

ELECTRICAL BOARD RULES AND REGULATIONS

(RULES ADOPTED BY GOVERNOR ON 06/10/2011)

CHAPTER 1 GENERAL PROVISIONS

Section 1. These rules are adopted pursuant to W.S. 35-9-124 (a) and W.S. 16-3-102.

Section 2. Membership of the Board. As provided in W.S. 35-9-103 (c), the Board consists of five (5) members appointed by the governor for six (6) year terms. At least one (1) member and no more than (2) two shall be journeymen electricians, one (1) and no more than (2) two shall be master electricians, and at least one (1) and no more than (2) two shall be electrical contractors.

Section 3. Officers of the Board. The Board at its first meeting after March 1, shall choose from its members a Chairman, a Vice Chairman, and a Secretary. A quorum shall consist of three (3) members.

CHAPTER 2 DEFINITIONS

Section 1. Definitions. For the purpose of these Rules and Regulations, the following definitions shall apply:

(a) "Apprentice Electrician" means a person who has insufficient qualifications to be a journeyman electrician and is hired by a licensed electrical contractor to assist a licensed journeyman or master electrician. From and after March 1, 1994, an apprentice electrician must be registered with the Department of Fire Prevention and Electrical Safety, and must be enrolled in a bona fide program of training approved by the Bureau of Apprenticeship and Training, United States Department of Labor, or present evidence directly to the Board that he is enrolled in an apprentice training program which provides training equivalent to a program approved by the Bureau of Apprenticeship and Training, United States Department of Labor.

(b) "Apprentice Technician" means a person who has insufficient qualifications to be a low voltage or a limited technician and is hired by a licensed electrical contractor, low voltage contractor, or limited contractor to assist a licensed low voltage or limited technician. An apprentice technician must be registered with the Department of Fire Prevention and Electrical Safety and must be enrolled in a training program as approved by the Board.

(c) "Chief Electrical Inspector" means the administrator of the electrical safety division, who is a Wyoming master electrician, certified as an electrical inspector by the International Association of Electrical Inspectors or the International Conference of Building Officials.

(d) "Department" means the Department of Fire Prevention and Electrical Safety.

(e) "Documented Evidence of Work Experience" means notarized letters from employees (past and present), notarized letters from IBEW local union or a copy of a current electrical license from another state licensing board which has work history requirement equal to or greater than the State of Wyoming.

(f) "Documented School Experience" means official transcripts which indicate the number of credit hours or actual number of classroom hours of electrically related courses.

(g) "Electrical Board" (Board) consists of five (5) members appointed by the governor for six (6) year terms. One (1) member and no more than two (2) shall be journeymen electricians, one (1) and no more than two (2) shall be a master electricians, and one (1) and no more than two (2) shall be electrical contractors.

(h) "Electrical Contractor" means a person licensed by the Department to contract with another to plan, lay out and supervise the installation of electric equipment. "Electrical Contractor" excludes a person who only plans or designs electrical installations.

(i) "Electrical Safety Division" is the Division that is responsible for the licensing of companies and individuals who are performing electrical installations. The Division is also responsible for issuing electrical wiring permits as well as performing inspections of electrical installations.

(j) "Electrical Work" means the installation, alteration, reconstruction, or repair of electrical wiring and/or systems as described by the National Electrical Code (NEC) Article 90-2.

(k) "Electrical Work Experience" means electrical installations performed by the applicant and governed by the National Electrical Code.

(l) "Electrical Wiring" means any electrical conductor, conduit, material, device, fitting, apparatus, appliance, fixture, or equipment, constituting a part of or connected to any installation attached or fastened to any building, structure, or premises, and which installation or portion thereof is designed, intended, or used to generate, transmit, transform, or utilize electrical energy within the scope and purpose of the NEC.

(m) "Installation of Electric Equipment" includes installing, altering and repairing the wiring of apparatus, equipment and conductors subject to the National Electrical Code.

