

STATE BOARD OF EXAMINING WATER WELL DRILLING CONTRACTORS AND WATER WELL PUMP
INSTALLATION CONTACTORS

Rules and Regulations

Revised 2011

Chapter 1

GENERAL PROVISIONS

Section 1. Authority. The State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors, hereinafter the "Board", is authorized by W.S. 33-42-101 through 33-42-117, hereinafter the "Act". Pursuant to W.S. 33-42-107, the Board shall from time to time adopt such rules and regulations consistent with the Laws of the State of Wyoming as may be deemed necessary in the performance of its duties.

Section 2. Statement of Purpose. These rules and regulations are adopted to implement the authority of the Board to provide licensure and standards of practice for licensed water well drilling contractors and licensed water well pump installation contractors in Wyoming and provide for enforcement and proper administration of the provisions of the Act.

Section 3. Definitions. In the Act and these rules, unless the context otherwise requires, the following definitions of terms shall apply:

(a) "Board" means the State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors.

(b) "Direct communication" means that personnel at a job site and the license holder assuming responsibility for the job are able to exchange information during operations.

(c) "Direct Supervision" means that the work has been critically examined and evaluated for compliance with appropriate contracting standards by a license holder in that profession.

(d) "Good moral character and repute" means the licensure applicant:

(i) Has not been convicted of a felony involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery or breach of fiduciary duty within five (5) years of application for licensure;

(ii) Is not currently incarcerated in a penal institution;

(iii) Has not engaged in fraud or misrepresentation in connection with the application for licensure or related examination;

(iv) If previously licensed in this state, or registered in another state, or foreign country, has not had their license/registration canceled, revoked, suspended or not renewed for cause within the last five (5) years of applying for licensure/registration;

(v) Has not been found by a court or any other state board of practicing without registration in another jurisdiction within the United States within two (2) years of application for licensure.

(e) "Gross negligence" means a substantial deviation in contracting from the standard of professional care exercised by members of the license holder's profession, or a substantial deviation from any technical standards issued by a nationally and/or state recognized contracting organization comprised of members of the license holder's profession, or a substantial deviation from requirements contained in state laws, Board regulations, local ordinances, or regulations related to the license holder's contracting practice.

(f) "License holder" means a person who has been granted Licensure or has been Licensed to practice as a water well drilling contractor or a water well pump installation contractor, or both pursuant to the Act.

(g) "Incompetence" means to lack the professional qualifications, experience, education, or combination thereof to undertake a contracting engagement or assignment.

(h) "Other misconduct" means:

(i) Conviction of any crime reasonably related to the license holder's practice;

(ii) An adverse civil adjudication involving dishonesty, gross negligence, or incompetence;

(iii) Suspension or revocation of a contracting license or certification by this state or by any other jurisdiction;

(iv) Knowingly acting, or failing to act, in violation of any provisions of rules of the Act, rules of the Board, any Board Order, or any federal or state law or regulation, local ordinance, regulation, or code related the license holder's practice.

(i) "Resident" means a person who has maintained his/her primary residence in Wyoming and not claimed residence in any other state for one (1) year or more immediately prior to the filing of the application for licensure.

(j) "Underground water" means any water, including hot water and geothermal steam, under the surface of the land or under the bed of any stream, lake or reservoir;

(k) "Water well drilling contractor" means any person responsible for or causing the construction or development of any water well for compensation or otherwise as provided by the Act;

(i) A water well drilling contractor may complete all steps required to prepare a new water well for the installation of a permanent pump, including equipping and test pumping.

(l) “Water Well Minimum Construction Standards” means the State of Wyoming, State Engineer’s Office regulations and instructions, Part III, Revised February 2010, and subsequent revisions.

(m) “Water well pump installation contractor” means any person who is in the business of installing pumping equipment in water wells for compensation or otherwise as provided by the Act;

(i) A water well pump installation contractor may install pumping equipment in and develop and rehabilitate water wells, including equipping and test pumping.

