

**THE**  
**RULES AND REGULATIONS**  
  
of the  
  
**WYOMING BOARD OF**  
**PROFESSIONAL GEOLOGISTS**

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## **CHAPTER 1 AUTHORITY & DEFINITIONS**

**Section 1. Authority.** These rules of the Wyoming Board of Professional Geologists (Board), are promulgated pursuant to the Wyoming Geologists Practice Act (Act), W.S. 33-41-101 through 33-41-121.

**Section 2. Definitions.** The definitions set out in the Act apply to these rules and regulations. In addition, the following definitions shall apply:

(a) "Certification" includes the Board's process of granting, denying, renewing, revoking, or suspending a certificate.

(b) "FG examination" means the Fundamentals of Geology examination developed by the National Association of State Boards of Geology (ASBOG<sup>®</sup>).

(c) "Geologic course work required to qualify as a geologist" includes a minimum of thirty (30) semester or forty-five (45) quarter hours in geology course work at an accredited institution of higher education approved by the Board. At least twenty-four (24) of the semester hours or thirty-six (36) of the quarter hours in geology shall be in at least five (5) of the following subject areas:

(i) Economic geology, engineering geology, environmental geology, field geology, geochemistry, geomorphology, geophysics, hydrogeology, mineralogy, paleontology, petrology, sedimentology, stratigraphy, or structural geology.

(d) "Good professional character and repute" means that an applicant for licensure or certification:

(i) Has not been convicted of a felony or any crime which discredits the profession of geology within five (5) years of applying for licensure;

(ii) Is not currently incarcerated in a penal institution;

(iii) Has not engaged in fraud or misrepresentation in connection with his application or related examination;

(iv) If previously licensed as a professional geologist or certified as a geologist-in-training in Wyoming, another state, or foreign country, has not had that license or certificate canceled, revoked, suspended, or not renewed for cause within five (5) years of applying for licensure;

(v) Has not falsely claimed to be a licensed professional geologist or a

certified geologist-in-training in Wyoming, another state, or foreign country within five (5) years of applying for licensure or certification;

(vi) Has not been determined by a court or regulatory body to have acted with dishonesty, gross negligence, or incompetence related to the practice of geology;

(vii) Has not knowingly acted, or failed to act, in violation of any provisions of any Federal, state, or local law related to the practice of geology; and

(viii) Has not used false or misleading advertising and/or other deceptive practices.

(e) "Expired license" means a license which has not been renewed before midnight on its date of expiration.

(f) "Incompetence" means to lack the professional qualifications, experience, or education to undertake a professional geologic engagement or assignment.

(g) "Licensee" means an individual who has been granted a license to practice geology with the title of "professional geologist", pursuant to the Act.

(h) "Licensure" includes the Board's process of granting, denying, renewing, revoking, or suspending a license.

(i) "Negligence" means a substantial deviation in professional practice from the standards of professional practice for members of the geologic profession, or a substantial deviation from any technical standards issued by a nationally and/or state-recognized professional organization comprised of members of the geologic profession, or a substantial deviation from laws or regulations related to the practice of geology.

(j) "PG examination" means the Practice of Geology examination developed by the National Association of State Boards of Geology (ASBOG<sup>®</sup>).

(k) "Professional reference" means a reference provided by a professional geologist or qualified geologist as defined by W.S. 33-41-102(a)(ix), or (x), or another professional who has similar experience, education, and professional character and repute in a related field. A professional reference shall not be from a relative or subordinate employee of the applicant.

(l) "Retired" status means a licensee who:

(i) Is no longer engaged in the practice of geology before the public in any jurisdiction, as defined in W.S. §33-41-102(a)(viii); and

(ii) Has maintained an active license for a minimum of ten (10) years.

(m) "Thorough technical review" means that the work product has been critically examined and evaluated for compliance with appropriate professional and scientific standards by a licensee, and the licensee accepts responsibility for the work product.

(n) "Trainee" means an individual who has been granted a certificate as a geologist-in-training, pursuant to the Act.

## **CHAPTER 2 GENERAL PROVISIONS**

**Section 1. Board Office.** The Board Office shall be located at 500 South Third Street, Laramie WY 82070.

**Section 2. Board Meetings.**

(a) The Board shall meet the third Tuesday in August at the Board Office at 10:00 a.m.

