

RULES AND REGULATIONS OF THE ADMINISTRATOR

CHAPTER 4

RULES OF PRACTICE AND PROCEDURE BEFORE THE ADMINISTRATOR

Section 1. Authority.

This Chapter is promulgated in part pursuant to W.S. §16-3-102(a)(i) (mandate to promulgate rules of practice and procedure).

Section 2. Wyoming Administrative Procedures Act (WAPA).

The WAPA as defined by W.S. 16-3-101 *et seq.* is incorporated herein by reference.

Section 3. Wyoming Rules of Civil Procedure (WRCP).

The WRCP insofar as they are applicable and not inconsistent with the WAPA are incorporated herein by reference.

Section 4. Definitions.

(a) For purposes of this Chapter, the following definitions apply:

(i) “Adjustment order” means an order issued pursuant to W.S. 40-14-616.

(ii) “Appeal period” means the period of twenty (20) days after the notice date.

(iii) “Cease and desist order” means an order that instructs the ordered person to cease and desist from proscribed activity.

(iv) “Contested case” means any formal or investigative hearing before the Administrator.

(v) “Hearing” means a public hearing before the Administrator on an application as provided in W.S. 40-14-634, W.S. 40-19-114, or W.S. 40-14-643(c), or an appeal from the Administrator’s notice of intent.

(vi) “Hearing date” means the date set by the hearing officer for the hearing. The hearing date shall be no less than ten (10) days and no more than ninety (90) days from the date the appeal is filed with the Administrator. Upon agreement of the

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parties and the hearing officer, the hearing date may be extended past ninety (90) days from the date the appeal is filed.

(vii) “Hearing notice” means the notice of the hearing given by the hearing officer to the respondent.

(viii) “Hearing officer” means the any person appointed by the Administrator to preside over a contested case.

(ix) “Notice date” means the date on which the ordered person is served with a notice of intent, which shall conclusively be the date shown on the return receipt or other reliable report of service.

(x) “Notice of intent” means the notice given by the Administrator that he intends to issue a final order.

(xi) “Order” means a cease and desist order, penalty order, order to show cause, adjustment order, or any other order issued by the Administrator.

(xii) “Ordered person” means a person who or which is the subject of an order and upon whom or which the order is to operate directly.

(xiii) “Order to show cause” means an order issued pursuant to W.S. 40-14-635 or W.S. 40-19-115.

(xiv) “Penalty order” means an order, or such portion of an order, that imposes a civil monetary penalty.

(xv) “Person” means an individual, corporation, partnership, trust, association, or other entity.

(xvi) “Proscribed activity” means, as determined by the Administrator, any action or inaction that violates the Wyoming Uniform Consumer Credit Code or the Wyoming Rental-Purchase Agreement Act.

(xvii) “Respondent” means the person whose legal rights, duties, privileges, or conduct are the subject of a formal or investigative hearing before the Administrator.

Section 5. Issuance of Orders.

(a) The Administrator is empowered to issue orders under the Wyoming Uniform Consumer Credit Code and the Wyoming Rental-Purchase Agreement Act. All orders shall be in writing.

(b) All orders shall be delivered to the ordered person;

(i) by certified mail, addressed to the last known address of the ordered person, as shown on the records of the Administrator; or

(ii) in the manner provided for service of process under the Wyoming Rules of Civil Procedure.

(c) Each order shall be accompanied by a notice of intent.

Section 6. Content of Notices of Intent and Orders.

(a) A notice of intent shall include the following:

(i) The name and street mailing address of each ordered person;

(ii) The effective date of the order, unless specified in the order;

(iii) A copy of the order; and

(iv) A statement informing the ordered person that it has the right to a hearing on the order before the Administrator and that failure to request a hearing within the appeal period will result in the waiver of the right to appeal the order before the Administrator.

(b) An order shall include:

(i) The name of the ordered person, identified with reasonable particularity, such as by residence address, social security number or employment status;

(ii) A brief statement, explaining the basis for the issuance of the order;

(iii) If applicable, the effective date of the order, which may be immediately upon issuance;

(iv) In the case of a cease and desist order, a statement directing the ordered person to discontinue the proscribed activity, directing it to correct the effects of or the steps leading to the proscribed activity, or both;

(v) A statement of the grounds for issuing the order, including citation to the statute or rule involved, if any;

(vi) A statement of the facts in support of the allegations contained in the grounds for issuing the order.