(n) "Journeyman Electrician" means a person licensed by the Department who has four (4) years experience in the electrical wiring industry and technical knowledge to install and supervise the installation of electrical equipment for any purpose in accordance with the National Electrical Code and city, county and state ordinances and regulations.

(o) "License" means permission to perform electrical installations in the State of Wyoming.

(p) "Limited Electrical Contractor" means a person, licensed by the Department to contract with another to plan, lay out and supervise the installation of electrical equipment associated with the type of limited electrical contractor license held. "Limited Electrical Contractor" excludes a person who only plans or designs electrical installations.

(q) "Limited Technician" means a person licensed by the Department who has two (2) years experience in the portion of the electrical wiring industry covered by his limited license and technical knowledge to install and supervise the installation of electrical equipment associated with the type of limited electrical license held in accordance with the National Electrical Code and city, county and state ordinances and regulations.

(r) "Low Voltage Electrical Contractor" means a person licensed by the Department to contract with another to plan, lay out and supervise the installation of electrical equipment associated with the type of limited electrical contractor license held. "Low Voltage Electrical Contractor" excludes a person who only plans or designs electrical installations.

(s) "Low Voltage Technician" means a person licensed by the Department who has two (2) years experience in the portion of the electrical wiring industry covered by his low voltage license and technical knowledge to install and supervise the installation of electrical equipment associated with the type of low voltage electrical license held in accordance with the National Electrical Code and city, county and state ordinances and regulations.

(t) "Master Electrician" means a person licensed by the Department who has eight (8) years experience in the electrical wiring industry and technical knowledge to plan, lay out and supervise the installation of electric equipment in accordance with the National Electrical Code and city, county and state ordinances and regulations.

(u) "Master Electrician of Record" means a Wyoming licensed master electrician who is actively employed by a licensed electrical contractor in a full-time capacity, and who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the Department of Fire Prevention and Electrical Safety are adhered to on all electrical work undertaken by the electrical contractor in the State of Wyoming, and who is not the master electrician of State record for, or employed by, any other electrical contractor.

(v) "National Electrical Code (NEC)" is the current electrical code created by the National Fire Protection Association whose purpose is the practical safeguarding of persons and property from hazards arising from the use of electricity.

(w) "Technician of Record" means a Wyoming licensed low voltage or limited technician who is actively employed by a licensed low voltage or limited electrical contractor in a full time capacity, and who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the Department of Fire Prevention and Electrical Safety are adhered to on all low voltage or limited electrical work undertaken by the low voltage or limited electrical contractor in the State of Wyoming, and who is not the technician of record for, or employed by, any other low voltage or limited electrical contractor.

(x) “Temporary Work Permit” means a permit that allows an applicant to engage in the work of a journeyman electrician, low voltage technician, or a limited technician who applies, furnishes satisfactory evidence of experience to qualify for the examination, and pays the required fees.

**CHAPTER 3
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**CHAPTER 4
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CHAPTER 5 ELECTRICAL LICENSING

Section 1. Electrical Contractors, Low Voltage Electrical Contractors and Limited Electrical Contractors.

(a) All work done by an electrical contractor subject to the National Electrical Code shall be under the direction and supervision of a licensed journeyman electrician or a licensed master electrician

(i) An electrical contractor may employ licensed low voltage technicians and/or licensed limited technicians and apprentice technicians. The scope of work for low voltage and limited technicians and apprentice technicians working for electrical contractors shall be limited by the type of technician license or apprentice technician registration held. Low voltage and/or limited electrical work may be supervised by a licensed low voltage or limited technician of the proper category.

(b) All work done by a low voltage or limited electrical contractor subject to the National Electrical Code must be within the category of low voltage or limited electrical contractor's license held and shall be under the direction and supervision of a licensed low voltage or limited technician of the proper category.