(b) The Board shall meet as necessary at a time and place designated by the Board Chairman or any four (4) Board members.

**Section 3. Election of Officers.** The Board shall annually elect from its own membership a chairperson, a vice-chairperson, and a secretary-treasurer who shall assume the duties of their offices at the close of the meeting at which they are elected and serve for a term of one (1) year. If an officer resigns or vacates his position prior to the expiration of his term, the Board may elect a replacement to serve the remainder of the term.

**Section 4. Quorum.** Four (4) members shall constitute a quorum for a meeting. A majority of Board members present and voting is required to approve actions.

**Section 5. Reference by Incorporation.**

(a) For any rule incorporated by reference in these rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

**CHAPTER 3  
LICENSURE PROVISIONS**

**Section 1. Fees.**

(a) For the following items, the maximum chargeable fees are:

(i)	Application for Geologist-in-training certification	\$ 75
(ii)	Application for Professional Geologist licensure	\$150
(iii)	Annual renewal for Geologist-in-training certification	\$ 50
(iv)	Annual renewal for Professional Geologist licensure	\$100
(v)	Annual renewal for Retired licensure	\$ 50
(vi)	Re-activation of a License from retired status	\$100
(vii)	FG Examination	\$350
(viii)	PG Examination	\$350
(ix)	Replacement certificate	\$ 50

(b) The fees charged for items listed in (a) shall be reaffirmed or adjusted annually to ensure that, to the extent practicable, the total revenue generated from the fees collected approximates the direct and indirect costs of administering the regulatory provisions of the Act. Adjustments to charged fees shall be set by action of the Board at a properly noticed meeting.

**Section 2. Late Fees.**

(a) If a license or certificate has been expired for less than ninety (90) calendar days, an individual may reinstate the license or certificate by paying the unpaid appropriate annual renewal fee plus one-half (1/2) of the appropriate application fee, except that a retired licensee may reinstate his license by paying the unpaid appropriate annual renewal fee plus one-half (1/2) of that annual renewal fee.

(b) If a license or certificate has been expired for longer than ninety (90) calendar days, but less than two (2) years, an individual may reinstate the license or certificate by paying the unpaid appropriate annual renewal fee plus a fee that is equal to the appropriate application fee, except that a retired licensee may reinstate his license by



paying twice the appropriate annual renewal fee.

(c) If a license or certificate has been expired for two (2) years or longer, the individual may not reinstate the license or certificate. An individual may apply for a new license or certificate by complying with the requirements and procedures for licensure or certification that are in effect at the time of re-application.

### **Section 3. Renewal Procedures.**

(a) The Board or its designee(s) shall notify each trainee, licensee, and retired licensee of the date of expiration of his certificate or license in advance of the expiration.

(b) Licenses and certificates expire annually at midnight on December 31.

(c) Failure to receive the notice described in Section 3(a) of this chapter shall not relieve a trainee, a licensee, or a retired licensee of the responsibility for renewing his certificate or license before it expires.

(d) It is the responsibility of each trainee, licensee, or retired licensee to promptly notify the Board in writing of any change in name, home address, business affiliation, preferred mailing address, and e-mail addresses. In the case of a change in name, the individual shall give notice to the Board within thirty (30) calendar days of the change, along with a copy of the legal documents effecting the change. This notice may be sent by mail, facsimile, or e-mail.

### **Section 4. Application Requirements for Licensure.**

(a) Applicants for licensure shall complete application forms prescribed by the Board, which shall contain statements made under oath that demonstrate the applicant has met all the general requirements for licensure as defined in W.S. 33-41-102 (a)(iv) and W.S. 33-41-111, except (a)(iii). In addition, applicants shall:

(i) Include the appropriate fee(s);

(ii) Provide names and addresses of not less than three (3) professional references as defined in these rules who can attest to the applicant's professional character and repute as defined in these rules. Two (2) or more of the professional references shall be professional geologists or qualified geologists having personal knowledge of the applicant's geologic work experience. No more than one (1) reference can be from the same company or the same division of an agency. No more than one (1) reference can be from a current co-worker. One (1) reference shall be from a supervisor or client. If an applicant cannot provide three (3) professional references, he shall provide a written and signed explanation. Based on the applicant's explanation, the Board may prescribe

alternatives to these requirements;

(iii) Arrange to have the registrars of colleges, universities, or other educational institutions send official or certified transcripts of course work, grades, and degrees directly to the Board;

(A) Transcripts shall show satisfactory graduation in a four year (4) academic degree program from an institution of higher education approved by the Board.

