

**CHAPTER 4**  
**PRACTICE AND PROCEDURE FOR PETITION HEARINGS**

**Section 1. Petition Required.**

To request that the Board review and either dismiss or modify a proposed order, the petitioner shall file with the Commissioner a petition. Each petition shall be in writing and include the information set forth in Section 2. The petitioner shall serve the petition on the Commissioner, as provided in Section 81 of Chapter 3 of the Banking Regulations. Filing a petition shall not stay or otherwise affect the full and immediate legal operation and effect of a temporary order.

**Section 2. Content.**

- (a) Each petition shall contain the following:
  - (i) The petitioner's signature;
  - (ii) If the petitioner is represented by counsel, execution by the Wyoming attorney and/or the qualified foreign attorney in a manner consistent with Rule 11 of the Wyoming Rules of Civil Procedure;
  - (iii) The petitioner's verification of the truth and accuracy of the matters set forth in the petition;
  - (iv) A copy of the notice of intent, including the proposed order and all other attachments to the notice, or a description of the notice of intent sufficient for its identification among the records of the Commissioner;
  - (v) A request that the Board review the notice of intent and the proposed order and dismiss the same because grounds do not exist under the enforcement article for issuing the order;
  - (vi) A statement of facts supporting the dismissal of the proposed order; and
  - (vii) If the proposed order requires payment of a civil penalty and the petitioner contests the amount or the assessment of such penalty, a statement of facts supporting the modification of the assessment.

**Section 3. Board to Set Hearing; Extensions.**

(a) Promptly after service of the petition, the Commissioner shall deliver a copy of the petition to the Chairman and the other members of the Board. Within five (5) days after service of the petition upon the Commissioner, the Board shall set the hearing date.

(b) Unless extended pursuant to subsection (d), the hearing date shall be a date within fifteen (15) days after the petition is served on the Board.

(c) The Chairman shall give prompt notice to the petitioner of the date, time and place of the hearing. The form of the notice shall comply with W.S. 16-3-107(a) and 16-3-107(b).

(d) Upon timely written request from the petitioner and for good cause shown, the Chairman shall extend the hearing date to such later date as the Board may determine.

#### **Section 4. Other Notices.**

(a) At least three (3) days before the hearing, the Board shall give written notice to all applicable affected persons. Failure to give such notice shall not have any effect on the Board's jurisdiction over the petition nor upon any actions taken by it pursuant to a petition.

(b) As required by W.S. 16-4-404(b), the Chairman shall give notice of the hearing to each newspaper of general circulation and each radio and television station that has requested in writing that it be given notice of special meetings of the Board. Such notice shall specify the date, time and place of the hearing and the business expected to be transacted at the hearing.

(c) Persons notified under this Section are not parties under the Wyoming Administrative Procedure Act and shall have no right to participate in the pre-hearing conference, to receive formal notices, to appear, argue or be heard at the hearing, to submit documentary or other evidence, to produce or cross-examine witnesses at the hearing, nor to file a brief on relevant issues.

(d) This Section shall not limit an affected person's right to attend and participate in a hearing as a member of the public.

#### **Section 5. Confidentiality.**

(a) All matters and proceedings arising out of or related to a petition shall be confidential, except as otherwise provided in this Section.

(b) At the hearing, the Board shall convene in executive session not open to the public to consider or receive any protected material. To the extent that information is disclosed at a public hearing, such information shall not be confidential.

(c) After the Board has rendered its final determination, the written report of such decision shall not be confidential and shall be available for public inspection under the Wyoming Public Records Act.

(d) Nothing in this Section is intended to limit or constrain in any way any right of the petitioner to seek or to obtain appellate review of the decisions of the Board and of the Commissioner, provided that such review is otherwise in accordance with applicable law.