

Chapter 1
Complaint, Practice, and Procedure

Section 1. Complaints. All complaints against a licensee or registrant shall be filed with the Board in writing and shall contain:

- (a) Name and address of licensee or registrant;
 - (b) Name, address, and telephone number of complainant;
 - (c) Nature of alleged violations;
 - (d) A short and concise statement of facts relating to the alleged violations;
- and
- (e) Signature of complainant.

Section 2. Investigation.

(a) The Board shall consider the complaint to determine if further investigation of the matter is warranted. If further investigation is necessary, the Board shall assign an investigator. The investigator may be a Board member or the Board may hire an independent investigator to assist a representative of the Attorney General's Office as the investigative committee.

- (b) Upon completing the investigation, the committee may:
 - (i) Prepare and file a formal complaint and notice of hearing with the Board setting the matter for a contested case hearing or;
 - (ii) Recommend to the Board that the complaint be dismissed.
- (c) The Board may resolve a complaint at any time by:
 - (i) Accepting a voluntary surrender of a license;
 - (ii) Accepting conditional terms for settlement; or
 - (iii) Dismissal.

Section 3. Service of Notice and Formal Complaint. Notice and Complaint shall be served by the Boards Investigative Committee by mail at least twenty (20) days before the

hearing. The Board shall send it by certified or registered mail with return receipt requested to the last known address of the registrant or licensee.

Section 4. Docket. A contested case docket number shall be assigned when a complaint is filed with the Investigative Committee. A separate file shall be established for each docketed case in which shall be placed all papers, pleadings, documents, transcripts, evidence, and exhibits.

Section 5. Answer or Appearance. The licensee or registrant shall file a Notice of Appearance, at least twenty (20) working days before the date set for hearing.

Section 6. Default in Licensee Answering or Appearing. In the event the registrant or licensee fails to answer or otherwise appear within the time allowed, a default shall be entered. A registrant or licensee in default may attend and participate in any subsequent hearing, but may not introduce evidence.

Section 7. Contested Case Hearing.

(a) The hearing shall be conducted by the Office of Administrative Hearings in accordance with its Uniform Rules for Contested Case Practice and Procedure. The hearing officer shall submit proposed findings of fact, conclusions of law and order to the Board within thirty (30) days of the hearing's conclusion. The parties may submit exceptions to the proposed order within ten (10) days after its service. By incorporating the Office of Administrative Hearings' Uniform Rules, the Board makes the following findings;

(i) Incorporating the full text of the Uniform Rules would be cumbersome and inefficient given the length and nature of the rules;

(ii) The incorporation is limited to the Uniform Rules of the Office of Administrative Hearing, effective on October 17, 2014, and shall not include any subsequent editions or amendments to the Uniform Rules;

(iii) Copies of the Uniform Rules are available to the public at the Board's office at 2515 Warren Avenue, Suite 302, Cheyenne, WY 82002 or at <http://cosmetology.wy.gov/Barbers.aspx>.

(b) Proposed orders shall be given consideration, but are not binding upon the Board. All final decisions shall be issued by the Board and shall be based exclusively on the evidence in the record and matters officially noticed. The Investigative Review Committee shall not participate in the Board's final decision.

(c) The Board shall, following the full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law. The decision and order shall be filed with the Board.

(d) A licensee aggrieved by a Board decision may file a petition in the district court under the Wyoming Rules of Appellate Procedure and the Administrative Procedure Act.

Section 8. Attorneys. The filing of an answer or other appearance by an attorney constitutes an appearance for the party for whom the pleading is filed.

Section 9. Attorney General to be Present. In all hearings held upon formal action brought before the Board, a representative of the Office of the Attorney General of Wyoming shall appear on behalf of the Investigative Committee, and shall present all evidence, testimony, and legal authority in support of the Notice and Complaint to be considered by the Board.

Section 10. Record of Proceedings. When the denial, revocation, or suspension of any license or registrant is the subject for hearing, it shall be a contested case and the proceedings shall be reported by a court reporter or other adequate means or device.