Wyoming Law Journal

Volume 16 | Number 3 Article 4

December 2019

Investigatory Powers of Administrative Agencies in Wyoming

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INVESTIGATORY POWERS OF ADMINISTRATIVE AGENCIES IN WYOMING

Whenever the term "investigatory power" is used, one immediately conceives of glamorous cloak and dagger activities of agencies such as the Federal Bureau of Investigation or the Treasury's Secret Service. While it is true that agencies of that type perform investigatory functions, much of the law that has built up dealing with administrative investigations relates to compelling testimony, production of books and records for inspection, the keeping of required records, and requiring questionnaries and reports to be made to the administrative agency.[1]

Law enforcement is only one aspect of administrative investigatory activity. Investigation is also a prerequisite for such activities as supervision, policy determination, rule making, prospective legislation, and adjudication. Investigatory powers are conferred upon administrative agencies that are charged with the supervision of certain activities, and also to special commissions set up to investigate specific areas and lay the foundation for prospective legislation.[2]

Regulatory agencies established by federal statutes have consistently been given broad investigatory powers, although considerable variation in language is found among the individual provisions. Following the very narrow interpretation of the Interstate Commerce Commission's investigatory power by the Supreme Court,[3] Congress has resorted to the use of extremely broad language in conferring such powers upon the more recently created agencies. The Federal Trade Commission Act of 1914 is illustrative of such sweeping language. It states that:

> The commission shall also have power
> (a) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the Act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.
>
> (b) To require . . . corporations engaged in commerce . . . to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing.[4]

The broad grant of investigatory power of the Federal Trade Commission is supplemented by an equally comprehensive grant of subpoena

1. 1 Davis, Administrative Law Treatise § 3.02.
2. Id. Investigation, ch. 3.
3. Harriman v. ICC, 211 U.S. 407 (1908).
4. 15 USCA 46 (a) and (b).

power to compel testimony and the produtcion of records. Section 49 of the Act states that:

> . . . [T]he commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation.
>
> . . . And in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.
>
> . . . any failure to obey such order of the court may be punished by such court as a contempt thereof.

Davis states that "Not a single important regulatory statute fails to provide broad powers of investigation supported by powers to compel production of evidence."[5] He also indicated that state legislature enactments express the same general view.[6]

The Federal Administrative Procedure Act[7] provides in section 6 (b) that "No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law." Section 6 (c) of the APA, with regard to subpoenas states that "Agency subpoenas authorized by law shall be issued to any party upon request and, as many be required by rules of procedure, upon a statement of showing of general relevance and reasonable scope of the evidence sought." If the subpoena is contested, it may be enforced by a court to the extent that "it is found to be in accordance with law. . . ."[8] Davis, referring to statements of the Attorney General and the committees of both the House and Senate made prior to the adoption of the APA, quotes them as saying that the provision [6 (b)] "states existing law" and that it "is designed to preclude 'fishing expeditions' and investigations beyond the jurisdiction of authority of an agency."[9] The provisions of the APA are applicable in any "agency proceeding" which is defined by the Act as rule making, adjudication, and licensing.[10]

The trend of the federal case law governing scope of inquiry has been from one of very narrow construction to one of considerable latitude re-

5. 1 Davis, Administrative Law Treatise § 3.03, at 170.
6. Id. at 171.
7. 5 USCA §§ 1001-1011.
8. Subpoenas of federal agencies are enforceable by application to a court for an enforcement order, a violation of such an order is then punishable as a contempt of court. Since 1894 when it was held in ICC v. Brison, 154 N.S. 447, that it would be inconsistent with due process and with our system of government to permit the agency to enforce its own subpoena, Congress has refused to grant any agency the power to commit for contempt. Davis indicates in his Administrative Law Text at p. 63 that this attitude might possibly be revised should the question ever arise again. He alo indicates that the state courts are split on the question. A few states, at least, do permit agencies to enforce their own subpoenas by committing for contempt. In addition, he states that the subject "is still largely shrouded in separation of powers conceptualism." Ibid.
9. 1 Davis, Administrative Law Treatise § 3.06, at 193.
10. Administrative Procedure Act § 2(c), (d), (e), (g); 5 USCA § 1001.

garding the information which administrative agencies can require to be produced.

