

## Chapter SEC 36

## ADMINISTRATIVE PROCEDURE

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**History:** Emergency rules covering general subject matter were adopted effective July 1, 1972.

**SEC 36.01 Application for hearing.** Any application or request for hearing shall be filed with the commissioner and shall be accompanied by a complete and accurate statement of the relevant facts. Upon receipt of any application or request for hearing, the commissioner shall promptly mail a notice of hearing unless he determines that the application is inappropriate or that the applicant is not an interested party.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.02 Notices of hearing.** (1) Notice of a hearing shall be mailed by the commissioner to all interested parties and shall state the date, time, place, issues and reasons for holding the hearing. An order for hearing shall be in the form of a notice and shall describe the purpose for such hearing with reasonable particularity. Any party who has received a notice of hearing may file a written answer thereto prior to the date set for hearing, or may appear at the hearing. If briefs or written arguments are presented, copies shall be served upon the commissioner and all interested parties at least three days prior to the date of the hearing.

(2) Mailings of notices of hearings made under subsection (1) of this rule are governed by section 553.58 (5), Wis. Stats.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.03 Appearances and defaults.** (1) An appearance at a hearing shall be made either in person or by a duly authorized representative.

(2) If a party who has received notice of a hearing fails to appear at the hearing, the commissioner may proceed with the hearing and, on the evidence presented, may make a decision and issue an order.

(3) An appearance at a hearing may be made either by submitting to oral testimony conducted by the commissioner or an employe designated by him or by the presentation of briefs or written arguments or by both, whether made in person by interested persons or by their duly authorized representatives.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.04 Form and content of pleadings.** All pleadings, briefs, answers, written arguments, and orders filed or issued in reference to any administrative proceeding under the Wisconsin franchise investment law shall be captioned "Before the Commissioner of Se-

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curities, State of Wisconsin" and shall be entitled "In the Matter of (name of party), Petitioner or Respondent" as the case may be.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.05 Prehearing conferences.** Prehearing conferences may be held at the convenience of the parties and shall be conducted by the commissioner, or by an officer or employe designated by the commissioner, 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 or conferences. Such record shall be attached to the file in memorandum form and constitute a part of the official record of the proceeding.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.06 Stipulations.** Parties to an administrative proceeding, by stipulation in writing filed with the commissioner or by statement in the record at the hearing, may agree upon the facts involved or any portion thereof, which stipulation may be used as evidence in the proceeding. The absence of participation of any named or interested party in such stipulation shall be noted by the commissioner by a statement in the record at the hearing.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.07 Record of hearings.** All testimony at a hearing shall be taken down by stenographic reporter, or by recording without stenographic reporter, and the transcript thereof, together with all exhibits, shall be a part of the official record of such hearing. Any party desiring a copy of such transcript shall so indicate and shall pay therefor the same fees as those of the official reporter of the circuit court for Dane county, Wisconsin.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.08 Conduct of hearings.** All hearings shall be conducted and presided over by the commissioner or any officer or employe designated by him to hear the matter. The public shall be admissible to the site of such hearings. Witnesses will not be excused during the testimony of other witnesses unless the commissioner deems the excusal of witnesses during testimony of other witnesses to be in the public interest and for the protection of investors.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.09 Examination of witnesses.** Witnesses may be examined at a hearing under oath or affirmation by the commissioner or by an officer or employe designated by him or by any interested party making an appearance in the proceeding.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

**SEC 36.10 Decisions and orders.** (1) A decision or order following a hearing shall be promptly mailed by certified or registered mail to each interested party at his last known address of record and such mailing shall constitute notice in accordance with section 553.58 (5), Wis. Stats.

(2) Each order issued without a hearing under sections 553.24 or 553.28, Wis. Stats., shall be promptly mailed by certified or registered mail to each party named in the title to the order at his last known address or delivered to any such party by an officer or employe designated by the commissioner.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72.

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