



Department Of Fire Prevention & Electrical Safety

MATTHEW H. MEAD
GOVERNOR

LANNY APPEGATE
STATE FIRE MARSHAL

GUIDELINES FOR ELECTRICAL BOARD APPEAL HEARINGS

REVISED 11/23/11

This form provides specific guidelines for the processing of requests for appeals hearings and establishes administrative policy and procedure for the Department of Fire Prevention and Electrical Safety "Department" and the Electrical Board "Board", relative to the referenced statute and is intended to work as a supplement to Chapter VII, Hearing Procedures.

Under W.S. 35-9-124(a)(ii), the Board is required to hear appeals regarding the installation of electrical equipment and electrical safety standards; to determine suitability of alternate materials and type of construction related to the electrical equipment and electrical safety standards; and to hear the appeal of a license applicant whose application was denied by the Chief Electrical Inspector. ***It is not the function of the Board to recommend or design those methods and types. The Board does not have the authority to grant variances to code requirements.***

Persons desiring to be heard by the Board under this section shall complete the Appeal Request Form (attached). Seven (7) copies of the form and the required documentation must be completed and returned to the Department five (5) days prior to the next regularly scheduled Board meeting.

Written and oral information in support of the request may be presented to the Board during the next regularly scheduled Board meeting. All requests must contain explanations, exhibits, or evidence of alternative methods of code compliance. The appellant shall submit seven (7) copies of each written document to the Board on or before the hearing.

The Department must present exhibits or evidence which explain the violation.

The proposed alternative request must provide for safety of life and property and meet the minimum standards of Wyoming law. In addition, when applicable, the Board may consider, but is not limited to considering:

- (a) The proximity of the facility or installation to people and property, e.g., distance to property line or public way, exposure to other fire or hazard potentials, population congestion, etc.

(over)

- (b) The slope, size, location, and function of the land, building and/or installation.
- (c) Prior alternative requests granted in similar situations.
- (d) Federal regulations.
- (e) The attitude of the building, fire, and electrical safety officials in the jurisdiction where the requested alternative is located.
- (f) The fire fighting capabilities of the jurisdiction where the requested alternative is located.
- (g) Other factors relevant to a specific alternative request.

The Board may rule upon the request during the meeting or within 30 days following. If the request is denied, the individual may pursue the following:

- (a) Revise the request and communicate the revisions to the Board as a continuing request, or
- (b) Request an administrative hearing before an independent hearing officer on the appeal request. The hearing shall be conducted according to Chapter VII, Appeal Procedures of the Department Rules.



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LANNY APPLGATE STATE FIRE MARSHAL

APPEAL REQUEST FORM FOR THE ELECTRICAL BOARD REVISED 11/23/11

Persons desiring to be heard by the Board under section (W.S. 35-9-124 (a)(ii)) shall complete this form.

APPLICANT INFORMATION:

Name/Title: Address: City, State, Zip: Phone:

TO BE PRESENTED BY:

Name of attorney or person who will be representing applicant: Name/Title: Address: City, State, Zip: Phone:

Address or location of facility or installation involved:

(over)

Reason for hearing request:

Item 1.____ On installation of electrical equipment and electrical safety standards; and to determine the suitability of alternate materials and type of construction related to the electrical equipment and electrical safety standards.

- a. If request is for Item 1, attach separate sheet(s) clearly detailing the specific method used to achieve suitability of alternate materials and types of construction, including all test data, etc., necessary to substantiate your submittal.

Item 2.____ A license applicant whose application was denied by the Chief Electrical Inspector.

- a. If request is for Item 2, file a written appeal at the office of the Chief Electrical Inspector within 30 days from the date of service of such order.

Explain reason for hearing request:

THE APPLICANT WILL NEED TO SUBMIT SEVEN (7) COPIES OF THIS COMPLETED FORM AND THE REQUIRED DOCUMENTATION AS OUTLINED ABOVE; AND RETURN TO THE DEPARTMENT OF FIRE PREVENTION AT LEAST FIVE (5) WORKING DAYS PRIOR TO THE NEXT REGULARLY SCHEDULED BOARD MEETING, WHICH IS SCHEDULED FOR _____.

A SCHEDULE OF THE BOARD MEETINGS MAY BE OBTAINED BY CALLING OR WRITING THE STATE FIRE MARSHAL'S OFFICE AT (307) 777-7288, 122 W. 25th STREET, HERSCHLER BUILDING 1-W, CHEYENNE, WYOMING 82002.