

... Title 142  
Procedures/Rules

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Bill/MR

~~WEST VIRGINIA ADMINISTRATIVE REGULATIONS~~  
Attorney General

~~Chapter 14-2~~  
Series ~~E~~ 1  
(1975)~~E~~

Subject: Rules and Regulations of the Attorney General  
pertaining to the West Virginia Consumer Credit  
and Protection Act.

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Section 1. General

1.01. Scope - These rules and regulations shall regulate practice and procedure before the Attorney General with regard to hearings and the discharge of general administrative duties.

1.02. Authority - These rules and regulations are issued under authority of West Virginia Code, Chapter 46A, Article 7, Section 102(1)(e).

1.03. Effective Date - These rules and regulations were promulgated on the 3rd day of March, 1975, and became effective on the 3rd day of April, 1975.

1.04. Filing Date - These rules and regulations were filed in the office of the Secretary of State on the 3rd day of March, 1975.

1.05. Amendments - These rules and regulations may be amended by the action of the Attorney General in conformity with West Virginia Code, Chapter 29A, Article 3.

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FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 11-8-82  
Administrative Law Division

1.06. Applicability - These rules and regulations and any repeal or amendment thereof shall apply in the form obtaining at the time any matter subject hereto shall first be initiated.

1.07. Conflict - These rules and regulations shall be controlling on all hearings before the Attorney General except insofar as any rule or regulation may be in conflict with the provisions of the Constitution or any statute of the State of West Virginia, in which event such constitutional or statutory provision shall take precedence over any rule or regulation.

## Section 2. Definition

When used in these rules and regulations:

2.01. Attorney General - The term "Attorney General" shall mean the Attorney General of West Virginia and shall include such qualified personnel in his office who act under the direction and supervision of the Attorney General and for whose acts he is responsible.

## Section 3. Hearings

3.01. Notice of Hearing - Notice of date, time and place shall be given to all parties in any hearing as provided by law, except for emergencies as provided by West Virginia Code, Chapter 29A, Article 5, Section 1. Hearings may be continued by the Attorney General or his designate on his own motion or for good cause shown without further notice.

3.02. Place of Hearing - The Attorney General or his designate shall determine the site of any hearing.

3.03. Who Shall Conduct - Hearings shall be conducted by the Attorney General or his designate.

3.04. Conduct of Hearings - All hearings shall be conducted in accordance with statutory provisions set forth in West Virginia Code, Chapter 29A, Article 5.

3.05. Stipulations - Written stipulations may be introduced in evidence, if signed by the persons sought to be bound thereby, or by their attorneys. Oral stipulations may be made on the record at open hearings.

3.06. Continuation and Adjournments - The Attorney General or his designate may continue a hearing from day to day or adjourn it to a later date or to a different place.

3.07. Record - A record shall be made of all testimony at a hearing but need not be transcribed unless requested by a party, in which event the cost of the transcription shall be borne by such party.

3.08. Orderly Hearings - In all hearings the Attorney General or his designate shall maintain order in the hearing room and shall have the authority to exclude or eject from the hearing room any person who engages in improper or disruptive conduct.

3.09. Orders - Orders to cease and desist from engaging in violations of West Virginia Code, Chapter 46A, and other such lawful orders issued by the Attorney General shall be made in accordance with West Virginia Code, Chapter 29A, Article 5, Section 3.

WEST VIRGINIA ADMINISTRATIVE RULES

ATTORNEY GENERAL

CHAPTER 29B-1  
(1983)

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Title 142  
procedural rule

~~WEST VIRGINIA ADMINISTRATIVE RULES~~

ATTORNEY GENERAL

Series 2

~~CHAPTER 29B-1~~  
(1983)

Freedom of Information Rules

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE Oct. 3, 1983  
Administrative Law Division

Section 1. General

~~1.01. Rule Designation--These rules are procedural.~~

<sup>1</sup>  
1.02. Application--These rules relate to Chapter 29B,  
Article 1, Section 1 et seq., of the West Virginia Code of 1931,  
as amended.

<sup>2</sup>  
1.03. Authority--Code 29B-1-3.

1.3 Filing Date - Oct. 3, 1983

1.04. Effective Date--These rules are effective ~~October 1,~~  
1983. Nov 3, 1983

Section 2. Request Procedure

2.01. Document Request--A request to inspect or copy any  
public record for which the Office of the Attorney General is the  
custodian must be in writing and contain the following information:

- (a) A description of each document sought and, if available,  
the title, date and author of each such document;
- (b) A general statement of the intended use of such documents;  
and
- (c) The name and address of the person or persons requesting  
to inspect or copy such public records.

2.02. Library Material Request--A request to provide copies  
of statutes, case law, official opinions or other like materials  
that may be contained in the library maintained in the Office of

the Attorney General must be in writing and indicate the volume(s) and page numbers where such material is located.

Section 3. Special Exemptions.

3.01. Code of Professional Responsibility--Records exempt from disclosure by Canon 4 of the Code of Professional Responsibility shall not be disclosed except as provided under the provision set forth therein.

3.02. Exemptions--The categories of information set forth in Code 29B-1-4 are hereby adopted as exempt from disclosure.

Section 4. Request for Compilations

4.01. Compilations not Provided--The Office of the Attorney General may decline to honor requests which require the creation of a record containing a compilation of records, extraction of information from other records or any statistical analysis of records.

Section 5. Fees for the Reproduction of Records.

5.01. Cost Per Page--The cost for reproducing records shall be Twenty-five Cents (.25) per page.

5.02. Method of Payment--Payment for the reproduction of records shall be made in advance in cash or by certified check.

5.03. Exemption from Payment--No payment for the reproduction of documents shall be required under the following circumstances:

- (a) Request is made pursuant to established discovery procedures;
- (b) Requests made by State agencies and local government agencies;
- (c) Requests made by in-State press; and

(d) Requests made by prosecuting attorneys and other  
elected officials.