Section 7. Representation before the Administrator; Notice of Appearance.

(a) A person may represent itself, or may be represented either by a Wyoming attorney or by a qualified foreign attorney, in proceedings before the Administrator.

(b) Each Wyoming attorney and each qualified foreign attorney shall file with the Administrator a notice of appearance before representing a party in connection with a hearing under this Chapter. In the case of a qualified foreign attorney, the notice of appearance shall have no meaning or effect unless and until his associated Wyoming attorney shall have also filed with the Administrator a notice of appearance. All notices of appearance shall set forth all facts necessary to determine that the attorney is either a Wyoming attorney or a qualified foreign attorney and is authorized to represent his client under this Section.

(c) Administrator counsel shall not be required to file a notice of appearance.

Section 8. Ex Parte Communication.

Unless required for the disposition of ex parte matters authorized by law, the hearing officer shall not consult directly or indirectly with any party regarding a submission, except as allowed under W.S. 16-3-111. A request for status of a proceeding is not an ex parte communication.

Section 9. Confidentiality.

(a) All matters and proceedings arising out of or related to an application or a suspension, revocation, or an order shall be confidential, except as otherwise provided in this Section.

(b) At the hearing, the hearing officer may adjourn the public portion of the hearing at any time to consider or receive any protected material in a session that is not open to the public. To the extent that information is disclosed at public portions of the hearing, such information shall not be confidential.

(c) The hearing officer's findings of fact and conclusions of law and report and recommendation to the Administrator shall not be confidential and shall be available for public inspection under the Wyoming Public Records Act.

(d) After the Administrator has rendered his final decision after the hearing, any written report of such decision shall not be confidential and shall be available for public inspection under the Wyoming Public Records Act.

Section 10. Appointment of Hearing Officer.

(a) Promptly after an appeal is filed with the Administrator, the Administrator may appoint a hearing officer to preside at any proceeding before the Administrator.

(b) The hearing officer shall have all powers necessary to conduct the hearing fairly and impartially, including the power to:

- (i) Administer oaths and affirmations;
- (ii) Issue subpoenas;
- (iii) Rule upon offers of proof and receive relevant evidence;
- (iv) Take depositions or cause depositions to be taken;
- (v) Regulate the course of the hearing;
- (vi) Hold conferences for the settlement or simplification of issues;
- (vii) Dispose of procedural requests and similar matters;

(viii) Make proposed findings of fact, proposed conclusions of law and recommended decisions, but only as and when directed by the Administrator; and

(ix) Take any other action authorized by the Wyoming Administrative Procedure Act or these Rules.

Section 11. Transcripts of Hearings.

(a) If a person desires a copy of those portions of the recording of a hearing that are available for public inspection, it shall request the same in writing. Such request shall be delivered to the Administrator, along with a fee that the Administrator shall determine on a case-by-case basis to recoup the total cost of services and materials necessary to make the copy, including any editing necessary to prevent the disclosure of protected material. Upon receipt of the request and the required fee, the Administrator shall provide such copy to the requesting party as soon as practicable.

(b) If a party desires that a hearing be transcribed by court reporter, it must so inform the Administrator and the hearing officer in writing and make the necessary arrangements and pay all associated costs related to the same. In each such case, the court reporter shall not record protected material nor any proceedings that the party providing the court reporter is not permitted to attend.

Section 12. Form and Content of Filings.

(a) All pleadings filed with the Administrator shall be printed or typewritten.

(b) After a case has been assigned a docket number, all pleadings filed therein shall bear the title, "Before the Administrator," and docket number of the case in which they are filed.

(c) Signing of pleadings. Every party who is not represented by an attorney shall sign his pleadings and state his address. Every pleading of a party represented by an attorney shall be signed by the attorney and shall show his address.

Section 13. Service of Process; Delivery of Other Materials; Use of Overnight Couriers.