(n) “Well” means any artificial opening in the ground for the production of groundwater or the disposal of water underground, including developed springs, test wells, monitoring wells, geothermal or heat exchange wells, drive points and excavations for the purpose of artificial recharge to the groundwater bodies or disposal of wastes. The term “well” does not include excavations made for the dewatering of construction sites, mines or oil and gas wells, and the prospecting for and removal of mineral products, nor wells for the production of the media for secondary oil recovery.

Chapter 2

ORGANIZATION

Section 1. Meetings; Election of Officers. Board meetings shall be held at least twice each year, at times and places designated by the Chairman. The Chairman, the Vice Chairman or any four (4) Board members as a group may call such other meetings as necessary to conduct the business of the Board. At the first meeting of odd numbered years, the Board shall elect from its members a Chairman and Vice Chairman who shall assume the duties of their offices at the close of that meeting and serve for a term of two (2) years. The State Engineer/Designee shall be the Secretary-Treasurer of the Board. If an officer resigns or vacates the position prior to the expiration of his/her term, the Board shall recommend a replacement to the Governor to serve the remainder of the term.

Section 2. Duties of Officers. The Chairman shall preside at all meetings, appoint committees of the Board, sign official documents and otherwise perform all duties ordinarily pertaining to the office of Chairman. The Vice Chairman shall, in the absence or incapacity of the Chairman, exercise the duties of the Chairman. The Secretary-Treasurer or Designee shall have charge of the records. Any board member, after reviewing the license application materials and receiving reports of passing scores on all required examinations, may sign licenses.

Section 3. Executive Director. The Executive Director works under the direction of the board and performs administrative and support work. The Executive Director's duties are:

- (a) Facilitating the licensing of water well drilling contractors and water well pump installation contractors as required by the Act;
- (b) Maintaining licensing records;
- (c) Providing technical assistance and information to potential applicants and the general public concerning licensing requirements, procedures, and regulations;
- (d) Coordinating license renewals;
- (e) Reviewing initial and renewal applications and recommending approval or denial;
- (f) Coordinating Board meetings;
- (g) Coordinating and conducting investigations related to violations of the Act or these rules;

- (h) Developing and monitoring Board budgets and fees and insuring the board operates within its budget authority;
- (i) Reviewing and evaluating the Board program to provide for program enhancements;
- (j) Drafting proposed changes in legislation relevant to Board operations;
- (k) May be in charge of a specific program, including planning, as well as program design, training, manual preparation, budget, functionality, and technical questions;
- (l) Involvement in defining the overall objectives of the program, including long term recommendations based upon strategic plan and goals, and monitoring program effectiveness;
- (m) May serve as hearing officer for contested case hearings; and
- (n) Maintaining a Board website and developing a Board newsletter.

Chapter 3

FEES

Section 1. Application Fees.

- (a) Water Well Drilling Contractor application (resident) - \$ 25.00
- (b) Water Well Drilling Contractor application (non-resident) - \$100.00
- (c) Water Well Pump Installation Contractor application (resident) - \$ 25.00
- (d) Water Well Pump Installation Contractor application (non-resident) - \$100.00
- (e) The Board has determined that the costs of processing applications equal or exceed the application fees. Therefore, all application fees are non-refundable.

Section 2. Examination Fees.

- (a) Water Well Drilling Contractor (Wyoming) - \$ 25.00
- (b) Water Well Pump Installation Contractor (Wyoming) - \$ 25.00
- (c) Re-examination fees are the same as examination fees. Applicants shall pay all fees for testing provided by NGWA or other testing.

Section 3. License and Registration Fees

- (a) Three (3) year Water Well Drilling Contractor - \$200.00
- (b) Three (3) year Water Well Pump Installation Contractor - \$200.00

Section 4. Renewal Fees.

