

Chapter RL 1

PROCEDURES ON DENIAL OF LICENSE

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|---------|--------------------------------|---------|---------------------|
| RL 1.01 | Authority and purpose | RL 1.05 | Request for hearing |
| RL 1.02 | Scope | RL 1.06 | Service |
| RL 1.03 | Definitions | RL 1.07 | Failure to appear |
| RL 1.04 | Parties to a denial proceeding | | |

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.

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85.

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

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85.

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 (3) (a), Stats., in which the department or a board may determine to deny an application for a license.

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85; correction in (4) made under s. 13.93 (2m) (b) 7, Stats., Register, May, 1988, No. 389.

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.

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85.

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:

Register, May, 1988, No. 389

RL 1

(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. 227.44, 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. 227.45 (7) (a) to (d), Stats. An applicant may inspect records under s. 19.35, Stats., the public record law.

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85; corrections in (2) (a) and (b) made under s. 13.93 (2m) (b) 7, Stats., Register, May, 1988, No. 389.

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.

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85.

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.

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85.