

CR 84-223

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H. J. Smith
Revisor of Statutes
Bureau

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF REGULATION AND LICENSING)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Barbara Nichols, Secretary of the Department of Regulation and Licensing, and custodian of the official records of the department, do hereby certify that the annexed rules, relating to procedures on denial of license, were duly approved and adopted by this department on August 30, 1985.

I further certify that this copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the department at
1400 East Washington Avenue,
Madison, Wisconsin, this 30th day
of August, 1985.

Barbara Nichols

Barbara Nichols, Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULEMAKING : ORDER OF THE DEPARTMENT OF
PROCEEDINGS BEFORE THE DEPARTMENT : REGULATION AND LICENSING REPEALING,
OF REGULATION AND LICENSING : AMENDING OR ADOPTING RULES

ORDER

Pursuant to authority vested in the Department of Regulation and Licensing in ss. 227.014 and 440.03(1), Stats., the Department of Regulation and Licensing hereby creates rules, interpreting s. 440.03(1), Stats., as follows:

SECTION 1. Chapter RL 1 is created to read:

Chapter RL 1

PROCEDURES ON DENIAL OF LICENSE

RL 1.01 AUTHORITY AND PURPOSE. Rules in this chapter are adopted under authority in s. 440.03(1), Stats., for the purpose of governing a denial proceeding.

RL 1.02 SCOPE. This chapter does not apply to denial of an application for renewal of a license.

RL 1.03 DEFINITIONS. In this chapter:

(1) "Applicant" means any person who applies for a license from the department or any board.

(2) "Board" means the bingo control board or any examining board attached to the department.

(3) "Department" means the department of regulation and licensing.

(4) "Denial proceeding" means a class 1 proceeding as defined in s. 227.01(2)(a), Stats., in which the department or a board may determine to deny an application for a license.

RL 1.04 PARTIES TO A DENIAL PROCEEDING. Parties to a denial proceeding are an applicant and the department or board having authority to issue the license.

RL 1.05 REQUEST FOR HEARING. (1) FORM. An applicant may request a hearing within 30 days after the mailing of a notice of denial of license by the department or a board. The form of the request shall contain:

(a) The applicant's name and address;

- (b) The type of license for which the applicant has applied;
- (c) The reasons why the applicant requests a hearing;
- (d) The facts which the applicant intends to prove at the hearing; and,
- (e) A description of the mistake the applicant believes was made, if the applicant claims that the denial of license is based on a mistake in fact or law.

(2) PROCEDURE. The procedures for a denial proceeding are:

(a) Notice of Hearing. Within 20 days of receipt of a request for hearing, the department or board shall grant or deny the request for a hearing on a denial of a license. A hearing shall be granted if requirements in sub. (1) are met and the department or board shall notify the applicant of the time, place and nature of the hearing, as provided in s. 227.07, Stats. A hearing shall be denied, and the department or board shall inform the applicant in writing of the reason for denial, if requirements in sub. (1) are not met.

(b) Discovery. Unless stipulated, no discovery is permitted, except for the taking and preservation of evidence, as provided in ch. 804, Stats., with respect to witnesses described in s. 227.08(7)(a) to (d), Stats. An applicant may inspect records under s. 19.35, Stats., the public record law.

RL 1.06 SERVICE. Service of a notice of denial may be made by mail addressed to an applicant at the last address filed in writing by the applicant with the department or board. Service by mail is complete on the date of mailing.

RL 1.07 FAILURE TO APPEAR. In the event that neither the applicant nor his or her representative appears at the time and place designated for the hearing, the department or board may take action based upon the record as submitted. By failing to appear, an applicant waives any right to appeal before the department or board which denied the license.

The rules created in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Stats.

Dated this 30th day of August, 1985.

By: Barbara Nichols
Barbara Nichols, Secretary
Department of Regulation and Licensing

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8/29/85