- (a) Tri-Annual renewal fee - \$200.00 per license.
- (b) Inactive renewal fee - \$25.00

Section 5. Miscellaneous Fees. Payment of fees must be in United States dollars, and may be in cash, check or money order. If a check is returned for insufficient funds, repayment, including payment of a returned check charge as provided in W.S. 1-1-115, shall be in cash or by money order or certified check.

- (a) Combined alphabetical/numerical roster of registrants - \$ 20.00
- (b) Board annual report (exclusive of roster) - \$ 20.00
- (c) Computer printout or compact disk fee (noncommercial use)
 - Per computer-run - \$50.00
 - Address labels - \$100.00
- (d) Copy fee per page (noncommercial use) - \$0.25
- (e) Replacement licenses - \$10.00
- (f) Rules and Regulations and Statutes pertaining to the Board - \$10.00

Section 6. Delinquency Penalty. The fee for late renewal is fifty (\$50.00) dollars.

Section 7. Renewal Periods. The first renewal will be due by December 31 of the third year after initial licensure. Renewed licenses expire on December 31 of the third year following issuance. An expired license may be renewed by submitting a complete renewal application, the renewal fee and the late fee prior to the first day of February following the date of expiration.

Chapter 4

LICENSURE

Section 1. Application Requirements for Water Well Drillers and Water Well Pump Installers.

(a) All individuals seeking licensure must be at least 18 years old. Applicants seeking licensure in well construction or pump installation shall complete the application form. If the application does not contain space for the information submitted, the applicant may securely attach additional sheets to the form. In addition, all applicants shall provide:

(i) Evidence that the applicant has a general working knowledge of well construction and/or pump installation procedures through certification by the NGWA in the branch or discipline for which Wyoming licensure is being requested, or proof of having successfully completed a general and at least one specialty exam administered by NGWA or other exams approved by the Board.

(ii) Evidence of coverage under a general liability insurance policy in an amount of not less than three hundred thousand dollars (\$300,000).

(iii) Submit required fees.

(b) If the application is complete and in the proper form, and the Application Review Committee (ARC) is satisfied that all statements on the application are true and that the applicant is eligible in all other respects to be licensed in the field for which the applicant has applied, it shall certify the applicant as eligible to take the Wyoming examination. If the ARC is not satisfied that all of the statements on the application are true or that the applicant is not eligible in all respects for examination, it may cause a further investigation to be made of the applicant. The Board will notify the applicant thirty (30) days prior to the examination that his/her application and evidence submitted for licensure is satisfactory and accepted or unsatisfactory and rejected.

(c) If the applicant makes no attempt to complete a rejected application within six (6) months from the date of seeking licensure and has not requested a hearing as provided in Chapter 7, his application will be cancelled with neither prejudice nor refund of fee.

(d) An applicant may withdraw an application for licensure by written request to the Board. Such withdrawal shall be allowed, with neither prejudice nor refund of the application fee.

Section 2. Examinations.

(a) Wyoming examinations shall be given according to a schedule established by the Board.

(b) Water Well Drilling Contractor Examinations - A series of three (3) separate examinations are required to be taken by applicants seeking licensure as a Water Well Drilling Contractor. They are as follows:

(i) Two exams, administered by the National Ground Water Association (NGWA) or other exams approved by the board, including:

(A) A general exam which tests the applicant's general knowledge of groundwater and the groundwater industry; and

(B) A specialized category exam which tests the applicant's knowledge in a selected field.

(ii) A Wyoming exam which tests the applicant's knowledge of Wyoming laws, rules, and regulations governing groundwater in the State.

(c) Water Well Pump Installation Contractor Examinations – A series of three (3) separate examinations are required to be taken by applicants seeking licensure as a Water Well Pump Installation Contractor. They are as follows:

(i) Two exams, administered by the NGWA or other exams approved by the board, including:

(A) A general exam which tests the applicant's general knowledge of groundwater and the groundwater industry; and

(B) A specialized category exam which tests the applicant's knowledge in a selected field.