(i) A low voltage or limited electrical contractor may employ licensed journeyman or licensed master electricians. The scope of work for journeyman or master electricians working for low voltage or limited electrical contractors shall be limited by the category of low voltage or limited electrical contractor's license held by the contractor.

(c) Electrical contractors, low voltage electrical contractors, and limited electrical contractors shall ensure that all their electrical installations comply fully with the current edition of the National Electrical Code and amendments thereto, unless written permission for an exception is issued by the Board. Such permission is limited by the requirements set forth in Article 90 of The National Electrical Code.

(d) An electrical contractor who has lost their master of record may have up to but not more than thirty (30) days to register a new master of record.

(i) During the time that an electrical contractor is without a master of record they shall submit to the Electrical Safety Division each Monday a list of all licensed employees that worked on projects the previous week in Wyoming. The list must show which projects the electricians were working on and number of hours worked. The list shall include each apprentice, the year of registration, their on-the-job supervisor and how many hours the supervisor was available on the project.

(e) A low voltage electrical contractor or limited electrical contractor who has lost their technician of record may have up to but not more than thirty (30) days to register a technician of record.

(i) During the time that a low voltage electrical contractor or limited electrical contractor is without a technician of record they shall submit to the Electrical Safety Division each Monday a list of all licensed employees that worked on projects the previous week in Wyoming. The list must show which projects the technicians were working on and number of hours worked. The list shall include each apprentice, the year of registration, their on-the-job supervisor and how many hours the supervisor was available on the project.

(f) Low Voltage - Licensing categories of systems of under ninety (90) volts by low voltage electrical contractors shall be as follows:

(i) LV-G Low Voltage General - Installations of under ninety (90) volts for systems such as sound systems, burglar alarm systems, fire alarm systems, communication systems, television and satellite systems, cathodic protection systems, and other low voltage systems.

(ii) LV-A Low Voltage Alarms - Installation and repair or remodel of burglar alarms, fire alarms, and other alarm signaling systems.

(iii) LV-C Low Voltage Communication - Installation and repair or remodel of telephone systems, intercom systems, related fiber optics, computer systems, and other communication systems.

(iv) LV-S Low Voltage Sound - Installation and repair or remodel of sound systems.

(v) LV-T Low Voltage TV - Installation and repair or remodel of cable TV systems, satellite receivers, and community antenna systems.

(vi) LV-X Low Voltage Control - Installation and repair or remodel of low voltage control and instrumentation systems and related fiber optics.

(vii) LV-L Low Voltage Lawn Sprinklers – Installation and repair or remodel of lawn sprinkler systems under (90) volts.

(g) Limited - Licensing categories of limited electrical work by limited electrical contractors shall be as follows:

(i) LM-E Elevators - Installation and repair or remodel of elevator systems limited to wiring on the load side of the equipment disconnect.

(ii) LM-S Signs - Installation and repair or remodel of electrical sign systems limited to wiring on the load side of the equipment disconnect.

(iii) LM-W Water Wells and Irrigation Systems - Installation and repair or remodel of water well and irrigation systems limited to electrical wiring on the load side of the equipment disconnect.

(iv) LM-L Light Fixtures - Routine checking and repair of light fixtures, limited to replacement of lamps, ballasts and fixture parts located in buildings and their premises.

(v) LM-H - Installation and repair or remodel of heating, ventilating, air conditioning, refrigeration, and HVAC energy management systems limited to electrical wiring on the load side of the equipment disconnect.

Section 4. Master Electricians, Journeyman Electricians, Low Voltage Technicians and Limited Technicians.

