

# WYOMING GAME AND FISH COMMISSION

## CHAPTER 27

### RULES OF PRACTICE GOVERNING CONTESTED CASES BEFORE THE WYOMING GAME AND FISH COMMISSION

**Section 1. Authority.** This regulation is promulgated by authority of W.S. §16-3-107, §16-3-108, §16-3-109, §16-3-110, §16-3-111, §16-3-112, §16-3-113, §16-3-114, §16-3-115, and §23-1-303.

**Section 2. Definitions.** Definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definitions:

(a) "Contestee" means the person, persons, firm, or corporation licensed by law under the jurisdiction of the Commission and against whom the Department is proceeding.

**Section 3. Notice.** Contested cases shall be commenced by a notice sent by the Department to the contestee. 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.
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (c) 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. 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 6. 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 Department. Any contestee may be represented personally or by counsel, provided that such counsel is 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 7. Order of Procedure at Hearing.** As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:

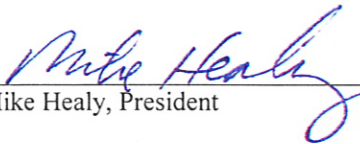
- (a) Each party may make an opening statement.
- (b) The Department's evidence will be presented.
- (c) The Contestee's evidence will be presented.
- (d) Each party may offer rebuttal evidence.

(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 8. Re-Opening Hearing.** The Commission may reopen a hearing on its own motion or upon motion of any party for good cause shown.

**Section 9. Supersedes Old Rules.** These Rules of Practice shall supersede the Rules of Practice previously on file governing contests before the Commission.

WYOMING GAME AND FISH COMMISSION

By:   
Mike Healy, President

Date: January 22, 2014