Mr. Justice Holmes writing for the Court in *FTC v. American Tobacco Company*[11] held that "It is contrary to the first principles of justice to allow a search through all the respondent's records, relevant or irrelevant, in the hope that something will turn up." The Commission had sought information about violations, but without a showing of probable cause that there had been violations and without stating specifically what evidence was sought. It was in this case that Holmes announced a sanction upon the scope of administrative inquiries that was to linger until 1950, when he said that it was not within the spirit nor the letter of the Fourth Amendment to permit "fishing expeditions" into private papers on the possibility that they may disclose evidence of crime.[12]

By the early 1940's, a marked change of attitude was apparent on the part of the Supreme Court when it held that a district court was bound to enforce the subpoena of the agency even in the absence of a showing of probable cause that jurisdiction existed.[13] Another significant step was recorded in 1946 when the Court, cutting deeply into Holmes' limit on "fishing expeditions," said that the requirement of particularity in a subpoena was met if the specification of the documents to be produced is adequate, but not excessive, for the purposes of the relevant inquiry.[14] As to the requirement of probable cause the Court said that it would be satisfied "by the court's determination that the investigation is authorized by Congress, is for a purpose Congress can order, and the documents sought are relevant to the inquiry."[15]

In 1950, the Court seemingly wiped out the last vestige of the "fishing expedition" doctrine when it said that:

> Even if one were to regard the request for information in this case as caused by nothing more than official curiosity, nevertheless law-enforcing agencies have a legitimate right to satisfy themselves that corporate behavior is consistent with the law and the public interest.[16]

11. 264 U.S. 298 (1924).
12. Id. at 305-306.
13. Endicott Johnson Corp. v. Perkins, 317 U.S. 501 (1943).
14. Oklahoma Press Publishing Co. v. Walling, 327 U.S. 186 (1946).
15. Ibid.
16. U.S. v. Morton Salt Co., 338 U.S. 632, 652 (1950).
    In a recent case brought by the Secretary of Labor to enforce subpoenas duces tecum served on union officers in connection with an investigation being made under Section 601 of the Labor-Management Reporting and Disclosure Act of 1959 to determine whether" . . . any person has violated any provision of the Act," the District Court (E.D. Mich.) denied enforcement on the grounds that no showing as to necessity for the investigation had been made and because the subpoenas were too broad. Mitchell v. Truck Drivers Local No. 229, 191 F. Supp. 229 (1961), reversed and remanded sub. nom. Goldberg v. Truck Drivers Local Union No. 229, 293 F.2d 807 (1961). The Court of Appeals (6th Cir.) found that while the lower court did not expressly require "probable cause." it adopted a requirement equally as stringent in holding that there must be some "reasonable foundation or valid purpose" rather than merely looking into the records in the hope that something would turn up.

As is generally true, state courts have followed the lead of the Supreme Court on the scope of administrative inquiries.[17] Especially significant is a recent decision of the Supreme Court of Oregon which adopts the federal attitude without reservation.[18] In the Oregon case the State Tax Commission, under the authority of the Forest Products Harvest Tax Act, served a subpoena duces tecum upon a purchaser of timber products for "all books, records and files" showing the amount of purchases of certain timber products and from whom purchased during a specified year. The subpoena stated that the information was necessary for the "admistration and enforcement" of the tax. The company served with the subpoena sought a declaratory decree to determine the validity of the subpoena. The Commission admitted that it had not been issued in connection with any controversy involving the plaintiff's tax liability. One of the reasons set forth by the plaintiff for refusing to comply with the subpoena was that the Commission did not have the authority to conduct such a "fishing expedition" to discover possible violations. The Court said that the subpoena power was granted "for the purpose of determining the taxes imposed," and went on to say that:

> We regard that phrase as embracing the authority to require the production of records not only in connection with the violations by persons known to the commission, but by unknown persons as well and more than this, as embracing the power of investigation to determine whether the act is being complied with even though the commission does not have evidence that violations are occurring.[19]

After reciting the various purposes for which investigatory powers may be granted by the legislature[20] and indicating that such broad powers had been granted to the commission, the court said:

The Court found from the legislative history of the Act that the "probable cause" test was rejected by Congress because it might hamper the Secretary in the performance of his duties. "While the disclosure must not be unreasonable or oppressive (Oklahoma Press Publishing Co. v. Walling, 327 U.S. 186, 208), this does not mean that the Secretary is obligated to establish a reasonable basis for his investigation." (at 812). The Court said that the Secretary did not have to offer evidence to establish a reason or basis for the investigation; the statute is sufficient authority for him to proceed. The Court concluded by stating that prior cases "clearly indicate that probable cause for an investigation is not required." (at 814).