(a) An applicant for a journeyman electrician license by exam must present evidence of a four (4) year (8,000 hour) apprenticeship or experience in the electrical wiring industry. The 8,000 hours of experience must have been obtained during a time frame of no less than four (4) years. Work shall have been governed by the minimum standards of the NEC, under the direct supervision of a licensed journeyman or licensed master electrician. Electrical work experience is to consist of installation in residential, commercial, and industrial. No more than 75 percent of time may be in any one category. However, in special circumstances, the Board may waive this requirement. Up to two (2) years (4,000 hours) credit toward work history requirements shall be given for the number of hours of study in an accredited electrical school exceeding the 576 hours of electrically related classroom instruction required in Section 5(a)(i).

(i) An applicant for a journeyman electrician or master electrician license must also present evidence of 144 hours per year, or 576 hours over a four year apprenticeship, of successfully completed electrically related classroom instruction obtained through approved electrical apprenticeship training programs.

(ii) Applicants who have a current journeyman or master electrician's license, in good standing, from a city, county or state which has requirements equal to or greater than the requirements of the State of Wyoming shall be able to use that license as proof to qualify to take the examination.

(iii) All properly documented work experience obtained while working for an exempt entity in the State of Wyoming as defined in W.S. 35-9-123 (a)(ii) through (v) will be acceptable. Such work shall have been governed by the minimum standards of the NEC, under the direct supervision of a licensed journeyman or licensed master electrician. Applicants with acceptable work history obtained while working for an exempt entity must also document an equal number of hours of related classroom instruction as required for apprentice electricians enrolled in approved electrical apprenticeship training programs.

(b) An applicant for a master electrician license by exam must present evidence of eight (8) years (16,000 hours) experience in the electrical wiring industry and having held a journeyman electrician license for a minimum of four (4) years. The 16,000 hours of “Documented Evidence of Work Experience” means notarized letters from employees (past and present), notarized letters from IBEW local union or a copy of a current electrical license from another state licensing board which has work history requirement equal to or greater than the State of Wyoming.

(c) An applicant for a low voltage license must present evidence of the required experience that meets minimum standards of the NEC for the category of license indicated on the application. Classroom instruction is not required for a low voltage license. Experience requirements for the various categories of a low voltage license are as follows:

(i) LV-G Low Voltage General – 4,000 hours during a period of not less than two (2) years for any category of low voltage license not specifically addressed below.

(ii) LV-A Low Voltage Alarms – 3,000 hours during a period of not less than two (18) months.

(iii) LV-C Low Voltage Communication – 500 hours during a period of not less than three (3) months.

(iv) LV-S Low Voltage Sound – 500 hours during a period of not less than three (3) months.

(v) LV-T Low Voltage TV – 500 hours during a period of not less than three (3) months.

(vi) LV-X Low Voltage Control – 1,000 hours during a period of not less than six (6) months.

(vii) LV-L Low Voltage Lawn Sprinklers – 80 hours during a period of not less than two (2) months.

(d) An applicant for a limited technician license must present evidence of the required experience that meets minimum standards of the NEC for the category of license indicated on the application. Classroom instruction is not required for a limited technician license. Experience requirements for the various categories of a limited technician license are as follows:

(i) LM-L Light Fixtures – 1,000 hours during a period of not less than six (6) months.

(ii) All other limited technician categories – 4,000 hours during a period of not less than two (2) years.

(e) Master electrician applicants shall receive a passing grade of 75 percent on the examination. Journeyman electrician applicants shall receive a passing grade of 70 percent on the examination. Low voltage technician and limited technician applicants shall receive a passing grade of 70 percent on the examination.

(f) Anyone who has tested (and failed) for an electrical license within the State of Wyoming is not eligible for a reciprocal license until they have held the license from that state for a period of (3) years and also must show proof of an approved continuing education seminar of sixteen (16) hours on electrical code which is currently enforced in the State of Wyoming.

Section 5. License Updating.

(a) Each journeyman and master electrician licensed by the State in order to renew their license shall provide proof of attendance at not less than sixteen (16) hours of training in the National Electrical Code or in advances in the electrical industry meeting the criteria established by the Board on or before the date his license expires. At least eight (8) of the required sixteen (16) hours of training shall specifically cover the National Electrical Code. The classes, seminars, or courses must:

(i) Concern material covered by the current or future edition of the Code, and/or in advances in the electrical industry.

