

Chapter DFI-CU 56

CREDIT UNION REVIEW BOARD

DFI-CU 56.01 Rules of procedure.
 DFI-CU 56.02 Definition.
 DFI-CU 56.03 Form of notice of appeal.
 DFI-CU 56.04 Procedure.
 DFI-CU 56.05 Service and filing of papers.
 DFI-CU 56.06 Conduct of hearings; continuances; appearances; examination of witnesses.

DFI-CU 56.07 Subpoenas.
 DFI-CU 56.08 Prehearing conferences.
 DFI-CU 56.09 Arguments.
 DFI-CU 56.10 Variances.
 DFI-CU 56.11 Stay of proceedings.

Note: Chapter CU 56 was renumbered chapter DFI-CU 56 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, October, 1997, No. 502.

DFI-CU 56.01 Rules of procedure. The following rules of procedure shall govern all types of proceedings had before the credit union review board. 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; renum. from Bkg 56.02 to be CU 56.02 and am., Register, August, 1972, No. 200, eff. 9-1-72.

DFI-CU 56.02 Definition. "Director" refers to the director of credit unions.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; renum. from Bkg 56.02 to be CU 56.02 and am., Register, August, 1972, No. 200, eff. 9-1-72.

DFI-CU 56.03 Form of notice of appeal. Any interested person aggrieved by any act, order or determination of the director under ch. 186, Stats., may file with the director within 30 days after the act, order or determination to be reviewed, an original and eight copies of a notice of appeal in the manner prescribed by s. DFI-CU 56.05 in the following form:

To the Wisconsin Credit Union Review Board:

The undersigned hereby appeals from the order of the Director of Credit Unions dated, _____, 2 ___ 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 the Rules of Procedure for proceedings and hearings had before the Division of Banking).

Dated _____, 2 _____.

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; renum. from Bkg 56.03 to be CU 56.03 and am., Register, August, 1972, No. 200, eff. 9-1-72; am. Register, July, 1973, No. 211, eff. 8-1-73; correction made under s. 13.93 (2m) (b) 6., Stats., Register, June, 2000, No. 534.

DFI-CU 56.04 Procedure. Upon the filing of said notice, the director 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 or her attorney and upon any other person who participated in the proceedings before the director or his or her attorney, stating the issues to be considered.

History: 1-2-56; renum. from Bkg 56.04 to be CU 56.04, Register, August, 1972, No. 200, eff. 9-1-72; corrections made under s. 13.93 (2m) (b) 5., Stats., Register, September, 1993, No. 453.

DFI-CU 56.05 Service and filing of papers. Notice of hearing may be given by registered mail addressed to the party at the last known post office address, or to the attorney of record, return receipt requested, and the return receipt signed by the addressee or 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:

Credit Union Review Board
 Office of Credit Unions
 Madison, Wisconsin 53702

History: 1-2-56; am. Register, July, 1968, No. 151, eff. 8-1-68; renum. Bkg 56.09 to be CU 56.09, Register, August, 1972, No. 200, eff. 9-1-72; corrections made under s. 13.93 (2m) (b) 5., Stats., Register, September, 1993, No. 453.

DFI-CU 56.06 Conduct of hearings; continuances; appearances; examination of witnesses. Continuances and adjournments may be granted by the board for cause shown. The appellant may appear in person or by an officer, regular employee, or attorney. Any other interested person may likewise so appear. Proceedings shall be in conformity to s. 220.035 (1) (c), Stats. Witnesses competent to take an oath shall be sworn by the chair of the board or the presiding officers and may be examined on behalf of the board by the chair or presiding officer or by a representative of the attorney general acting as counsel for the board, or with the permission of the chair or presiding officer, by any employee of the board or director or by any other interested party or their attorneys. Any interested party or any of his or her agents, officers, or employees may be examined adversely as prescribed by s. 885.14, 1973 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; renum. from Bkg 56.06 to be CU 56.06 and am., Register, August, 1972, No. 200, eff. 9-1-72; corrections made under s. 13.93 (2m) (b) 5. and 7., Stats., Register, September, 1993, No. 453; **correction made under s. 13.93 (2m) (b) 7., Stats., Register February 2004 No. 578.**

DFI-CU 56.07 Subpoenas. The board shall have the powers granted by s. 885.01 (4), 1973 Stats.

History: 1-2-56; renum. from Bkg 56.07 to be CU 56.07, and am., Register, August, 1972, No. 200, eff. 9-1-72; correction made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1993, No. 453.

DFI-CU 56.08 Prehearing conferences. Prehearing conferences may be held at the convenience of the parties and shall be conducted by the director or any other employee of the director designated by the director, 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; renum. from Bkg 56.08 to be CU 56.08, Register, August, 1972, No. 200, eff. 9-1-72; correction made under s. 13.93 (2m) (b) 5., Stats., Register, September, 1993, No. 453.

DFI-CU 56.09 Arguments. Except as provided in s. 227.49, Stats., arguments shall be submitted to the board in writ-

ing, unless otherwise ordered. Eight copies of such written arguments shall be filed with the director 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; renum. Bkg 56.09 to be CU 56.09, Register, August, 1972, No. 200, eff. 9-1-72; correction made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1993, No. 453.

DFI-CU 56.10 Variances. The provisions of s. 263.28, 1973 Stats., with reference to variances between the allegations

and the proof, shall apply to proceedings under these rules.

History: 1-2-56; renum. Bkg 56.10 to be CU 56.10, Register, August, 1972, No. 200, eff. 9-1-62; correction made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1993, No. 453.

DFI-CU 56.11 Stay of proceedings. The institution of the proceedings for review shall not stay enforcement of the director's decision, but the board may order a stay upon such terms as it deems proper.

History: 1-2-56; renum. Bkg 56.11 to be CU 56.11, Register, August, 1972, No. 200, eff. 9-1-72.