On the question of undue breadth of subponea, the Court said that these were records required by law to be kept and would show whether union reports had been filed with the Secretary were true. In addition, even though the union had not raised the issue, the Court said that because these were records required to be kept, production of them could not be resisted on the ground of self-incrimination.

As a third ground for resisting the subpoenas, the Union contended the provision of the Act requiring them to file reports violated the Commerce Clause of the Constitution, since it was an attempt to regulate the purely internal affairs of the Union. The Court disposed of this argument by saying that there are Union activities other than collective bargaining which substantially affect interstate commerce.

17. 1 Davis, Administrative Law Treatise § 3.06, at 193.
18. Pope & Talbot, Inc. v. Smith, 340 P.2d 960 (Ore. 1959).
19. Id. at 963-964.
20. Id. at 964. The court quoted 1 Davis, Administrative Law Treatise § 3.01, at 160. "Investigations are useful for all administrative functions, not only for rule making, adjudication, and licensing, but also for prosecuting, for supervising and directing, for determining general policy, for recommending legislation, and for purposes no more specific than illuminating obscure areas to find out what if anything should be done."

> The authority so granted may be exercised by the commission in the process of making investigations to determine the need for further legislation, the need for additional or different administrative rules and regulations; to uncover facts in aid of the adjudication function of the commission, and to gather other data relevant to the proper administration of the act.[21]

In meeting the plaintiff's contention that the scope of the subpoena was so broad as to violate the Fourth Amendment of the Constitution prohibiting unreasonable searches and seizures, the court again relied expressly on the federal law as laid down in *Oklahoma Press Publishing Co. v. Walling*,[22] saying that it stated "the modern law."[23] The court continued, saying that "Since we hold that the subpoena . . . satisfies the limitations on breadth and relevancy, the Fourth Amendment is not violated."[24] In addition, the court said:

> Plaintiff's reliance upon (the) earlier law (prescribing narrow bounds for administrative inquiries) will not help it in this court for we endorse the view expressed in most of the recent federal and state cases recognizing the validity of broad inquiry if authorized and relevant.
>
> More specifically we recognize that an administrative agency may be granted the power to issue subpoenas even though they are not related to adjudication or probable violations of the law (citing cases); even though the company from whom the information is sought is not under investigation (citing cases); even though the investigation concerns persons not named in the subpoena (citing cases); and even though the company called upon to reveal its records is not affected with a public interest (citing cases).
>
> But there are limitations on the agency's power of compulsory disclosure. *The inquiry must be relevant to a lawful investigatory*

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21. Ibid.
22. Supra note 13. The protection against unreasonable searches and seizures afforded by the Fourth Amendment was first given effect in Boyd v. U.S., 116 U.S. 616 (1886), in which the Court held that a general order to produce testimony or private papers for inspection was equivalent to a search and required that reasonable cause to believe that a crime had been committed must be shown. This attitude was almost eliminated in the case of Wilson v. U.S., 221 U.S. 361 (1912), in which it was held that the Fourth Amendment was not violated although the process required the production of copies of letters and telegrams "in regard to alleged violation of the statutes of the United States. . . ."

    The Court in the *Oklahoma Press* case, 327 U.S. 186 (1946), stated that "The *Wilson* case has set the pattern of later decisions and has been followed without qualification of its ruling." Two other remarks made by the Court in the *Oklahoma Press* case show the present attitude concerning the Fourth Amendment.