(a) Whenever any document or other material that is required to be served on, filed with or otherwise delivered to the Administrator or hearing officer, such service, filing or delivery shall be made in any manner permitted under the Wyoming Rules of Civil Procedure for service of process.

(b) Whenever any document or other material is required to be served on or otherwise delivered to a party in connection with proceedings before the Administrator, such service or delivery shall be made upon:

(i) If such party is represented by counsel who has filed a notice of appearance in accordance with Section 7, then upon such counsel; or

(ii) If such party is an entity or a group of individuals and is not represented by counsel, then upon the agent designated by such party for service of process; or

(iii) In all other circumstances, upon such party.

(c) Whenever any document or other material is required to be served on, filed with or otherwise delivered to any other person, such service, filing or delivery shall be made in any manner permitted under the Wyoming Rules of Civil Procedure for service of process.

(d) Any notice or other written communication that may be delivered by certified mail may be delivered by any reputable, nationwide overnight courier service that obtains the signature of the person to whom delivery is made and that retains records of delivery.

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Section 14. Appeal.

Each appeal filed by the respondent shall contain a statement in ordinary precise language of the matter that is being appealed, and the defense or the position of the

respondent. The defense or position of the respondent shall include specific references to legal authority and facts which support the respondent's position or defense.

Section 15. Discovery and Depositions.

(a) Until thirty (30) days before the hearing or other date determined by the hearing officer, discovery and the taking of depositions shall be available to the parties as provided in W.S. 16-3-107.

(b) The Administrator is subject to the discovery provisions of this Section but neither the Administrator nor any employee of the Division shall be required to disclose protected material, nor shall any of them be compelled to testify or give a deposition. Discovery sought from any employee of the Division initially shall be by written application to the Administrator. If the Administrator refuses to allow discovery in whole or in part, the aggrieved party may apply to the district court for the district in which the hearing is to be conducted for an order directed to the appropriate person to compel discovery.

Section 16. Pre-hearing Conference; Agenda.

(a) At least five (5) days before the hearing, the hearing officer shall conduct a pre-hearing conference to consider the matters specified in subsection (d) of this Section. All parties shall attend the conference. The hearing officer may require each party to submit a memorandum to address the matters specified in subsection (d) of this Section. The conference may be conducted by telephone conference call or other suitable means by which all persons who are part of the conference may actively participate in the conference and can be heard by all other persons who are part of the conference.

(b) The hearing officer shall give each party at least five (5) days notice of the date, time and place for the pre-hearing conference.

(c) The following matters shall be considered at the pre-hearing conference:

(i) The names and addresses of witnesses whom each party intends to call to testify at the hearing, together with a detailed summary of the testimony expected from each witness;

(ii) The documentary evidence each party intends to introduce at the hearing;

(iii) The number, description, and purpose of all demonstrative exhibits each party intends to use at the hearing;

(iv) Material facts, if any, of which the Administrator will be requested to take official notice pursuant to W.S. 16-3-108(d);

(v) Stipulations of fact and documentary evidence to be admitted into the record;

(vi) Matters requiring consideration or submission to the Administrator in executive session;

(vii) The length of time to be devoted to presentation of cases and delivery of opening and closing statements;

(viii) Any other matters that will simplify the issues or otherwise allow the hearing to be conducted more efficiently and quickly; and

(ix) A determination as to whether briefs are to be filed.

(d) At the hearing, the hearing officer shall admit into the record all facts, evidence and other matters to which the parties stipulated at the conference. The Administrator also shall identify those matters of which he will take official notice.

(e) The hearing officer shall prepare an agenda that sets forth the order of business to come before him during the hearing, and the witnesses to be called, the documentary evidence to be introduced, and the exhibits to be used at the hearing. Before the hearing, the Administrator shall provide a copy of the agenda to each party. The agenda will govern the order of business during the hearing unless modified by the Administrator.

Section 17. Right to Appear at Hearing; Public Comment.

(a) Only parties may appear before the hearing officer at a hearing. Whether for himself or in a representative capacity, any individual may testify provided that he is called by a party or by the hearing officer.

(b) The hearing officer, in his discretion, may permit persons in attendance at the hearing to present oral comments at the conclusion of the hearing. The Administrator and the parties may ask questions of any person who presents oral comments at the hearing.