(ii) A Wyoming exam which tests the applicant's knowledge of Wyoming laws, rules, and regulations governing groundwater in the State.

(d) All Wyoming examinations are given at the times and places determined by the Board. Unless otherwise established by the Board, complete applications must be filed a minimum of fifteen (15) days prior to any regularly scheduled Board meeting. Applicants or materials received after the cutoff date will be processed for the next Board meeting.

(e) When an applicant has paid the proper fee but is unable to take the first scheduled examination, he may request in writing, a minimum of fifteen (15) days prior to the examination date, an extension that will permit the applicant to take the next scheduled examination without submitting a re-examination fee. A request for an extension beyond the next scheduled examination will not be considered except for reasons of hardship, such as substantiated serious illness or absence from the country.

(f) Applications for admittance to the examination may be denied by the Board for any of the following reasons:

- (i) If the examination or re-examination fee is not received on or before the specified date; or,
- (ii) If an applicant fails to successfully complete all parts of the application; or,
- (iii) If an applicant fails to comply with any provision of W.S. 33-42-108 or these rules concerning applications.

(g) Access and review of examinations shall be allowed only to those individuals who have failed the examination. The review shall be held not more than one (1) year following the date of examination. Applicants may review their examinations by making prior arrangements with staff.

Section 3. Water Well Driller Contractors License Requirements.

(a) An applicant for licensure as a water well driller shall be of good moral character and repute, and meet the examinations and other requirements of this rule.

(b) An applicant shall take and pass the Wyoming licensure examination offered in water well drilling with a minimum score determined by the Board. The examination is administered by the Board or a designated representative.

(c) An applicant shall have in place and be covered at all times when providing well drilling services by a minimum of three hundred thousand dollars (\$300,000) in general liability insurance.

Section 4. Water Well Pump Installers Contractors License Requirements.

(a) An applicant for licensure as a water well pump installer shall be of good moral character and repute and meet the examinations and other requirements of this rule.

(b) An applicant shall take and pass the Wyoming licensure examination offered in water well pump installation with a minimum score determined by the Board. The examination is administered by the Board or a designated representative.

(c) An applicant shall have in place and be covered at all times when providing water well pump installation services by a minimum of three hundred thousand dollars (\$300,000) in general liability insurance.

Chapter 5

REGULATORY PROVISIONS

Section 1. Rules of Professional Conduct.

- (a) All license holders shall comply with the following standards:
- (i) A license holder shall not submit any materially false statements or fail to disclose any material facts requested in connection with the application for licensure;
 - (ii) A license holder shall not engage in fraud, deceit, misrepresentation, or concealment of material facts in advertising, soliciting or providing services to members of the public;
 - (iii) A license holder shall not knowingly commit bribery as prescribed in W.S. 6-5-102 or violate any federal statute concerning bribery;
 - (iv) A license holder shall comply with all federal, state, and local building, fire, safety, and real estate and any other laws, codes, ordinances, or regulations pertaining to the license holder's professional practice. A license holder shall not provide any services in violation of any such laws, codes, ordinances, or regulations;
 - (v) A license holder shall not violate any state or federal criminal statute involving fraud, misrepresentation, embezzlement, theft, forgery or breach of fiduciary duty, where the violation is related to the license holder's professional practice;
 - (vi) A license holder shall apply the technical knowledge and skill which would be applied by other qualified license holders who practice the same profession;
 - (vii) A license holder shall not accept an assignment where the duty to a client or the public would conflict with the license holder's personal interest or the interest of another client without full disclosure of all material facts of the potential conflict to each person who might be related to or affected by the project or engagement in question;
 - (viii) Except as otherwise provided by law, code, ordinance, or regulation, a license holder may act as the prime contractor for a given project and select collaborating contractors; however, the license holder shall perform only those services for which the license holder is qualified;

(ix) A license holder shall not engage in misrepresentation or knowingly provide false information on any form required by the State Engineer relating to underground water work;