    > The primary source of misconception concerning the Fourth Amendment's function lies perhaps in the identification of cases involving so-called "figurative" or "constructive" search with cases of actual search and seizure.
    >
    > . . . .
    >
    > [T]he Fourth, if applicable, at the most guards against abuse only by way of too much indefiniteness or breadth in the things required to be "particularly described," if also the inquiry is one of the demanding agency is authorized by law to make and the materials specified are relevant. The gist of the protection is in the requirement, expressed in terms, that the disclosure sought shall not be unreasonable.

23. The court quoted the applicable law as summarized in 1 Davis, Administrative Law Treatise § 3.05, at 181: " 'Except for limitations concerning breadth and relevancy, the Fourth Amendment does not now restrict an administrative subpoena for records or an administrative requirement of reports.' "
24. Id. at 965.

purpose and must be no broader than the needs of the particular investigation.[25] (Emphasis supplied.)

The court went on to expand upon the quoted propositions as they applied in the case, and indicated that there could be an additional reason for refusing enforcement of a subpoena if conditions were such that compliance would impose an unreasonable burden upon the conduct of the business.

> There is no contention here that compliance with the subpoena will impose an unreasonable burden upon the plaintiff in the conduct of its business. Had that been shown the plaintiff's refusal to accede to the commission's demand would have been proper.[26]

Another issue that has often been raised in the cases dealing with the permissible scope of administrative subpoenas is that of the constitutional protection against self-incrimination. However, courts have experienced little difficulty in overcoming the contention when it has been raised. Davis points out that there are three ways of getting around the privilege: (1) Records of corporations and other organizations are not subject to the privilege, (2) Statutes customarily compel testimony and confer immunity, and (3) Records required to be kept are outside the scope of the privilege.[27] The law with regard to corporate records is stated by the Court in summary form in the *Oklahoma Press* case where it is said, "[T]he Fifth Amendment affords no protection by virtue of the self-incrimination provisions, whether for the corporation or for its officers."[28]

As to immunity statutes, Davis points out that they are quite common in both federal and state statutes.[29] In *Shapiro v. U. S.*[30] the Court held that the privilege could not be maintained with regard to records required by law to be kept, and that the defendant was entitled to no immunity from prosecution because of evidence revealed in those records.

As indicated by the Oregon Court in the *Pope-Talbot* case[31] it is within the power of the legislature to authorize administrative agencies to

25. Ibid.
26. Id. at 966.
27. Davis, Administrative Law Text § 3.07, at 59.
28. 327 U.S. 186, 208 (1946).
29. Davis, Administrative Law Text § 3.08, at 60.
Several Wyoming Administrative Agencies have been provided with immunity statutes. See, for example, Wyo. Stat. § 37-35 (1957) (Public Service Commission), which states:
> No person shall be excused from testifying or from producing books, accounts and papers in any investigation or inquiry by or hearing before Commission or any Commissioner, when ordered so to do, based upon or growing out of any violation of the provisions of this Act . . . on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him many tend to incriminate him or subject him to penalty or forfeiture but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying.

See also, Wyo. Stat. § 27-33 (j) (1957) (Employment Security Commission), and Wyo. Stat. § 39-36 (a) (1957) (Department of Revenue), for similar provisions.
30. 335 U.S. 1 (1948).
31. Supra note 18.

conduct investigations and exercise the subpoena power for a variety of legitimate purposes.[32] In addition, some states have adopted administrative procedure acts similar in some respects to the federal APA in an attempt to provide uniformity of administrative action, especially in the fields of rule making, adjudication, and licensing. The Massachusetts Act applies to those agencies which have the power to "make regulations or conduct adjudicatory proceedings."[33] The use of subpoenas by the agency in adjudicatory proceedings and licensing is granted in broad terms:

> Agencies shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents, relating to any matter in question in the proceeding.[34]

In Colorado the Act is made applicable to those agencies exercising rule making, licensing, and adjudication functions.[35] The presiding officer at hearings is authorized to issue subpoenas.[36]

The Model State Administrative Procedure Act formulated by the Conference of Commissioners on Uniform State Laws and the revised version mention neither "investigations" nor "subpoenas." Davis states that the (federal) "APA tries to limit administrative proceedings to rule making, adjudication, and licensing," but the fact remains that many administrative proceedings are investigations.[37] It could be argued, however, that the procedure acts are based on the theory that the authority to conduct investigations and exercise subpoena power for purposes other than those covered in the Act has been granted to the affected agencies by the legislative enactment that created them, and that it is only when the fruits of investigations are sought to be utilized in one of the functions contemplated by the Act, e.g., rule making, adjudication, etc., that the Act applies to assure procedural fairness. The most important functions of the various procedure acts are to assure interested parties of notice of proposed agency actions, afford adequate opportunity for hearings, establish rules of evidence, and provide a system of review after an agency determination.

