

WEST VIRGINIA PROCEDURAL REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-1

GENERAL INDEX
For
SERIES *817*

TITLE: Rules & Regulations Governing the Conduct of Hearings Before
The Commissioner of Agriculture of West Virginia.

Section 1. General

Section 2. Rules of Hearings

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ADMINISTRATIVE LAW DIVISION

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WEST VIRGINIA PROCEDURAL REGULATIONS ⁹ RULE 1
STATE DEPARTMENT OF AGRICULTURE
~~Chapter 19-1~~
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TITLE: Rules and Regulations Governing the Conduct of Hearings Before the Commissioner of Agriculture of West Virginia.

Section 1. General

1.1 Scope - The procedural regulations establish general rules governing the conduct of hearings before the Commissioner of Agriculture.

1.2 Authority - W. Va. Code 19-1-4a.

1.3 Filing Date - August 2, 1967.

1.4 Effective Date - September 2, 1967.

Section 2. Rules Of Hearings

2.1 Petition and Hearings - Any person, firm, association or corporation that has on file any application or petition with the Commissioner of Agriculture, wherein the applicant is seeking some affirmative action by the Commissioner, and if the Commissioner is required by Chapter 19 of the Official Code of West Virginia of 1931, as amended, to conduct a hearing prior to acting on the application or petition, or any person, firm, association or corporation that has been requested or ordered to appear before the Commissioner to show cause or to be heard on any complaint by virtue of authority granted the Commissioner by any provision of Chapter 19 of the Code of West Virginia shall be given a hearing which shall be subject to the following rules of procedure.

2.2 Filing of Application; Petitions; Contents -

2.2.1 All applications or petitions filed by any person, firm, association or corporation shall be filed with the Commissioner and shall be in a form satisfactory to the Commissioner and shall contain such information as the Commissioner might reasonably require.

2.2.2 All applications shall be filed in triplicate.

2.3 Time of Hearings - Upon receipt of any application or petition requiring a hearing thereon, the Commissioner shall notify the applicant or person involved, of the date and time for said hearing. If the Code does not fix a time for said hearing, then the Commissioner may establish the time.

2.4 Appearances - Any applicant may appear in his own behalf or be represented by counsel. No individual not an attorney shall represent the applicant at any hearing unless the person so present is representing himself.

2.5 Stipulations; Proof - Whenever possible, written stipulation of the facts involved shall be submitted. Affidavits will not be accepted as proof of any facts.

2.6 Briefs - Parties in interest may file with the Commissioner, for his consideration, a brief covering any question of law or fact involved, provided a copy of such brief is also presented to and furnished the opposing party or counsel. All briefs so filed shall be in triplicate and the Commissioner shall have the right to fix the time for the filing of said briefs.

2.7 Evidence; Witnesses - The law of evidence and of witnesses shall be observed, however the Commissioner shall have the right to admit or deny any evidence that will tend to establish all the facts.

2.8 Continuances -

2.8.1 Continuances of any hearing may be granted upon good cause shown therefor.

2.8.2 A party desiring a continuance shall file his written motion showing good cause therefor before the day of the hearing, so that, if the motion be granted, the opposing party may be notified in time to obviate the attendance of witnesses on the day set for the hearing.

2.9 Rehearings -

2.9.1 Rehearings shall not be allowed except where good cause is shown. Motions for rehearings may be entertained and considered ex parte, unless the Commissioner otherwise directs, upon the petition and brief filed by the party seeking the rehearing. Such petition and brief shall be filed within thirty days after notice of the Commissioner's determination.

2.9.2 Whenever a motion for rehearing is granted, the matter will be considered upon the record already made, unless the introduction of additional testimony is necessary.

2.10 Change In Rules - The Commissioner may, from time to time, promulgate additional rules and modify or change the foregoing rules.