

Chapter Ag 1

PROCEDURE AND PRACTICE ON SPECIAL ORDERS

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Ag 1.01 Complaints. The department, in any matter relating to issuing, revoking or amending a special order or regulation not affecting the general public, shall serve upon the person complained against a complaint in the name of the department and a notice of a public hearing thereon to be held not sooner than 10 days after such service. The person complained against shall be entitled to be heard in person, or by agent or attorney and shall be entitled to process to compel the attendance of witnesses. (Section 93.18⁽²⁾, Wis. Stats.).

Ag 1.02 Answers. The respondent named in any complaint shall have one-half the time intervening between the date of service of the complaint and the date set for hearing thereon in which to submit an answer.

Ag 1.03 Conduct of hearings. At any hearing upon a complaint served by the department, an examiner designated by the director shall preside. The examiner shall be governed by the provisions of section 227.10, Wis. Stats., in the conduct of the hearing. The department shall be represented by its counsel or other representative authorized by the director.

Ag 1.04 Service. Complaint, notice, order or other process of the department may be served as may be a summons, and a subpoena as provided by section 325.03, Wis. Stats., and either may be served by registered mail to an address furnished by the person or concern to either the department or the secretary of state. Service may be proved by affidavit. Service in any event may be also by registered mail addressed to the person or concern and proved by the post office return receipt, in which case the time of service is the date borne by the receipt. (Section 93.18⁽⁵⁾, Wis. Stats.).

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Ag 1.05 Subpoenas. Every subpoena shall be signed by the director or counsel, or by the examiner designated to preside at a hearing.

Ag 1.06 Intervention. Any person may intervene, in person or by attorney, in any hearing held to consider any complaint issued by the department.

Ag 1.07 Continuances and extensions. Continuances and extensions of time may be granted by the director or by the examiner who presides at the hearing.

Ag 1.08 Briefs. The examiner who presides at the hearing shall indicate whether or not the department desires briefs filed and, if so, the date on or before which such briefs shall be submitted.

Ag 1.09 Defaults. In case the respondent named in any complaint fails to submit an answer within the period specified or fails to appear at the hearing on the date set therefor, the allegations of the complaint may be taken as true and an order issued accordingly.