Despite the fact that there are more than fifty agencies, boards, and commissions exercising administrative functions in Wyoming, research has failed to disclose a single case in which the court has laid down rules limiting the scope of administrative subpoenas or investigatory activity. The powers granted the various administrative-type agencies in Wyoming run the gamut of permissible administrative functions from licensing to conducting investigations for proposed legislation. The table following this

32. Supra note 20.
33. Mass. Ann. Laws, ch. 30A, § 1 (2) (1952).
34. Id. at § 12 (2).
35. Colo. Rev. Stat. §§ 3-16-1 to 3-16-6 (1953).
36. Id. at § 3-16-4 (4).
37. 1 Davis, Administrative Law Treatise § 3.01, at 159-160. Adjudication is defined by the APA § 2 (d) as "Any agency process other than rule making." It seems therefore, that investigation is part of the adjudication process. By saying that, however, a strained construction is given to the accepted meaning of adjudication.

article indicates the subpoena powers granted to the various Wyoming agencies. In connection with this symposium, questionnaires were sent to all state agencies in Wyoming that exercise administrative functions. Replies to these questionnaries show that on only rare occasions are administrative subpoenas utilized in Wyoming. Many of those agencies contacted indicated that they have never issued a subpoena in connection with their supervisory activities.

Excerpts from the statutory provisions of a few agencies exercising administrative functions in Wyoming will serve to illustrate the scope of their permissible activity in the field of investigation.

> The Wyoming Aeronautics Commission shall have the power to conduct investigations, inquiries and hearings concerning matters covered by the provisions of the laws of this state relating to aeronautics, and accidents or injuries incident to the operation of aircraft occurring within this state. Members of the Commission shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses and the production of papers, books, and documents.[38]

It will be noted in comparison that the investigatory power granted the Aeronautics Commission is much broader than that of the Liquor Commission.

> The (Wyoming Liquor) Commission, through its employees or any peace officer of the State of Wyoming designated by it, shall have the power to enter and inspect at any time every place of business wherein malt or alcoholic beverages are being sold at retail or wholesale, or are being kept by any permit holder, within the state, and may also enter and inspect any place where malt or alcholic beverages are stored, and to examine the records, books of account and stock or malt and alcoholic beverages of said retailers, wholesalers and permit holders.[39]

While the Liquor Commission has some power of inspection, it does not have the authority to conduct investigations for the purposes normally considered to be within an agency's power of inquiry, nor does it have the authority to issue subpoenas to supplement its functions. While the Commission has the authority to revoke licenses for violations of the liquor laws, there is no indication of how the Commission is to obtain evidence of such violations.[40] Moreover, there is no provision in the statute to provide for the use of supoenas to compel the attendance of witnesses or for the production of records such as would seem to be necessary in a revocation proceeding before the Commission.[41] This situation is, to say the least, anomalous at a time when it is generally recognized that comprehensive investigatory powers are a necessity for a regulatory-type agency if it is to function effectively.

The Public Service Commission, on the other hand, has been granted

38. Wyo. Stat. § 10-19 (1957).
39. Id. at § 12-39(c).
40. Id. at § 12-29(b).
41. Ibid.

broad powers of investigation and authority to compel production of evidence.[42] It is only necessary for the Commission to "believe that an investigation . . . should be made in order to secure compliance with the provision of (the) Act . . ." to institute one of its own initiative.[43]

The statutes creating the Oil and Gas Commission are also quite broad in granting investigatory power and authority to use subpoenas.[44] They provide in part:

> The Commission has authority and it is its duty to make investigations to determine whether waste exists or is imminent, or whether other facts exist which justify or require action by it hereunder.
>
> The Commission shall make rules, regulations, and orders, and shall take other appropriate action, to effectuate the purposes and intent of this Act.[45]

With regard to the power of the Oil and Gas Commission to compel testimony and the produtcion of records, the following language of Wyo. Stat. § 30-224 (1957), is interesting in that it reflects the attitude of the federal courts with regard to the scope of inquiry. It states:

> . . . [P]rovided, that nothing herein contained shall be construed as requiring any person to produce any books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before the commission or court for determination. . . .