(B) Transcripts shall show satisfactory completion of the geologic course work required to qualify as a geologist.

(iv) Provide proof of lawful presence in the United States;

(v) Summarize all geological and related professional work experience and provide the names and addresses of supervisors or, in the case of consulting work, clients. If an applicant cannot provide the name and address of at least one (1) supervisor or client, he shall provide a written and signed explanation and the name and address of one (1) additional professional reference as defined by these rules; and

(vi) Be hereby apprised that submittal of an application authorizes the Board to investigate any or all of the statements or information in the application.

(b) Applicants for licensure shall mail professional reference forms to the individuals named in their application. Individuals providing these professional references shall return the completed forms or requests directly to the Board.

(c) Criteria the Board considers in determining what geologic work experience shall be credited toward the accumulation of the required four (4) years of professional practice in geologic work include, but are not limited to:

(i) Each month of full-time geologic experience of a character acceptable to the Board shall count as one (1) month of professional practice of geologic work if it was carried out for a client or under the direct supervision of a either a professional geologist or qualified geologist as defined by W.S. 33-41-102(a)(ix) or (x) or another professional who has similar experience, education, and professional character and repute in a related field;

(ii) Part-time geologic work experience meeting the criteria in Section 4(c)(i) of this chapter shall be prorated in one-quarter (1/4) of a month increments; and

(iii) The Board shall not accept any experience gained prior to an applicant's meeting the definition of a geologist in W.S. 33-41-102(a)(iv).

(d) When the Board is satisfied that an application is complete and in the proper form and that the applicant is eligible in all other aspects to be licensed, it shall certify the applicant as eligible to take the FG and PG examinations, or, if exempt from examination pursuant to W.S. 33-41-118(a) or W.S. 33-41-118(b), as eligible for licensure.

(e) If for any reason the Board is not satisfied that an applicant is eligible in all respects for examination or licensure as required by the Act or these rules, it may deny the application or it may require additional information.

(f) Before licensure, an applicant shall have passed both the FG and PG examinations, unless the applicant is exempt from examination, pursuant to W.S. 33-41-118(a) or W.S. 33-41-118(b).

(g) An individual shall not apply for licensure until the required four (4) years of professional practice in geologic work has been completed.

#### **Section 5. Application Requirements for Certification.**

(a) Applicants for certification shall complete application forms prescribed by the Board, which shall contain statements made under oath that demonstrate the applicant has met the general requirements for certification as defined in W.S. 33-41-102 (a)(iv) and W.S. 33-41-112, except (a)(ii). In addition, the applicant shall:

(i) Include the appropriate fee(s);

(ii) Arrange to have the registrars of colleges, universities, or other educational institutions send official or certified transcripts of course work, grades, and degrees directly to the Board;

(A) Transcripts shall show satisfactory graduation in a four year (4) academic degree program from an institution of higher education approved by the Board.

(B) Transcripts shall show satisfactory completion of the geologic course work required to qualify as a geologist.

(iii) Provide proof of lawful presence in the United States; and

(iv) Be hereby apprised that submittal of an application authorizes the Board to investigate any or all of the statements or information in the application.

(b) An applicant for certification may be permitted to take the FG examination within the final year of an appropriate, accredited, bachelor's degree program if he has completed or is registered for the geologic course work required to qualify as a geologist.

(c) When the Board is satisfied that an application is complete and in the proper form and that the applicant is eligible in all other aspects to be certified, it shall certify the applicant as eligible to take the FG examination.

(d) If for any reason the Board is not satisfied that an applicant is eligible in all respects for examination or certification as required by the Act or these rules, it may deny the individual's application or it may require additional data concerning the applicant's qualifications for certification.

(e) Before certification, an applicant shall have passed the FG examination.

(f) Trainees may use "G.I.T." or "Geologist-in-training" as a title after their name, providing these designations are not used in conjunction with their file number or preceded by the word "licensed" or any other words that might lead someone to believe they are licensed as a professional geologist.