Section 18. Open Hearing; Executive Session.

(a) The hearing shall be open to the public except as otherwise provided in this Chapter. If a person disrupts a hearing or otherwise renders unfeasible the orderly conduct of the hearing, the Administrator or hearing officer shall remove the person from the hearing and continue in session, or they may recess the hearing.

(b) At any time during the hearing, the Administrator or hearing officer may adjourn and reconvene in executive session to consider protected material. Executive sessions of the hearing shall not be open to the public.

Section 19. Order of Procedure.

(a) The hearing shall be conducted substantially as follows:

(i) The hearing officer shall call the hearing to order and call the case to be heard;

(ii) The hearing officer shall address any motions or preliminary matters to be heard, including introduction of exhibits, stipulated facts and evidence, and matters to be noticed officially by the Administrator;

(iii) The hearing officer shall administer to all witnesses an oath or affirmation in substantially the manner prescribed in W.S. 1-12-114;

(iv) Each party may make an opening statement, in the same order as evidence is to be presented, as set forth in this Section;

(v) The respondent shall present its case;

(vi) All other parties shall present their respective cases in the order prescribed by the hearing officer;

(vii) All parties shall be accorded a reasonable amount of time to cross-examine witnesses presented by another party;

(viii) All parties may present rebuttal evidence, if any, in the order and within the time limits prescribed by the hearing officer; and

(ix) Each party may make a closing statement. The hearing officer shall determine the amount of time for each party to make its closing statement.

(b) The hearing officer or the Administrator may ask questions of any party or witness.

Section 20. Nature of Hearing; Presentation of Evidence.

(a) The purpose of the hearing is to obtain a full and true disclosure of all relevant and material facts so that the findings, decisions and orders of the hearing officer are rendered upon information as complete and trustworthy as is practicable. Hearings are not intended to be adversarial in nature.

(b) The taking of evidence shall be governed by W.S. 16-3-108. Documentary and other physical evidence submitted for the Administrator's consideration shall be marked as exhibits. Upon such marking, such evidence shall become part of the record.

(c) The hearing officer shall exercise reasonable control over the manner and order of questioning witnesses and presenting other evidence so as to:

(i) make more effective the ascertainment of the truth and a full and true disclosure of relevant and material facts;

(ii) avoid needless consumption of time;

(iii) avoid presentation of irrelevant, immaterial or unduly repetitious evidence;

(iv) avoid the public disclosure of protected material;

(v) protect the witness from harassment and undue embarrassment; and

(vi) maintain an orderly and efficient hearing.

(d) Cross-examination shall be limited to the subject matter of the direct examination and matters relating to the credibility of the witness. The hearing officer may permit additional inquiry into matters as if on direct examination.

(e) No relevant information shall be excluded solely because it is hearsay.

Section 21. Reopening of Hearing.

Upon reasonable notice to all parties, the hearing officer may reopen the hearing at any time prior to the issuance of his findings of fact, his conclusions of law and his decision and/or order relating to the hearing. To the extent possible, a reopened hearing shall be held in the same community and at the same location as the initial hearing.

Section 22. Records of Hearing and Executive Sessions.

(a) The record of the hearing shall include:

(i) all formal and informal notices, pleadings, motions and intermediate rulings;

(ii) evidence received or considered, including matters officially noticed;

(iii) questions and offers of proof, objections and rulings on the same; and

(iv) any opinion, findings, conclusions, decision or order of the Administrator or the hearing officer.

(b) Portions of the record that contain evidence, testimony, deliberations or other matters presented in executive session shall be deemed to be matters described in W.S. 16-4-203(d) and in W.S. 9-1-512 and shall not be subject to public inspection.

Section 23. Recording of Hearings.

The hearing shall be recorded verbatim steno graphically, or by court reporter, videotape, audiotape or any other means of verbatim recording as may be determined by the Administrator or hearing officer.

Section 24. Findings and Conclusions.

(a) In any proceeding before the Administrator:

(i) The parties have a right to submit proposed findings of fact and conclusions of law or a proposal for decision. The hearing officer shall set reasonable deadlines for submission of proposed findings of fact and conclusions of law.