As to authority of an administrative-type body to act solely for the purpose of conducting investigations for prospective legislation, the Wyoming Legislative Council was given authority to "hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses, and the production of any papers, books, accounts, documents and testimony. . . ."[46]

In summary, notwithstanding the absence of Wyoming case law regarding the scope of administrative inquiry, it is reasonable to assume that the Wyoming Supreme Court would follow the lead of federal courts and other progressive state courts in deciding how deeply an agency can probe into the activities of an enterprise subject to its regulation. We have seen that the law in other jurisdictions requires only that the information sought be relevant to an inquiry which is within the authority of the agency to conduct. Neither is it necessary that a violation be shown, nor even that one is suspected before an investigation can be commenced. "Official curiosity" has been held sufficient in some instances.[47]

While the adoption of an Administrative Procedure Act in Wyoming

42. Id. at §§ 37-15, -16.
43. Id. at § 37-16.
44. Id. at §§ 30-216 to -234.
45. Id. at § 30-219(b), (c).
46. Sess. Laws of Wyo. 1961, ch. 205, § 6.
47. U.S. v. Morton Salt Co., supra note 15.

would tend to assure procedural equality for persons and activities subject to agency control, it should also provide that the agency or its representative conducting the proceeding have the power of subpoena and authority to conduct investigations during the course of a proceeding. The principal benefit to be derived from such authority would be in developing the record of the proceeding in the event of an appeal from the decision.

It is apparent that governmental functions are becoming increasingly complex and that administrative agencies are the result of that complexity. To efficiently control the activities which are assigned to them, agencies require broad powers of investigation.

It has been argued that to grant such broad powers will lead to abuse. The answer is not to limit their authority, but to provide adequate safeguards against administrative abuse through such mediums as notice, opportunity of hearings, and judicial review. An Administrative Procedure Act in Wyoming would contribute greatly to providing such safegaurds against administrative abuse.

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SUBPOENA POWERS OF WYOMING ADMINISTRATIVE AGENCIES*

(All references are to Wyoming Statutes, 1957)

Agency	Issuance	Witnesses	Records	Enforcement
Accountancy, 33-14 to 33-23	X	X	X	X
Aeronautics, 10-15 to 10-26	11	21, 22, 23	31, 32, 33	43
Agriculture, 11-5 to 11-17	X	X	X	X
Barber Examiners, 33-77 to 33-99	X	X	X	X
Black Hills, Joint Power Commission 37-120 to 37-130	X	X	X	X
Boxing, 33-100 to 33-121	11	22, 23	35	43
Blue Sky, 17-102 to 17-117	11	21, 22, 23	31, 32	42 (b)
Board of Control, 41-154 to 41-200	Division Supt.	21, 22, 23	X	43
Child Caring, Ch. 135, Laws, 1961	X	X	X	X

Agency	Issuance	Witnesses	Records	Enforcement
Chiropractic, 33-134 to 33-150	11	21, 22	31	42 (a)
Coal Mining, 30-112 to 30-129	X	X	X	X
Cosmetology, 33-171 to 33-184	14	21, 23	31, 32, 34	43
Charities and Reforms, 9-168 to 9-190	X	X	X	X
Collection Agency, 33-151 to 33-166	11	21, 22, 23	X	43
Dental Examiners, 33-195 to 33-213	11	21, 23	X	43
Flood Control, 41-118 to 41-120	X	X	X	X
Education, 21-1 to 21-37	14	21, 23	X	43
Embalming, 33-224 to 33-246	11	23	X	43
Employment Sec., 27-32 to 27-41	11, 12	21, 23	31, 32, 34, 36	42 (a)
Examining Engrs., 33-356 to 33-368	14	21, 22, 23	X	43
Equalization, 39-16 to 39-31	11	21, 22, 23	31, 32, 33 34	42 (b)
Fire Dept. Civil Service, 15-372 to 15-389	14	21	X	43
Farm Loan, 11-609 to 11-643	X	X	X	X
Game & Fish, 23-8 to 23-119	X	X	X	X
Health, 35-10 to 35-23	11	21, 22	X	43
Insurance, 26-48 to 26-52	11, 12	21, 22, 23	35 (may acquire records by attachment)	42 (b)
Land Commr's, 36-14 to 36-31	X	23	X	X
Livestock & Sanitary, 11-259 to 11-278	X	X	X	X