#### **Section 6. Examinations.**

(a) The FG and PG examinations will be given at times and places determined by the Board. Completed application forms for licensure or certification shall be filed with the Board at least ninety (90) calendar days prior to examination dates.

(b) If the Board has not approved an application by the cutoff date for an examination, the application will be processed for the following examination date.

(c) The Board may deny admittance to an examination for any of the following reasons:

(i) The examination or reexamination fee is not received by the Board on or before the date specified by the Board;

(ii) An applicant fails to submit a completed notice of intent form at least sixty (60) calendar days prior to the examination date; or

(iii) The applicant does not present an acceptable form of photo identification such as a current state issued driver's license, passport, or other type of governmental identification.

(d) The Board or its designee(s) shall notify examinees of the results of the examination within ten (10) working days after the day that the Board or its designee(s) receives the results.

(e) An applicant who fails an examination may retake the examination after paying the appropriate fee(s). An applicant who fails either the FG or PG examination will only have to retake the failed examination(s).

(f) An applicant may withdraw his application for licensure or certification by written request to the Board. An application withdrawn in this manner shall be considered withdrawn without prejudice.

**Section 7. Admission to the PG Examination for Applicants with Out-of-state Geologist-in-training Status.** If an applicant for licensure has passed a geologist-in-training examination in another jurisdiction and that examination is deemed by the Board as comparable to the FG examination, he may be admitted to take the PG examination. Proof of geologist-in-training status shall be forwarded directly to the Board from the authority which administered the original examination. An applicant shall further comply with all the educational and experience requirements set forth in W.S. 33-41-111, except (a)(iii).

#### **Section 8. Licensure Without Examination.**

(a) An applicant who holds a valid license to practice geology in another state, jurisdiction, territory, or country may be granted licensure without examination, provided:

(i) The applicant has passed an examination or examinations deemed by the Board as comparable to the FG and PG examinations and has submitted acceptable evidence that the requirements under which he was licensed in the original jurisdiction were substantially identical to or more stringent than current requirements in the State of Wyoming; or

(ii) The applicant, if licensed under the grandfather provisions of the state in which he currently holds registration or licensure, submits acceptable evidence that the requirements under which he was licensed in the original jurisdiction were substantially identical to or more stringent than current requirements in the State of Wyoming, and submits evidence acceptable to the Board that he has:

(A) At least five (5) years of professional geologic work experience subsequent to the date of his registration or licensure in that state; and

(B) Held that registration or license continuously for a minimum of five (5) years.

(b) An applicant who does not hold a valid license to practice geology in another state, jurisdiction, territory, or country may be granted licensure without examination if he has passed an examination or examinations deemed by the Board as comparable to the FG and PG examinations and has submitted acceptable evidence that he meets the statutory requirements for education and experience in the State of Wyoming.

(c) "Acceptable evidence" means a completed application as described in these rules and verification of registration or licensure on forms prescribed by the Board. Such documentation of licensure shall contain information concerning the method of licensure including examination results, cutoff scores, the date of the original licensure, and the current status of the applicant's license.

#### **Section 9. Requirements for Retired Licensee Status.**

(a) A request for transfer to retired licensee status shall be made in writing at the time of license renewal and, if approved, will become effective the first day of January following the request.

(b) To be granted retired status, a licensee shall:

(i) Have been licensed continuously for ten years in Wyoming prior to requesting retired licensee status;

(ii) Not practice geology before the public in any jurisdiction;

(iii) Pay the annual renewal fee for a retired professional geologist;

(iv) Submit a signed statement with each annual renewal affirming that he is not currently practicing and has not practiced geology before the public in any jurisdiction while retired.

**Section 10. Requirements to Return to Active Licensee Status from Retired Licensee Status.** To return to a professional geologist license and be licensed to practice geology before the public, a retired licensee shall notify the Board in writing of the desire to return to a professional geologist license, pay the re-activation fee, and the annual renewal fee for licensure.

## **CHAPTER 4 REGULATORY PROVISIONS**

### **Section 1. Code of Professional Conduct.**

(a) By applying for or continuing licensure or certification, all licensees and trainees agree to comply with and uphold the following Code of Professional Conduct wherever they are professionally employed or practice geology before the public:

(i) A licensee or trainee shall not submit any materially false statements or fail to disclose any material facts requested in connection with the application for or renewal of a license or certificate;

(ii) A licensee or trainee shall not engage in fraud, deceit, misrepresentation, or concealment of material facts in advertising, soliciting or providing professional services to members of the public;

(iii) A licensee shall not knowingly seal, sign and date any reports, maps, or other documents not:

(A) Prepared by the licensee;

(B) Prepared under the licensee's responsible charge or direct supervision; or

(C) Reviewed thoroughly and technically by the licensee.