(ii) Proposed findings of fact submitted under this section must be supported by concise and explicit statements of underlying facts developed from the record with specific reference to where in the record the facts appear.

(iii) The Administrator may direct the hearing officer to write proposed findings of fact and conclusions of law.

(iv) The Administrator shall consider the findings of fact and conclusions of law and;

(A) adopt the proposed findings of fact and conclusions of law, in whole or in part;

(B) decline to adopt the proposed findings of fact and conclusions of law, in whole or in part; or

(C) direct the hearing officer to give further consideration to the proceeding with or without reopening the hearing.

Section 25. Unclaimed Exhibits.

Within sixty (60) days after the expiration of all periods within which an appeal of a final determination must be filed, the parties shall retrieve all exhibits. After that time, the Administrator may dispose of any exhibits not so retrieved.

RULES AND REGULATIONS OF THE ADMINISTRATOR

CHAPTER 5

LOAN ORIGINATOR LICENSING; FEES; INFORMATION CHALLENGE

Section 1. Application/Licensing.

(a) Each mortgage loan originator applicant shall provide all of the information required on the license application form prescribed by the Administrator, as applicable.

(b) An application to obtain a mortgage loan originator license pursuant to W.S. 40-14-642 shall be considered "filed" only after all information and appropriate processing fees required have been received by the Administrator.

(c) An application for a license is a continuing obligation up until approval and issuing of the license applied for. If information in an application becomes inaccurate after filing, the applicant shall promptly notify the Administrator.

(d) A mortgage loan originator license is only active if the mortgage loan originator is sponsored by a company engaged in business under the Code and registered with the Nationwide Mortgage Licensing System. A mortgage loan originator can only be sponsored by and conduct business as a mortgage loan originator for only one company at any time.

Section 2. Application Fee.

Pursuant to W.S. 40-14-642(f), each application for a mortgage loan originator license shall be accompanied by a one hundred and fifty dollar (\$150.00) application fee.

Section 3. License Renewal Fee; Reinstatement; Continuing Education.

(a) Pursuant to W.S. 40-14-646(a)(iii), the mortgage loan originator license renewal fee shall be one hundred and fifty dollars (\$150.00).

(b) Pursuant to W.S. 40-14-646(b) and W.S. 40-14-647(h), if any licensed mortgage loan originator fails to satisfy the requirements for renewal of their license by December 1, that license shall expire on December 31. The mortgage loan originator shall have until March 1 of the year immediately following the year the license expired to satisfy all of the renewal requirements under W.S. 40-14-646(a)(i), (ii) and (iii) and reinstate the license. Business as a mortgage loan originator may not be conducted after December 31 until such time as all of the renewal requirements have been satisfied and the license has been reinstated to active status on the Nationwide Mortgage Licensing

System. Failure to complete all of the renewal requirements by March 1 will result in final expiration of the license.

Section 4. Information Challenge on Report to the Registry.

(a) Upon written request, an individual is entitled to a hearing to challenge any information relating to that individual entered onto the registry by the Administrator if the individual has previously provided a written challenge to the Administrator regarding such information and the Administrator has provided a written response that the information being challenged will not be removed from the registry.

(b) Notwithstanding any provision under the Wyoming Administrative Procedure Act, a request for hearing shall not be made more than fifteen (15) days after the individual has received notification by certified mail that information being challenged will not be removed from the registry by the Administrator and the supporting reasons for that decision.

Section 5. Surety Bond.

(a) Pursuant to W.S. 40-14-637, any organization employing or contracting with a mortgage loan originator shall obtain an initial surety bond in the amount of twenty five thousand dollars (\$25,000.00). Annually thereafter and prior to January 31 of each year, the bond amount shall be adjusted based upon the total volume of residential mortgage loan business under the Code conducted by mortgage loan originators during the previous calendar year according to the following scale:

(i) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was equal to or less than three million dollars (\$3,000,000.00), the amount of the bond shall be twenty-five thousand dollars (\$25,000.00).

(ii) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was greater than three million dollars (\$3,000,000.00) but less than ten million dollars (\$10,000,000.00) the amount of the bond shall be fifty thousand dollars (\$50,000.00).