Agency	Issuance	Witnesses	Records	Enforcement
Land Settlement, 36-54 to 36-61	X	X	X	X
Medical Examr's., 33-328 to 33-343	11	21, 22	31	42 (a)
Natural Resources, 9-145 to 9-160	X	X	X	X
Nursing, 33-280 to 33-291	11	21, 22	31	43
Oil & Gas, 30-216 to 30-234	11	21, 22, 23	32, 33, 34	42 (a) (court may enforce by attachment of the person)
Public Utilities, 15-564 to 15-575	X	X	X	X
Police Civil Service, 15-390 to 15-412	14	21	X	43
Predatory Animal, 11-99 to 11-108	X	X	X	X
Pharmacy, 33-305 to 33-316	X	(In license revocation proceeding accused may have compulsory attendance of witnesses)	X	43
Public Service, 37-3 to 37-50	11, 14	21, 22, 23	31, 32, 33, 35	42 (a)
Pardons, 9-191 to 9-194	X	X	X	X
Real Estate, 33-345 to 33-352	11	21, 22, 23	31	42 (a) & (b)
Retirement, 9-298 to 9-332	X	X	X	X
Military, 19-39	X	X	X	X
Parks, 36-129 to 36-134	X	X	X	X
Prison Labor, 7-371 to 7-378	X	X	X	X

Agency	Issuance	Witnesses	Records	Enforcement
Revenue, 39-35 to 39-43	11, 12, 14	21, 22, 23	31, 32, 34 35	42 (a)
Soil Consv., (Bd. of Adjust.) 11-234 to 11-250	11, 12	21,23	X	43
State Supplies, 9-371 to 9-379	X	X	X	X
Surplus Prop., 9-243 to 9-248	X	X	X	X
Univ. Trustees, 21-350 to 21-356	X	X	X	X
Veterinary Exmr's., 33-370 to 33-383	X	X	X	X
Liquor Comm., 12-38 to 12-46	X	X	35	X
Legislative Council, Ch. 205, Laws 1961	11	21, 22, 23	31, 32, 33, 37	42 (a)
Water Consv. Dist. (Bd. of Directors) 41-89 to 41-107	X	X	X	X
Zoning Comms., 15-625 to 15-626	14	21, 23	X	X

*Key to Table:

ISSUANCE:

11—Commissioners, secretary, or board

12—Delegates

13—Employees

14—Has power to compel witnesses, records, etc., but the term "subpoena" is not used in statute.

WITNESSES:

21—Attendance

22—Testimony

23—Administer oaths

RECORDS:

31—Papers

32—Books

33—Documents

34—Records

35—Examine records, etc., without subpoena

36—Correspondence and memoranda

37—Accounts

ENFORCEMENT:
41—By agency
42—By court
(a) as contempt
(b) as misdemeanor
43—Not indicated
X—No statutory provsion.

It will be noticed from the table that some of the Wyoming administrative agencies have relatively broad subpoena powers, while others have none or do not have complete coverage for both witnesses and documents. Several agencies that have some subpeona authority are apparently without authority to enforce them either upon application to the courts, or upon their own procedures. Duplicate powers are accorded to some agencies in that they may require information either with or without subpoenas. In at least one instance, the agency (Liquor Commission) may revoke the license of any person who refuses to permit inspection of his premises. The authority of the Commission to revoke the license may be an adequate method of enforcing its right to inspect, even though it has no power of subpoena either for witnesses or for records. In addition to the information that may be gathered through use of subpoenas, a number of agencies may require information by questionnaires, letters, interviews, and inspections of stock, premises, and records.