(iv) A licensee or trainee shall not knowingly violate any federal or state statute concerning bribery;

(v) A licensee or trainee shall comply with all federal, state, and local laws, codes, ordinances, or regulations pertaining to their professional practice. A licensee or trainee shall not provide any professional services in violation of any such laws, codes, ordinances, or regulations;

(vi) A licensee or trainee shall not violate any state or federal criminal statute involving fraud, misrepresentation, embezzlement, theft, forgery or breach of fiduciary duty, where the violation is related to his professional practice;

(vii) A licensee or trainee shall not knowingly accept an assignment where the duty to a client or the public would conflict with their personal interest or the interest of another client without full disclosure of all material facts of the potential

conflict to each person who might be related to or affected by the project or engagement in question;

(viii) Licensees and trainees shall not accept compensation for services related to the same project or professional engagement from more than one private party without making full disclosure to all parties involved and obtaining the express written consent of all parties involved;

(ix) Licensees and trainees who serve governmental or quasi-governmental organizations or departments, or are board members of any organization which receives government funds as members, advisors, or employees shall recuse themselves from any conflict of interest decision and act in the best interest of that organization;

(x) A licensee or trainee shall not perform professional services or issue professional advice which is outside of the scope of their education and experience or that of their professional associates, consultants, or employees.

(xi) A licensee shall make full disclosure to all parties concerning: (a) any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except for actual and substantial technical assistance in preparing the proposal; or (b) any monetary, financial, or beneficial interest the licensee may hold in a contracting firm or other entity providing goods or services, other than the licensee's professional services, to a project or engagement;

(xii) A licensee shall not solicit, receive, or accept compensation from material, equipment, or other product or service suppliers for specifying or endorsing their products, goods, or services to any client or other person without full written disclosure to all parties;

(xiii) If a licensee's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare results or would result, the licensee shall immediately notify the client or employer. If the client or employer does not take appropriate remedial action within a reasonable amount of time under the circumstances, the licensee shall notify the appropriate public officials and the Board of the specific nature of the public threat;

(xiv) A licensee or trainee shall not use, directly or indirectly, any confidential information obtained from or in the course of performing services for an employer or client in any way that is adverse or detrimental to the interest of the employer or client, except with the prior consent of the employer or client or when disclosure is required by law.

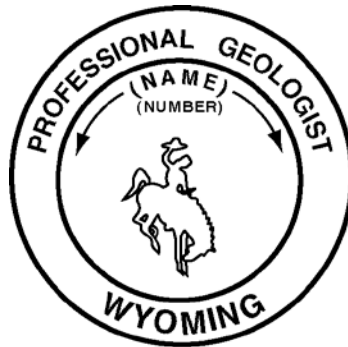


(xv) Licensees and trainees shall respect the rights, interests and contributions of their professional colleagues. They shall acknowledge the professional contributions of their colleagues and give due credit for work done by others. They shall not knowingly accept credit due another, plagiarize another in oral or written communications, or use materials prepared by others without appropriate attribution.

(b) Failure to comply with any provision of this section shall be deemed to be evidence of gross negligence, incompetence, or other misconduct.

## Section 2. Licensee's Seal.

(a) The seal authorized for licensees is of the crimp type and/or rubber stamp facsimile and shall be of the design shown below. The seal consists of concentric circles with the diameter of the outer circle being one and three quarter (1.75) inches and the diameter of the inner circle being one and one quarter (1.25) inches. The upper portion between the two circles shall bear the phrase: "PROFESSIONAL GEOLOGIST". At the bottom of the annular space between the two circles shall appear the inscription "WYOMING". The inner circle shall contain the name of the licensee and the license number above the outline of a bucking horse of the size, shape, and orientation shown. It is preferred that a licensee's number be preceded by the capital letters "PG" followed by a short dash (example: PG-0000). A license number without the "PG-" is also acceptable. The assigned license number shall be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers shall not be larger than the letters in "NAME". The words and parentheses "(NUMBER)" and "(NAME)" shall not appear on the seal. The seal shall not include the word "DATE".