(ii) Be taught by a certified electrical inspector, a licensed master electrician who has been certified by the Department, an individual who has electrical expertise in the electrical subject being presented, or an instructor otherwise qualified by the Department.

Section 6. Reciprocal Licensing

(a) “Reciprocal Licensing” is a master, journeyman, low voltage, and limited technician license that has been reciprocated into the State of Wyoming from a state that has a reciprocal agreement with the State of Wyoming. In order to receive a master, journeyman, low voltage, and limited technician reciprocal license the applicant must have obtained their license by examination. A journeyman, low voltage, or limited technician must have a score of 70%, while a master must have passed with a score of 75%. The applicant must have held their license for at least one year in the state the applicant is reciprocating from and the license must be active and in good status with no violations. Proof of the current license must be shown/verified from which the state they are reciprocating from. To apply for a reciprocal license you must fill out the appropriate application and pay the appropriate fees.

Section 7. Apprentice Electricians, Apprentice Electrician Training Programs and Apprentice Technicians.

(a) An apprentice electrician is any person working as an apprentice for a licensed electrical contractor and under the direct supervision of a licensed journeyman electrician, or a licensed master electrician.

(i) Apprentice electricians renewing their registration with the Department of Fire Prevention and Electrical Safety will be required to provide proof of the following:

(A) The total number of hours of on-the-job electrical work experience obtained during the twelve (12) month period from July 1 of the previous year to June 30 of the current year. Work shall have been governed by the minimum standards of the NEC, under the direct supervision or attestation of a licensed journeyman or licensed master electrician. A breakdown indicating number of hours obtained in residential, commercial, and industrial work categories shall be included. Documentation of work history shall be through notarized letters on company letterhead from past or present employers.

(B) The total number of hours of successfully completed electrically related classroom instruction obtained through accredited schools or through approved apprenticeship programs during the twelve (12) month period from July 1 of the previous year to June 30 of the current year. Documentation of all electrically related classroom instruction, time spent in electrical school, and time spent in approved on-line classroom instruction shall be through transcripts from an accredited school or classroom training records from an approved electrical apprenticeship program.

(ii) Apprentice electricians will not be advanced to the next year of apprenticeship training until proof of one (1) year (2,000 hours) of on-the-job electrical work experience and 144 hours of successfully completed electrically related classroom instruction or approved on-line classroom instruction, obtained through an approved electrical apprenticeship program, can be documented for the current year of their apprenticeship registration.

(iii) Each apprentice electrician shall be supervised by a licensed master or journeyman electrician during his entire training period.

(A) First (1st) year apprentice who has less than 2,000 hours on-the-job training and less than 144 hours related classroom training shall be supervised 100 percent of the workday by a licensed master or licensed journeyman, who must be present on the job.

(B) Second (2nd) year apprentice who has at least 2,000 hours on-the-job training and 144 hours of related classroom training but less than 4,000 on-the-job-training or 288 hours of related training shall be supervised 100 percent of the workday by a licensed master or licensed journeyman, who must be present on the job.

(C) Third (3rd) year apprentice who has at least 4,000 hours on-the-job training and at least 288 hours of related classroom training, but less than 6,000 hours on-the-job-training or 432 hours of related training shall be supervised at least 50 percent of the workday by a licensed master or licensed journeyman, who must be present on the job.

(D) Fourth (4th) year apprentice who has at least 6,000 hours on-the-job training and 432 hours of related classroom training but less than 8,000 hours on-the-job-training or 576 hours of related training shall be supervised 25 percent of the workday by a licensed master or licensed journeyman, who must be present on the job.

(E) Fifth (5th) year apprentice who has at least 8,000 hours on-the-job-training and 576 hours of related training shall be supervised 25 percent of the workday by a licensed master or licensed journeyman, who must be present on the job.