(x) A license holder shall not provide services as a water well drilling contractor as defined in Chapter 1, Section 3(k) or a water well pump installation contractor as defined in Chapter 1, Section 3(m) if not covered under a three hundred thousand dollar (\$300,000.00) or greater general liability policy;

(xi) A license holder shall report any change of employer or change of address to the Board Office no later than two weeks after the change occurs;

(xii) A license holder overseeing the job and assuming liability for the water well drilling or water well pump installation shall have direct communication with the water well drilling or water well pump installation site during all drilling or pump installation operations, and;

(xiii) A license holder shall provide information requested by the Board regarding a complaint or investigation in a timely manner and no later than as requested by the Board.

(b) Failure to comply with any provision of this section shall be deemed to be evidence of gross negligence, incompetence, or other misconduct.

Chapter 6

APPLICATION REVIEW, COMPLAINTS, and HEARING PROCEDURES

Section 1. Application Review Process.

(a) Upon receipt of a completed application, the Board Office shall review the application and if it is complete and, if there is no known grounds for denial of the license requested, issue the license. If there are known grounds for denial, the Board Office shall forward the application to the Application Review Committee (ARC).

(b) The ARC shall review the application and all other information available and following the review may:

(i) Approve the application if the applicant meets all requirements; or

(ii) If there are questions as to whether denial is appropriate, forward the application and an ARC report to the Assistant Attorney General assigned to the Board for prosecution to review.

(c) If, after review, the ARC and Assistant Attorney General recommend denial of an application:

(i) A preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within 30 days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARC shall either approve or deny the application.

(v) If denied, the applicant must submit a written request for a hearing within thirty (30) days of the date of the denial letter.

(d) Application denial hearings

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the board, with a hearing officer presiding.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(e) The ARC shall not take part in the consideration of any contested case.

(f) The ARC shall not, by this rule, be barred from attending any denial hearing.

Section 2. Complaints.

(a) A disciplinary action is initiated against a license holder by submitting a written complaint to the Board office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a Board staff member. The written complaint should provide as much of the following information as may be available and applicable:

(i) The name and address of the complainant;

(ii) The name, address, place of employment, and telephone number of the license holder against whom the charges are made;

(iii) The specific conduct alleged to constitute the violation;

(iv) The name and address of any other witnesses; and

(v) The signature of the complainant.

Section 3. Review of Written Complaint.

(a) Written complaints shall initially be investigated by Board staff and then referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. License holders against whom charges are made will be immediately advised of the investigation and the nature of the complaint, and will be advised of the name of the IBM when he/she is appointed.

(i) The IBM shall not take part in the consideration of any contested case.

(ii) The IBM shall not, by this rule, be barred from attending any disciplinary hearing.

Section 4. Investigations and Board Action. The IBM and Board staff shall continue to investigate those written complaints received which merit further investigation.

- (a) Upon completion of the investigation the IBM shall:
 - (i) Dismiss the complaint if it finds no evidence of violation of the Act or Board rules; or
 - (ii) Prepare an investigative report which shall include:
 - (A) The findings;
 - (B) A list of statutes and/or Board rules believed to have been violated; and
 - (C) Any relevant additional information.

(b) The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

- (c) Following consultation with the Assistant Attorney General, the IBM may:
 - (i) Send the notice required by Section 5;
 - (ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;
 - (iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;
 - (iv) Recommend the Board dismiss the complaint.

- (d) The Board may resolve a complaint by:
 - (i) Accepting a voluntary surrender of a license;
 - (ii) Accepting conditional terms for settlement;
 - (ii) Dismissal.

Section 5. Service of Notice and Opportunity to Show Compliance.

Prior to commencement of a formal hearing, the IBM shall give notice by mail to the license holder of the facts or conduct which warrants his/her intended action. The notice shall give the license holder an opportunity to show compliance with all lawful requirements for retention of the license within twenty (20) days of the mailing of the notice. Such notice shall be sent to the license holder's last known address both by certified mail with return receipt requested and by first class mail.