(b) After the Board notifies an applicant for licensure that all requirements are satisfied, the applicant shall obtain and purchase a seal of the design stipulated in subsection (a) of this section of the rules in order to complete his licensure. The Board or

its designee(s) will provide a list of vendors who can manufacture and provide seals.

(c) Within ninety (90) calendar days from the date of notification of licensure, the applicant shall submit, on a form provided by the Board, an impression or stamp of the seal he has obtained, superimposed over an original signature. Failure to provide this impression or stamp is a violation of W.S. 33-41-115(b). Upon approval of the seal impression or stamp, a licensee will be sent a license. If the Board disapproves the applicant's seal, the Board shall require the applicant to obtain and purchase another seal that meets the Board's stated specifications. Prior to sealing any work, a licensee shall have his seal approved by the Board.

(d) An imprint of the licensee's valid seal shall appear on the cover page of all original geologic reports or other geologic documents in volume form as well as on each and every sheet of unbound geologic drawings, cross sections, or maps prepared by or under the responsible charge or direct supervision of the licensee, or reviewed in a thorough and technical manner by the licensee, whenever these documents are relevant to public welfare or the safeguard of life, health, property and the environment, pursuant to W.S. 33-41-102(a)(viii). An imprint of the licensee's seal shall be superimposed over his signature and the date signed. Computer generated seals are acceptable if accompanied by an original signature of the licensee and date as long as the computer generated seal complies with the requirements of subsection 2(a) above.

(e) Original work in an electronic format with a computer generated seal may be submitted in digital format or transmitted via electronic mail (e-mail) as follows:

(i) Work shall be certified and dated by the licensee using the following text block or similar wording: The seal appearing on this document was authorized by J. Doe, PG-1111 on (date) or,

(ii) Work shall have an affixed electronic signature and date which is a digital authentication that shall carry the same weight, authority, and effect as an original signature and date. The electronic signature and date shall be: unique to the licensee using it; verifiable; under the sole control of the licensee affixing it; and linked to a document in such a manner that the data in the document can be verified as being unaltered since the time that the digital signature was affixed.

(iii) A scanned image or other reproduction of an original signature and date shall not be substituted for a certified seal nor used in lieu of an electronic signature.

(f) Any work sealed and signed by a licensee shall have been prepared by the licensee, thoroughly and technically reviewed by the licensee, or prepared by someone under the responsible charge or direct supervision of the licensee. After-the-fact ratification of a document by signing, dating, and sealing [as described in Section 2(d)

above], when the underlying work was not performed by or under the responsible charge and supervision of the licensee, is only permissible following thorough and technical review by that licensee.

(g) A licensee whose license is expired shall not use their seal on any work until the license is reinstated.

(h) If a replacement or additional seal is required, the licensee shall submit an impression or stamp of the new seal to the Board for its approval, pursuant to subsection (c) of this section of the rules. The impression or stamp of the new seal shall be accompanied by a statement by the licensee made under oath, stipulating the reason for the seal's duplication.

(i) After notifying the Board of a name change as required in Chapter 3, Section 3 of these rules, a licensee shall obtain a new seal and submit an impression or stamp of the new seal to the Board for its approval, pursuant to subsection (c) of this section of the rules within ninety (90) calendar days after the name change.

**CHAPTER 5**  
**APPLICATION REVIEW, COMPLAINTS,**  
**and HEARING PROCEDURES**

**Section 1. Application Review Process.**

(a) Upon receipt of a complete application, the Board Office shall forward the application to the Board Review Committee (BRC).

(b) The BRC shall review the application and other available information and following the review may:

(i) Recommend approval of the application if the applicant meets all requirements, or

(ii) If there are questions as to whether denial is appropriate, forward the application and a BRC report to the Assistant Attorney General assigned to the Board for prosecution to review.

(c) If, after review, the BRC and Assistant Attorney General recommend denial of an application:

(i) A preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial shall become final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the BRC, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the BRC shall recommend either approval or denial of the application.