(iii) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was equal to or greater than ten million dollars (\$10,000,000.00) the amount of the bond shall be one hundred thousand dollars (\$100,000.00).

parties and the hearing officer, the hearing date may be extended past ninety (90) days from the date the appeal is filed.

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(ii) If such party is an entity or a group of individuals and is not represented by counsel, then upon the agent designated by such party for service of process; or

(iii) In all other circumstances, upon such party.

(c) Whenever any document or other material is required to be served on, filed with or otherwise delivered to any other person, such service, filing or delivery shall be made in any manner permitted under the Wyoming Rules of Civil Procedure for service of process.

(d) Any notice or other written communication that may be delivered by certified mail may be delivered by any reputable, nationwide overnight courier service that obtains the signature of the person to whom delivery is made and that retains records of delivery.

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Section 14. Appeal.

Each appeal filed by the respondent shall contain a statement in ordinary precise language of the matter that is being appealed, and the defense or the position of the

respondent. The defense or position of the respondent shall include specific references to legal authority and facts which support the respondent's position or defense.

Section 15. Discovery and Depositions.

(a) Until thirty (30) days before the hearing or other date determined by the hearing officer, discovery and the taking of depositions shall be available to the parties as provided in W.S. 16-3-107.

(b) The Administrator is subject to the discovery provisions of this Section but neither the Administrator nor any employee of the Division shall be required to disclose protected material, nor shall any of them be compelled to testify or give a deposition. Discovery sought from any employee of the Division initially shall be by written application to the Administrator. If the Administrator refuses to allow discovery in whole or in part, the aggrieved party may apply to the district court for the district in which the hearing is to be conducted for an order directed to the appropriate person to compel discovery.

Section 16. Pre-hearing Conference; Agenda.

(a) At least five (5) days before the hearing, the hearing officer shall conduct a pre-hearing conference to consider the matters specified in subsection (d) of this Section. All parties shall attend the conference. The hearing officer may require each party to submit a memorandum to address the matters specified in subsection (d) of this Section. The conference may be conducted by telephone conference call or other suitable means by which all persons who are part of the conference may actively participate in the conference and can be heard by all other persons who are part of the conference.

(b) The hearing officer shall give each party at least five (5) days notice of the date, time and place for the pre-hearing conference.

(c) The following matters shall be considered at the pre-hearing conference:

(i) The names and addresses of witnesses whom each party intends to call to testify at the hearing, together with a detailed summary of the testimony expected from each witness;

(ii) The documentary evidence each party intends to introduce at the hearing;

(iii) The number, description, and purpose of all demonstrative exhibits each party intends to use at the hearing;

(iv) Material facts, if any, of which the Administrator will be requested to take official notice pursuant to W.S. 16-3-108(d);

(v) Stipulations of fact and documentary evidence to be admitted into the record;

(vi) Matters requiring consideration or submission to the Administrator in executive session;

(vii) The length of time to be devoted to presentation of cases and delivery of opening and closing statements;

(viii) Any other matters that will simplify the issues or otherwise allow the hearing to be conducted more efficiently and quickly; and

(ix) A determination as to whether briefs are to be filed.

(d) At the hearing, the hearing officer shall admit into the record all facts, evidence and other matters to which the parties stipulated at the conference. The Administrator also shall identify those matters of which he will take official notice.

(e) The hearing officer shall prepare an agenda that sets forth the order of business to come before him during the hearing, and the witnesses to be called, the documentary evidence to be introduced, and the exhibits to be used at the hearing. Before the hearing, the Administrator shall provide a copy of the agenda to each party. The agenda will govern the order of business during the hearing unless modified by the Administrator.

Section 17. Right to Appear at Hearing; Public Comment.

(a) Only parties may appear before the hearing officer at a hearing. Whether for himself or in a representative capacity, any individual may testify provided that he is called by a party or by the hearing officer.

(b) The hearing officer, in his discretion, may permit persons in attendance at the hearing to present oral comments at the conclusion of the hearing. The Administrator and the parties may ask questions of any person who presents oral comments at the hearing.

Section 18. Open Hearing; Executive Session.

