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Chapter Bkg 10

PROCEDURE BEFORE THE BANKING REVIEW BOARD

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Bkg 10.01 Use of statutory procedure. 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.

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

Bkg 10.02 Definition of terms. "Commissioner" refers to the commissioner of banking.

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

Bkg 10.03 Notice of appeal. Any interested person aggrieved by any act, order or determination of the commissioner of banking under chs. 220, 221, 222, 223, Stats., may file with the commissioner 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. Bkg 10.05 in the following form:

To the Wisconsin Banking Review Board:

The undersigned hereby appeals from the order of the commissioner 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 Bkg 11.11, rules of Procedure for proceedings and hearings had before the commissioner of banking).

Dated _____, 19 _____.

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

Bkg 10.04 Time of hearing. Upon the filing of said notice, the commissioner 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 attorney and upon any other person who participated in the proceedings before the commissioner or his attorney, stating the issues to be considered.

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

Bkg 10.05 Notice of hearing. Notice of hearing may be given by registered mail addressed to the party at the last known post office address, or to the party's attorney of record, return receipt requested, and the return receipt signed by the addressee or an authorized 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 the Commissioner of Banking
P.O.Box 7876
Madison, Wisconsin 53707

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; am. Register, July, 1983, No. 331, eff. 8-1-83.

Bkg 10.06 Procedure for hearing. Continuances and adjournments of hearings may be granted by the board for cause shown. The appellant may appear in person or by any officer, regular employe or attorney. Any other interested person may likewise so appear. Proceedings shall be in conformity to s. 220.035 (2) (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 employe of the board or commissioner of banking or by any other interested party or their attorneys. Any interested party or any agents, officers or employes of an interested party 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; am. Register, July, 1983, No. 331, eff. 8-1-83.

Bkg 10.07 Subpoena. The board shall have subpoena powers as granted by s. 885.02 Stats.

History; 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; am Register, July, 1983, No. 331, eff. 8-1-83.

Bkg 10.08 Prehearing conferences. Prehearing conferences may be held at the convenience of the parties and shall be conducted by the commissioner of banking or any other employe of the commissioner designated by him, 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.

Bkg 10.09 Filing briefs. Arguments shall be submitted to the board in writing, unless otherwise ordered. Eight copies of such written arguments shall be filed with the commissioner of banking, 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; am. Register, October, 1977, No. 262, eff. 11-1-77.

Bkg 10.10 Stay of enforcement. The institution of the proceedings for review shall not stay enforcement of the commissioner's decision, but the board may order a stay upon such terms as it deems proper.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; renum. from Bkg 10.11, Register, October, 1977, No. 262, eff. 11-1-77.

Bkg 10.11 Record. (1) (a) A transcript shall be prepared of the proceedings at a hearing in any contested case as defined by s. 227.01, Stats., or in any proceeding at the direction of the board or on the request of any party establishing a reasonable need therefor. The transcript together with all exhibits shall be a part of the official record of the proceedings.

(b) Any person desiring a copy of the transcript shall so indicate at the commencement of the proceedings. The cost of each copy shall be paid by the person requesting it. A charge of 75¢ for each 8½ by 11 inch page will be charged for copies prepared by the office of commissioner of banking. However, if the board determines that any party is impecunious or would suffer an undue economic hardship, such party shall be provided a copy of the transcript without charge. Where a transcript of proceedings other than a contested case, is prepared at the request of any party, such party shall also pay all recording and transcription costs.

History: Cr. Register, October, 1977, No. 262, eff. 11-1-77.