Section 6. Formal Hearing Procedures.

(a) Formal proceedings for a hearing before the Board regarding action against a license holder shall be commenced by petition and notice of hearing, served in person, or by both certified mail and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(i) The name and address of the license holder;

(ii) A statement, in ordinary and concise language, of the nature of the complaint filed with the Board, the facts upon which the complaint is based, as well as the specific statute(s) or Board rules and regulations alleged to have been violated;

(iii) The time, place, and nature of the hearing;

(iv) That the hearing is being held pursuant to the authority provided by W.S. 33-12-135; and

(b) The license holder shall file an Answer or Notice of Appearance, which must be received by the Board at least ten (10) working days prior to the date set for hearing, or the license holder will be in default.

Section 7. Continuance. For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

Section 8. Default. The Board may enter an order based on the allegations in a petition in any case where the applicant or license holder has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or license holder or his/her representative has not appeared at a scheduled hearing for which they had notice.

Section 9. Hearing Officer. The Board may appoint a hearing officer to take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.

Section 10. Discovery. In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.

Section 11. Subpoenas.

(a) A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.

(b) Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.

Section 12. Witnesses.

- (a) All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.
- (b) No testimony will be received from a witness except under oath or affirmation.
- (c) The party calling a witness shall bear the costs associated with his/her appearance.
- (d) The Board and hearing officer shall have an opportunity to examine any witness.

Section 13. Representation.

- (a) A license holder may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.
- (b) In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.
- (c) A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.
- (d) The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the IBM.

Section 14. Prehearing Conference.

- (a) The hearing officer may direct the parties to appear before him/her to consider:
 - (i) Discuss the issues;
 - (ii) Amending the pleadings;
 - (iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;
 - (iv) Formulating procedures to govern the hearing; or
 - (v) Such other matters as may aid in the disposition of the case.
- (b) Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.

Section 15. Order of Procedure at Hearing. The hearing will be conducted in substantially the following order:

- (a) Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;
- (b) Witnesses should be identified and sworn;
- (c) Opening statements may be made at the discretion of the hearing officer. In cases of license denial, the applicant should go first. In disciplinary cases the IBM should go first;
- (d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;
- (e) Exhibits offered in evidence by the applicant or the license holder will be marked with the letters of the alphabet. Those offered by the IBM will be marked numerically;
- (f) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.

Section 16. Decisions.

- (a) Proposed Decisions:
 - (i) At the discretion and direction of the Board, the parties may file proposed Findings of Fact, Conclusions of Law, and Order after the hearing and before the deadline announced in the hearing's closing announcements.
 - (ii) At the discretion and direction of the Board, the hearing officer shall prepare his/her proposed Findings of Fact, Conclusions of Law, and Order.
- (b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

Section 17. Appeals. A Petition for Judicial Review of the Board decision may be filed in the district court in accordance with the Wyoming Rules of Appellate Procedure.

Section 18. Transcripts. If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

Chapter 7

CONTINUING PROFESSIONAL COMPETENCY

Section 1. Authority. The Board is authorized by W.S. 33-42-107 to adopt such rules and regulations not inconsistent with the laws of the state of Wyoming as may be deemed necessary in the performance of its duties.

Section 2. Statement of Purpose. The continuing professional competency guidelines are set forth below for the purpose of providing consistency in those jurisdictions that adopt mandatory requirements or for those jurisdictions that wish to encourage voluntary usage. The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of water well drilling contractors and water well pump installation contractors.

Section 3. Introduction. Every license holder shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

Section 4. Definitions. Terms used in this section are defined as follows:

- (a) Continuing Professional Competency (CPC) Unit – A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.
- (b) Continuing Education Unit (CEU) – Unit of credit customarily used for continuing education courses. One continuing education unit equals ten (10) contact hours of class in a continuing education course.
- (c) College/Unit Semester/Quarter Hour – Credit for approved course or other related college course approved in accordance with article (d) of this section.
- (d) Course/Activity – Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the license holder’s field of practice.
- (e) Dual License Holder – A person who is licensed as both a water well drilling contractor and water well pump installation contractor.