(a) The hearing shall be open to the public except as otherwise provided in this Chapter. If a person disrupts a hearing or otherwise renders unfeasible the orderly conduct of the hearing, the Administrator or hearing officer shall remove the person from the hearing and continue in session, or they may recess the hearing.

(b) At any time during the hearing, the Administrator or hearing officer may adjourn and reconvene in executive session to consider protected material. Executive sessions of the hearing shall not be open to the public.

Section 19. Order of Procedure.

(a) The hearing shall be conducted substantially as follows:

(i) The hearing officer shall call the hearing to order and call the case to be heard;

(ii) The hearing officer shall address any motions or preliminary matters to be heard, including introduction of exhibits, stipulated facts and evidence, and matters to be noticed officially by the Administrator;

(iii) The hearing officer shall administer to all witnesses an oath or affirmation in substantially the manner prescribed in W.S. 1-12-114;

(iv) Each party may make an opening statement, in the same order as evidence is to be presented, as set forth in this Section;

(v) The respondent shall present its case;

(vi) All other parties shall present their respective cases in the order prescribed by the hearing officer;

(vii) All parties shall be accorded a reasonable amount of time to cross-examine witnesses presented by another party;

(viii) All parties may present rebuttal evidence, if any, in the order and within the time limits prescribed by the hearing officer; and

(ix) Each party may make a closing statement. The hearing officer shall determine the amount of time for each party to make its closing statement.

(b) The hearing officer or the Administrator may ask questions of any party or witness.

Section 20. Nature of Hearing; Presentation of Evidence.

(a) The purpose of the hearing is to obtain a full and true disclosure of all relevant and material facts so that the findings, decisions and orders of the hearing officer are rendered upon information as complete and trustworthy as is practicable. Hearings are not intended to be adversarial in nature.

(b) The taking of evidence shall be governed by W.S. 16-3-108. Documentary and other physical evidence submitted for the Administrator's consideration shall be marked as exhibits. Upon such marking, such evidence shall become part of the record.

(c) The hearing officer shall exercise reasonable control over the manner and order of questioning witnesses and presenting other evidence so as to:

(i) make more effective the ascertainment of the truth and a full and true disclosure of relevant and material facts;

(ii) avoid needless consumption of time;

(iii) avoid presentation of irrelevant, immaterial or unduly repetitious evidence;

(iv) avoid the public disclosure of protected material;

(v) protect the witness from harassment and undue embarrassment; and

(vi) maintain an orderly and efficient hearing.

(d) Cross-examination shall be limited to the subject matter of the direct examination and matters relating to the credibility of the witness. The hearing officer may permit additional inquiry into matters as if on direct examination.

(e) No relevant information shall be excluded solely because it is hearsay.

Section 21. Reopening of Hearing.

Upon reasonable notice to all parties, the hearing officer may reopen the hearing at any time prior to the issuance of his findings of fact, his conclusions of law and his decision and/or order relating to the hearing. To the extent possible, a reopened hearing shall be held in the same community and at the same location as the initial hearing.

Section 22. Records of Hearing and Executive Sessions.

(a) The record of the hearing shall include:

(i) all formal and informal notices, pleadings, motions and intermediate rulings;

(ii) evidence received or considered, including matters officially noticed;

(iii) questions and offers of proof, objections and rulings on the same; and

(iv) any opinion, findings, conclusions, decision or order of the Administrator or the hearing officer.

(b) Portions of the record that contain evidence, testimony, deliberations or other matters presented in executive session shall be deemed to be matters described in W.S. 16-4-203(d) and in W.S. 9-1-512 and shall not be subject to public inspection.

Section 23. Recording of Hearings.

The hearing shall be recorded verbatim steno graphically, or by court reporter, videotape, audiotape or any other means of verbatim recording as may be determined by the Administrator or hearing officer.

Section 24. Findings and Conclusions.

(a) In any proceeding before the Administrator:

(i) The parties have a right to submit proposed findings of fact and conclusions of law or a proposal for decision. The hearing officer shall set reasonable deadlines for submission of proposed findings of fact and conclusions of law.

(ii) Proposed findings of fact submitted under this section must be supported by concise and explicit statements of underlying facts developed from the record with specific reference to where in the record the facts appear.

(iii) The Administrator may direct the hearing officer to write proposed findings of fact and conclusions of law.

