

CHAPTER XXVII

RULES OF PRACTICE GOVERNING CONTESTED CASES

BEFORE THE WYOMING GAME AND FISH COMMISSION

Section 1. Authority.

These Rules of Practice are promulgated by authority of W.S. 9-4-102.

Section 2. Definitions.

By reference, all the definition set forth in W.S. 9-4-101, 23-1-101, and 23-1-102 are incorporated herein by reference and for the purpose of contested hearings, the following definitions of parties shall prevail:

a. "Commission" means the Wyoming Game and Fish Commission.

b. "Contestee" means the person, persons, firm, or corporation licensed by law under the jurisdiction of the Commission and against whom the Commission is proceeding for alleged violation of any of the provisions of Title 23, Wyoming Statutes, or any of the Rules of the Commission.

Section 3. Notice.

Contested cases shall be commenced by a Notice filed with the Commission. The notice shall include a statement setting forth:

a. The name and address of each contestee.

b. A statement in ordinary and concise language of the facts upon which the contest is based, including, whenever applicable, particular reference to the statutes, rules, and orders allegedly violated.

c. A statement of the legal authority and jurisdiction under which the hearing is to be held.

d. A statement of time, place and nature of hearing.

Section 4. Service.

a. Notice shall be served upon each contestee at least twenty (20) days prior to the date set for hearing.

b. Service of the Notice or of any other document or pleading required to be served may be made either personally or by mailing to the last known address of the contestee. If personal service is made, the return of service shall be made by the certification of the person who made such service. Such return of service may be filed with the Commission prior to the commencement of the hearing.

Section 5. Answer or Pleading.

Each contestee shall be allowed fifteen (15) days from the date of service of Notice, in which time to file with the Commission his answer or other pleading. The Commission may, for good cause shown, grant an extension of time in which to answer and reschedule the hearing accordingly.

Section 6. Default in Answering or Appearing.

In the event of failure of any contestee to answer or otherwise plead within the time allowed, and provided that the foregoing rules as to service have been complied with, each contestee so failing to answer or otherwise plead, shall be deemed to be in default, and the allegations of the Notice, may be taken as true and the Order of the Commission entered accordingly.

Section 7. Prehearing Conference.

At any time prior to the date set for hearing the Commission, or its designated presiding officer, may direct the attorneys for the parties to appear for a conference to consider:

- a. The simplification of the issues;
 - b. The necessity or desirability of amending the pleadings;
 - c. The possibility of obtaining admissions of facts and documents which will avoid unnecessary proof;
 - d. Such other matters as may aid in the disposition of the case.
- Such conference shall be conducted informally. A memorandum will be prepared which recites the action taken at the conference.

Section 8. Subpoenas.

Upon application of any party, the Commission, or its designated presiding officer, shall issue subpoenas requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any relevant books, papers or other documents.

Section 9. Motions.

Upon reasonable notice to all parties, the Commission, or its designated presiding officer, may hear orally, or otherwise, any motion filed.

Section 10. Hearing.

At the date, time and place of hearing set by the Commission, or its designated presiding officer, and in accordance with the Notice given, the Commission, or a presiding officer designated by the Commission, shall hear all matters presented. All matters enumerated in the Notice shall be presented by an officer, agent or attorney acting on behalf of the Commission. Any contestee may be represented personally or by counsel, provided that such counsel be duly authorized to practice law in the State of Wyoming or otherwise associated at the hearing with an attorney authorized to practice law in this State.

Section 11. Order of Procedure at Hearing.

As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:

- a. Each party may make an opening statement.

- b. The Commission's evidence will be presented.
- c. The Contestee's evidence will be presented.
- d. Each party may offer rebuttal evidence.

e. After all proceedings have been concluded, the person presiding at the hearing shall declare the hearing closed. Members of the Commission and the designated presiding officer may examine witnesses. The presiding officer may allow evidence to be offered out of the order herein prescribed.

Section 12. Re-Opening Hearing.

The Commission may reopen a hearing on its own motion or upon motion of any party for good cause shown.

Section 12. Supersedes Old Rules.

These Rules of Practice shall supersede the Rules of Practice previously on file governing contests before the Commission.

Dated this 19th day of January, 1982.

WYOMING GAME AND FISH COMMISSION

BY: _____
John M. Anselmi, President