(F) An apprentice who has at least 10,000 hours on-the-job-training regardless of hours of related training shall be supervised 100 percent of the workday by a licensed master or licensed journeyman, who must be present on the job.

(b) Electrical contractors employing apprentice electricians in the State of Wyoming must have an electrical apprenticeship training program to provide classroom instruction for all apprentice electricians in their employ. Requirements for apprenticeship training programs shall be as follows:

(i) The training program must provide at least 144 hours per year, 576 hours over a four (4) year apprenticeship program, of a structured and comprehensive sequence of instruction in subjects, such as electrical theory, the National Electrical Code, and other technical subjects related to the electrical trade.

(ii) Classes for electrical apprenticeship training programs must be conducted on a regular pre-scheduled basis with enough scheduled classes to accommodate the 144 hour per year requirement.

(iii) Instructors for electrical apprenticeship training programs must be licensed journeyman electricians, licensed master electricians, or other persons with adequate electrical expertise as determined by the Department.

CHAPTER 6
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CHAPTER 7 HEARING PROCEDURES

Section 1. Authority. These rules are promulgated by authority of W.S. 16-3-102, and W.S. 35-9-124.

Section 2. Definitions. The following definitions will apply under these rules:

(a) Respondent – A person(s), against whom an action has been brought to fine, revoke, or suspend his electrician’s license, or the Department in case of an appeal of an action or decision of the Chief Electrical Inspector.

(b) Department - Wyoming Department of Fire Prevention and Electrical Safety.

(c) Board - The Wyoming Electrical Board.

(d) Petitioner - The party who requests and is granted a hearing before the Board to hear an action to fine, suspend or revoke an electrician’s license or an appeal of an action or decision of the Chief Electrical Inspector.

Section 3. Purpose. These rules are established to provide a fair and efficient method for administrative hearings relative to civil penalties, suspension or revocation of licenses by the Board brought under W.S. 35-9-124.

(a) If a hearing is sought by the Department as petitioner, the respondent shall be accorded the rights as set forth below. However, when a serious threat to the public safety exists, due to code violations or other cause, the Board may shorten the time allowed between notice and hearing to not less than 5 days.

(b) When a party outside the Department requests and is granted a hearing, that party, as petitioner, shall also be accorded the rights of a respondent as set forth below. However, when the petitioner is outside the Department, in requesting the hearing he shall provide the Department with the written information required in Section 4(b) below. Also, during the hearing, the petitioner rather than the Department shall proceed first and may briefly rebut the Department's case in response.

(c) These hearing procedures shall not alter the practice of holding informal hearings whenever possible.

Section 4. Commencement of Action. Commencement of action shall be by one of the following methods:

(a) Upon an appropriate showing of violation of W.S. 35-9-101 through 35-9-130 or the Rules and Regulations, the Department may commence proceedings to fine, suspend or revoke the license of the alleged offender or take other disciplinary action. In a Petition to fine, suspend or revoke a license, the Department shall notify the respondent of the:

(i) The legal authority and jurisdiction under which the hearing is to be held;

(ii) The particular Section of the statutes and rules, regulations or codes involved; and

(iii) A short and plain statement of the violations alleged. No answer is required, and at the hearing, the respondent may appear and show why he should not be fined or his license should not be suspended or revoked.

(b) Any party aggrieved by an action or decision of the Chief Electrical Inspector made pursuant to W.S. 35-9-124 may appeal the action or decision by filing a written appeal at the office of the Chief Electrical Inspector within 30 days from the date of Action or decision. The written appeal shall contain:

(i) A heading in the words: "Electrical Board, State of Wyoming."

(ii) A caption reading: "Appeal of _____," giving the names of all respondents participating in the appeal.

(iii) A brief statement setting forth the legal interest of each of the appellants in the decision of the Chief Electrical Inspector involved in the order.