(iv) The Administrator shall consider the findings of fact and conclusions of law and;

(A) adopt the proposed findings of fact and conclusions of law, in whole or in part;

(B) decline to adopt the proposed findings of fact and conclusions of law, in whole or in part; or

(C) direct the hearing officer to give further consideration to the proceeding with or without reopening the hearing.

Section 25. Unclaimed Exhibits.

Within sixty (60) days after the expiration of all periods within which an appeal of a final determination must be filed, the parties shall retrieve all exhibits. After that time, the Administrator may dispose of any exhibits not so retrieved.

RULES AND REGULATIONS OF THE ADMINISTRATOR

CHAPTER 5

LOAN ORIGINATOR LICENSING; FEES; INFORMATION CHALLENGE

Section 1. Application/Licensing.

(a) Each mortgage loan originator applicant shall provide all of the information required on the license application form prescribed by the Administrator, as applicable.

(b) An application to obtain a mortgage loan originator license pursuant to W.S. 40-14-642 shall be considered “filed” only after all information and appropriate processing fees required have been received by the Administrator.

(c) An application for a license is a continuing obligation up until approval and issuing of the license applied for. If information in an application becomes inaccurate after filing, the applicant shall promptly notify the Administrator.

(d) A mortgage loan originator license is only active if the mortgage loan originator is sponsored by a company engaged in business under the Code and registered with the Nationwide Mortgage Licensing System. A mortgage loan originator can only be sponsored by and conduct business as a mortgage loan originator for only one company at any time.

Section 2. Application Fee.

Pursuant to W.S. 40-14-642(f), each application for a mortgage loan originator license shall be accompanied by a one hundred and fifty dollar (\$150.00) application fee.

Section 3. License Renewal Fee; Reinstatement; Continuing Education.

(a) Pursuant to W.S. 40-14-646(a)(iii), the mortgage loan originator license renewal fee shall be one hundred and fifty dollars (\$150.00).

(b) Pursuant to W.S. 40-14-646(b) and W.S. 40-14-647(h), if any licensed mortgage loan originator fails to satisfy the requirements for renewal of their license by December 1, that license shall expire on December 31. The mortgage loan originator shall have until March 1 of the year immediately following the year the license expired to satisfy all of the renewal requirements under W.S. 40-14-646(a)(i), (ii) and (iii) and reinstate the license. Business as a mortgage loan originator may not be conducted after December 31 until such time as all of the renewal requirements have been satisfied and the license has been reinstated to active status on the Nationwide Mortgage Licensing

System. Failure to complete all of the renewal requirements by March 1 will result in final expiration of the license.

Section 4. Information Challenge on Report to the Registry.

(a) Upon written request, an individual is entitled to a hearing to challenge any information relating to that individual entered onto the registry by the Administrator if the individual has previously provided a written challenge to the Administrator regarding such information and the Administrator has provided a written response that the information being challenged will not be removed from the registry.

(b) Notwithstanding any provision under the Wyoming Administrative Procedure Act, a request for hearing shall not be made more than fifteen (15) days after the individual has received notification by certified mail that information being challenged will not be removed from the registry by the Administrator and the supporting reasons for that decision.

Section 5. Surety Bond.

(a) Pursuant to W.S. 40-14-637, any organization employing or contracting with a mortgage loan originator shall obtain an initial surety bond in the amount of twenty five thousand dollars (\$25,000.00). Annually thereafter and prior to January 31 of each year, the bond amount shall be adjusted based upon the total volume of residential mortgage loan business under the Code conducted by mortgage loan originators during the previous calendar year according to the following scale:

(i) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was equal to or less than three million dollars (\$3,000,000.00), the amount of the bond shall be twenty-five thousand dollars (\$25,000.00).

(ii) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was greater than three million dollars (\$3,000,000.00) but less than ten million dollars (\$10,000,000.00) the amount of the bond shall be fifty thousand dollars (\$50,000.00).

(iii) If the total volume of Wyoming residential mortgage loan business under the Code conducted by mortgage loan originators was equal to or greater than ten million dollars (\$10,000,000.00) the amount of the bond shall be one hundred thousand dollars (\$100,000.00).