Section 5. Requirements. All license holders renewing their license will be required as a condition of renewal, to have completed a total of eighteen (18) CPC units in each renewal period. For each renewal period, dual license holders will be required to have a minimum of six (6) CPC units in each license category, with a combined total of eighteen (18). A maximum of six (6) CPC units may be carried

forward into the subsequent renewal period. CPC units may be earned by the following Courses/Activites:

- (a) Successful completion of college courses;
- (b) Successful completion of continuing education courses;
- (c) Successful completion of correspondence, televised, videotaped, audio taped, and other short courses/tutorials;
- (d) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences;
- (e) Teaching or instructing in (a) through (d) above;
- (f) Authoring published papers, articles, monographs, or books;
- (g) Active participation in professional or technical societies;
- (h) Patents;
- (i) Self directed study/research.

Section 6. Units. The conversion of other units of credit or CPC units is as follows:

- (a) One (1) college or unit semester hour = 45 CPC units.
- (b) One (1) college or unit quarter hour = 30 CPC units.
- (c) One (1) continuing education unit = 10 CPC units.
- (d) One (1) contact hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions or conferences = 1 CPC unit.
- (e) For teaching apply multiple of two (2) (teaching credit is valid for teaching a course or seminar for the first time only).
- (f) Each published paper, article, monograph, or book = 10 CPC units.
- (g) Active participation in professional and technical society (each organization) = 2 CPC units per year.

- (h) Each patent = 10 CPC units.
- (i) Self directed study/research 5 contact hours per year.
- (j) One (1) contact hour for safety training = 1 CPC unit.

Section 7. Determination of Credit. The Board has final authority with respect to approval of courses, credit, CPC value for courses, and other methods of earning credit.

(a) Credit for college or community college approved courses will be based upon course credit established by the college.

(b) Credit for qualifying seminars and workshops, will be based on one CPC unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn CPC units for the actual time of attendance at each program.

(c) Credit determination for activities Section 6 (f) and Section 6 (h) is the responsibility of the license holder, subject to review as required by the Board.

(d) Credit for a Section 6 (g), active participation in professional and technical societies (limited to two (2) CPC units per organization), requires that a license holder serve as an officer and/or actively participate in a committee of the organization. CPC units are not earned until the end of each year of service.

Section 8. Record keeping. The responsibility of maintaining records to be used to support credits claimed is the responsibility of the license holder. Records required include, but are not limited to: 1) A log/diary showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and CPC credits earned; 2) Attendance verification records in the form of completion certificates, receipts, or other documents supporting evidence of attendance: These records must be maintained for a period of three (3) years following renewal and copies may be requested by the Board for audit verification purposes.

Section 9. Exemptions. A license holder may be exempt from the CPC requirements for one of the following reasons:

(a) A license holder serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing professional competency required during that year.

(b) License holders experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. License holders who believe that

they are eligible should contact the Board office for requisite documentation required to substantiate the claim.

(c) License holders who list their occupation as “retired” on the Board approved renewal form and who further certify that they are no longer receiving any remuneration from providing water well drilling and/or water well pump installation shall be exempt from the continuing professional competency required. In the event such a person elects to return to active water well drilling and/or water well pump installation, continuing professional competency must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for three (3) years.

Section 10. Reinstatement. A license holder may bring an inactive license to active status by earning all delinquent CPC units. However, if the total number required to become current exceeds eighteen (18), then eighteen (18) shall be the maximum number required.

Section 11. Comity/Out-of-Jurisdiction Resident. License holders who are residents of jurisdictions other than Wyoming must satisfy the CPC requirements of Wyoming.

Section 12. Forms. All renewal applications will require the completion of a continuing education form specified by the Board outlining CPC credit claimed. The license holder must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit the form with the renewal application and fee.