(iv) A brief statement of the specific order or action protested, in ordinary and concise language, together with any material facts claimed to support the contentions of the appellant.

(v) A brief statement of the relief sought, in ordinary and concise language, and the reasons why it is claimed that the protested order or action should be reversed, modified or otherwise set aside.

(vi) The signatures of all parties named as appellants, and their official mailing addresses.

(vii) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

Section 5. Time and Place of Hearing. Time and place of hearings shall be determined as follows:

(a) Upon receiving a Petition or notice of an appeal, the Board shall set the matter for hearing. The hearing may be held no less than twenty (20) days after service of the Petition upon the respondent, so that he may have adequate time for preparation. Upon motion and for good cause, the hearing may be postponed by the Board until a later date. However, when a serious threat to the public safety exists, due to code violations or other cause, the Board may shorten the time allowed between notice and hearing to not less than five days.

(b) As soon as practical after receiving the written Petition or notice of appeal, the Board shall fix a date, time, and place for the hearing of the matter by the Board. Such date shall be not less than five (5) days no more than ninety (90) days from the date the appeal was filed with the Board.

(c) Hearings shall be conducted in a location determined by the Board.

Section 6. Service. The notice of hearing by the Board shall be served personally or by mail, to the place of business of the petitioner and respondent, or to the most recent residence address of the respondent filed with the Department, or to the respondent at his address shown on the appeal.

Section 7. Matters to be Considered. Only those matters or issues specifically raised by the respondent shall be considered in the hearing of an appeal.

Section 8. Enforcement to be Stayed. Except for orders to abate or vacate immediate hazards, used under W.S. 35-9-116, enforcement of any notice and order of the Chief Electrical Inspector shall be stayed while the matter is before the Board.

Section 9. Hearing Officer. The Board may request the Office of Administrative Hearings to designate an attorney from the Office of Administrative Hearings to conduct the hearing, or it may appoint one or more hearing examiners to conduct the hearings. If a hearing examiner is appointed, the hearing examiner shall be responsible for scheduling and setting the matter for hearing as specified in Section 5 and 6 above. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted by him to the Board for final decision.

(a) A party may move to disqualify a hearing officer by filing written motion and supporting affidavits of personal bias with the Board. After careful consideration of the evidence presented, the Chairman of the Board shall rule upon the motion.

Section 10. Authority of Hearing Officers. The hearing officer or the Chairman of the Board [hereafter Chairman], if there is no hearing officer, has the authority to:

(a) Administer oaths and affirmations;

- (b) Issue subpoenas;
- (c) Rule upon offers of proof and receive relevant evidence;
- (d) Take or cause depositions to be taken in accordance with the provisions of the Administrative Procedure Act, W.S. 16-3-101 through 16-3-115;
- (e) Regulate the course of the hearing;
- (f) Hold conference for the settlement or simplification of the issues;
- (g) Dispose of procedural requests or similar matters;
- (h) Make recommended decisions when directed to do so by the Board; and
- (i) Take any action authorized by agency rules, the Administrative Procedure Act, or W.S. 35-9-101 et seq.

Section 11. Counsel. All parties may appear at the hearing with or without counsel. No attorney from any other state shall be entitled to enter his appearance in, prosecute or defend any action or proceeding pending before the Board unless he is either licensed to practice in the State of Wyoming or associated with a Wyoming licensed attorney. The filing of a pleading or other appearance by an attorney constitutes his appearance for the party for whom made. In accordance with the Wyoming Administrative Procedures Act.

- (a) An individual may appear and be heard in his own behalf.
- (b) A partnership may appear and be represented by a partner.
- (c) A corporation may appear and be represented by a corporate officer or a full time employee of the corporation.

