

## Chapter PB 2

## HEARINGS

PB 2.01 Generally

PB 2.03 Transcripts

PB 2.02 Contested cases

Note: Chapter PB 3 as it existed on June 30, 1982 was repealed a new chapter PB 2 was created effective July 1, 1982.

**PB 2.01 Generally.** Hearings are held at the discretion of the board. One or more members of the board may preside at a hearing and report to the full board. Each board member may administer oaths and take testimony.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82.

**PB 2.02 Contested cases. (1) DISCRETION OF BOARD.** The board may permit a hearing to proceed as a contested case. Such hearings shall be conducted in accordance with ss. 227.07 and 227.08, Stats., and with this section.

(2) **PARTIES.** Parties shall include the person or persons requesting an investigation, the agency or person sought to be investigated, and such other persons who affirmatively demonstrate a substantial interest which may be affected by the proceeding and who are permitted by the board to participate.

(3) **NOTICE.** Notice shall be mailed to parties at least 10 days prior to the hearing. The notice shall include a statement of the time, place and nature of the hearing, and a short and plain statement of the issues involved.

(4) **ANSWERS.** Answers shall be in writing and shall set forth in non-technical language the position of the agency or person sought to be investigated. Answers shall be filed with the board and served on all parties at least 5 days prior to the hearing.

(5) **REPRESENTATION.** Parties may appear in person, by counsel, or by any agent of a party's choice.

(6) **MOTIONS.** An application to the board for an order shall be by motion which, except for those made at hearing, shall be in writing. Written motions shall be filed with the board and served on all parties.

(7) **SUBPOENAS AND COMPENSATION FOR WITNESSES.** Subpoenas may be issued by the board at the request of any party. All state officers and employees shall attend and testify when requested to do so by the board. Any person who appears before the board by order shall receive the fees and mileage provided for witnesses in civil actions in courts of record for attendance. Witnesses subpoenaed by parties other than the board shall be entitled to compensation from the state for attendance or travel only if the board certifies that their testimony was relevant and material to the matter investigated.

(8) **DISCOVERY.** The taking and preservation of evidence shall be permitted only with respect to a witness:

- (a) Who is beyond the reach of a subpoena,
- (b) Who will be outside the state at the time of hearing,

(c) Who will be physically unable to attend the hearing, or

(d) Who is a legislator, if any committee or the legislator's house is in session, and the legislator waives any privilege.

(9) **EVIDENCE.** The board is not bound by common law or statutory rules of evidence. Immaterial, irrelevant or unduly repetitious testimony shall be excluded. All parties shall be afforded the opportunity to present evidence, and to rebut or offer countervailing evidence.

(10) **ADJOURNMENTS.** Requests for continuances, adjournments and extensions shall be granted only for good cause or for reasons deemed sufficient by the board or the presiding board member.

(11) **BRIEFS.** Briefs may be required or permitted by the board or the presiding board member.

**History:** Cr. Register, June, 1982, No. 318, eff. 7-1-82.

**PB 2.03 Transcripts.** A stenographic, electronic or other record of the hearing shall be made. A written transcript will be prepared for the purpose of appeal or for such other purpose as the board deems reasonable. Copies of the tape recordings, transcripts or other records shall be furnished upon request at the cost of production to the board.

**History:** Cr. Register, June, 1982, No. 318, eff. 7-1-82.