(v) If the application is again preliminarily denied through issuance of another preliminary denial letter setting forth the basis for the denial including relevant statutes and rules following a reconsideration conference, the applicant may ask for a

hearing by filing a written request within thirty (30) days of the date of the preliminary denial letter. If the applicant fails to request a hearing, in writing, within thirty (30) days of the date of the preliminary denial letter, the preliminary denial shall become final.

(d) Application denial hearings

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

(ii) The applicant has the burden of proving that he meets all requirements for the license or certificate applied for.

(e) The BRC may attend hearings, but shall not take part in the consideration of any contested case.

**Section 2. Complaints.**

(a) A disciplinary action is initiated against a licensee upon receipt of a written complaint by the Board office. A complaint concerning an alleged violation of the Act or these rules may be submitted by any person or entity. The written complaint should provide as much of the following information as may be available and applicable:

(i) The name and address of the complainant;

(ii) The name, address, place of employment, and telephone number of the licensee or trainee against whom the charges are made;

(iii) The specific conduct alleged to constitute the violation;

(iv) The name and address of any witnesses; and

(v) The signature of the complainant.

**Section 3. Review of Written Complaint.**

(a) Written complaints shall be referred to an assigned Investigative Board Member (IBM) selected by Board staff. If the IBM recommends, the Board may hire an independent investigator to conduct the investigation. The licensee or trainee against whom the charges are made will be advised of the investigation, the name(s) of the IBM, and the nature of the complaint.

(i) The IBM shall not take part in the Board's consideration of any

contested case.

**Section 4. Investigations and Board Action.** The assigned IBM shall investigate written complaints.

(a) Upon completion of the investigation, the IBM shall prepare an investigative report which shall include:

- (i) The findings;
- (ii) A list of statutes or rules believed to have been violated; and
- (iii) Any additional relevant information.

(b) The IBM shall forward the investigative report and recommendations to, and consult with the Assistant Attorney General assigned to the Board.

(c) Following consultation with the Assistant Attorney General, the IBM may:

- (i) Send a notice pursuant to Section 5;
- (ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;
- (iii) Recommend that the Board accept an offer of conditional terms for settlement, which may include educational courses; or
- (iv) Recommend the Board dismiss the complaint with or without issuance of an advisory letter.

(d) The Board may resolve a complaint at any time by:

- (i) Accepting a voluntary surrender of a license or certificate;
- (ii) Accepting conditional terms for settlement;
- (iii) Dismissing the complaint; or
- (iv) Entering an order after formal hearing.

**Section 5. Service of Notice and Opportunity to Show Compliance.** Prior to commencement of a formal hearing, the IBM shall give notice by mail to the licensee or trainee of the facts or conduct which warrant the intended action. The notice shall give

the licensee or trainee an opportunity to show compliance with all lawful requirements for retention of the license or certificate within twenty (20) days of the mailing of the notice. Such notice shall be sent to the licensee's or trainee's last known address both by certified mail with return receipt requested and by first class mail.

**Section 6. Contested Case Prerequisites.** Formal proceedings for a hearing before the Board regarding action against a licensee or trainee shall be commenced by petition and notice of hearing, served in person, or by both certified mail and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing.

**Section 7. Default.** The Board may enter an order of default based on the allegations in a petition in any case where:

(a) The applicant, licensee, or trainee has not either answered or appeared in writing ten (10) working days before the hearing, when not otherwise provided by the hearing officer; or

(b) In any case in which the applicant, licensee, or trainee or his representative has not appeared at a scheduled hearing for which notice was properly given.

**Section 8. Contested Case Hearings.** The Office of Administrative Hearings shall act as the hearing officer and shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

**Section 9. Representation.** A licensee or trainee may represent himself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.

## **CHAPTER 6 INFORMATION PRACTICES**

**Section 1. Disclosure.** Disclosure of confidential records and public records shall be governed by W.S. 16-4-201 through 16-4-205, the Wyoming Public Records Act, or as otherwise provided by law.

### **Section 2. Public Records Inspection.**

(a) If a member of the public requests an electronic or hard copy of public records, then that individual shall pay a fee. Such fee shall include cost of administrative time and cost of producing a copy of the public record.

(b) Public records inspection shall take place under the following conditions:

(i) An appointment shall be made to review the records between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Board Office,

(ii) Records inspection shall take place in the presence of Board staff,  
and

(iii) A member of the public may obtain copies upon payment of a reasonable fee.