Section 12. Inspection of File. Each party, or his authorized representative, shall be permitted to inspect and copy, at his own expense at the offices of the Department, all documents filed in the civil penalty or license suspension or revocation proceedings, all documents filed in appeals or orders or actions and all documents regarding the subject of the hearing contained in the Department's files permitted by law to be inspected and copied.

Section 13. Record of Proceedings. The hearing shall be reported verbatim, stenographically, or by any other appropriate means determined by the Board or hearing officer. A copy will be furnished to any party upon written request to the Board and payment of a reasonable fee. If one or more parties desires the hearing transcribed by a certified court reporter, he must make the necessary arrangements and bear the cost.

Section 14. Continuances. The Board or hearing officer may grant continuances for good cause shown.

Section 15. Reasonable Dispatch. The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

Section 16. Notice to Respondent. The notice to respondent shall be substantially in the following form, but may include other information: "You are hereby notified that a hearing will be held before (the Board or name of hearing examiner) at _____ on the _____ day of _____ at the hour of _____. You may be present at the hearing. You may be represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by filing an affidavit therefore with the Board or the hearing examiner."

Section 17. Evidence. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

- (a) Oral evidence shall be taken only on oath or affirmation.
- (b) Each party shall have these rights, among others:
 - (i) To call and examine witnesses on any matter relevant to the issues of the hearing.
 - (ii) To introduce documentary and physical evidence.
 - (iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
 - (iv) To impeach any witness regardless of which party first called him to testify.
 - (v) To rebut the evidence against him.
 - (vi) To represent himself or to be represented by anyone of his choice.

Section 18. Order of Procedure at Hearing. Hearings shall be conducted substantially as follows:

- (a) The hearing officer or Chairman shall announce that the hearing is called to order and announce the matter to be heard, briefly summarizing the case and issues.

(b) The hearing officer or Chairman shall take up any preliminary motions or matters to be discussed.

(c) The Department may present a brief opening statement of the charges, explain the theory of the case and what the evidence will show.

(d) The respondent may present his opening statement in the same manner.

(e) The Department shall then present the evidence of the Electrical Safety Division, subject to cross examination by the respondent and the hearing officer or Board.

(f) The respondent shall present his evidence, subject to cross examination by the Department and the hearing officer or Board.

(g) Closing statements may be made at the conclusion of the evidence by both parties. These statements may include summaries of the evidence and legal arguments. The Department shall precede the respondent and may also briefly rebut respondent's closing statement.

(h) The hearing officer or Chairman may ask for proposed findings of fact and conclusions of law from both parties, to be submitted within a reasonable time.

Section 19. Official Notice may be Taken. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official record of the Board and laws of the State of Wyoming or rules and regulations of the Board. Parties present at the hearing shall be informed of the matters to be noticed and these matters shall be noted in the record, referred to therein, or appended thereto.

Section 20. Opportunity to Refute the Officially Noticed Matters. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation's to be determined by the Board or hearing examiner.

Section 21. Voting Limitation. Where a contested case is heard before the Board itself, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

Section 22. Decision of Board.

(a) If a hearing officer is appointed, the hearing officer shall prepare proposed findings of fact and conclusions of law for submittal to the Board. In addition parties have the right to submit findings of fact and conclusions of law and order.

(b) After the hearing, or after submittal of proposed findings of fact and conclusions of law from the hearing officer, if any, the Board shall enter a decision and final order signed by the Chairman. In its decision the Board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

(c) The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the respondent personally, with written receipt, or sent to him by certified mail, postage paid, return receipt requested.

Section 23. Re-assignment. If the proposed decision is not adopted as provided in Section 22 of this chapter, the Board may decide the case upon the evidence; or may refer the case to the same or another hearing examiner to take additional evidence. If the case is re-assigned to a hearing examiner, he shall prepare a report and proposed decision as provided in Section 22 hereof after any additional evidence is submitted.

Section 24. Appeals to District Court. A respondent may appeal a Board decision to district court as provided in W.S. 16-3-114 and W.S. 35-9-124.