

## **Chapter 11**

### **Application Review, Complaint, Practice, and Procedure**

#### **Section 1. Application Review Process.**

(a) Upon receipt of a completed application, the Board Office shall review the application, determine if it is complete, and if there are no known grounds for denial of the license requested, the license will be issued. If further information is required the board office shall request that the applicant provide additional documentation or information to the Board or verification company approved by the Board. Any related fees will be at the applicant's expense. If eligibility is still unclear 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) Deny the application. If the application is denied a denial letter shall be sent to the applicant stating the basis for the denial including relevant statutes and rules.

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

#### **Section 2. Application denial hearing.**

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

(b) The hearing is to be conducted in the presence of a quorum of the Board with a hearing officer presiding.

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

**Section 3. 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 4. 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 and 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 5. Service of Notice and Formal Complaint.** Notice and Complaint shall be served by the Board's 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 6. 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 7.** 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 8.** Default in Licensee Answering or Appearing. Default shall be entered in the event the registrant or licensee fails to answer or otherwise appear within the time allowed. A registrant or licensee in default may attend and participate in any subsequent hearing but may not introduce evidence.

**Section 9.** 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 a proposed 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.

(b) 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>.

(c) 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.

(d) 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.

**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.

**Section 11.** Restoration of License. Upon completing all requirements of a suspended or revoked license, the licensee may apply for reinstatement of licensure by:

(a) Providing the Board office a completed application for reinstatement and any corresponding paper work required for reinstatement.

(b) The application will go before the original investigative Board member, or alternate Board member should the original Board member be no longer in service.

(c) The investigative Board member will present to the Board all findings and conclusions.

(d) The Board shall hold a hearing to approve or decline the reinstatement application.