the hearing; or

(4) Who is a member of the legislature, if any committee of the same or the house of which he is a member, is in session, provided he waives his privilege.

**VE 1.13 Conduct of hearing.** (1) PRESIDING OFFICER. The hearing shall be presided over by either a member of the board, or a hearing examiner designated by the board.

(2) RECORD. All proceedings at hearing shall be taken down by a reporter, unless otherwise stipulated, and any transcript thereof, together with all exhibits, shall be a part of the official records of such hearing.

(3) EVIDENCE. The person prosecuting the complaint and the respondent shall appear at such hearing in person and may be represented by counsel and may call, examine, and cross-examine witnesses and may introduce into the record documentary or other evidence. The provisions of section 227.10, Wis. Stats., shall be applicable to evidence presented at board hearings. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

(4) BRIEFS. The presiding officer at the hearing may provide for the service and filing of briefs.

(5) MOTIONS. All motions, except those made at hearing, shall be filed in writing with the board and a copy served upon the person prosecuting the complaint or the respondent.

(6) CONTINUANCES. The presiding officer may grant continuances and adjournments.

(7) SUBPOENAS. Subpoenas for the attendance of any witness at a hearing shall be issued as provided in section 885.01, Wis. Stats., and shall be furnished by the board on request. Subpoenas shall be served and fees paid as provided in sections 885.03, 885.05 and 885.06, Wis. Stats.

**History:** Cr. Register, January, 1976, No. 241, eff 2-1-76.

**VE 1.14 Witness fees and costs.** (1) WITNESSES. Witnesses subpoenaed at the instance of the respondent shall not be entitled to compensation from the state for attendance or travel.

(2) DEPOSITIONS TO PRESERVE EVIDENCE. Depositions taken by the respondent to preserve evidence shall be paid for by the respondent. If such deposition is received in evidence, the board may in its discretion apportion the cost of such deposition between the respondent and the board. The cost of any deposition taken by the person prosecuting the complaint shall be paid by the board. Any person desiring a copy of the deposition shall pay the cost of such copy.

**History:** Cr. Register, January, 1976, No. 241, eff. 2-1-76.