

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;
 - (iii) 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) Incorporation by Reference.

~~_____ (i) _____~~ The State Board of Examining Water Well Drilling Contractors & Water Well Pump Installation Contractors has determined that the incorporation of the full text of the rules identified in subsection (d) of this section in the Office of Administrative Hearings' Uniform Rules for Contested Case Practice and Procedure would be cumbersome or in-efficient given the length or nature of the rules.

~~_____ (ii) _____~~
~~(b) _____~~ Any code, standard, rule or regulation incorporated This incorporation by reference in these does not include any later amendments or editions of the incorporated matter beyond the ~~applicable~~ effective date identified in subsection ~~(b)~~ (d) of this section.

(c) _____ The rules identified in subsection (d) of this section are maintained at 2219 Carey Ave., Cheyenne, WY 82002, and are available for public inspection and copying at cost at the same location.

~~_____ (iii) _____~~
(d) _____ The following rules ~~is~~ are incorporated by reference:

~~_____ (A) _____~~ Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, October 17, 2014, found at:
~~https://rules.wyo.gov/Search.aspx?http://sos.wy.state.wy.us/Rules/RULES/9644.pdf.~~