

RESOLUTION # 5-2015

**TOWN OF DELAVAN BOARD OF REVIEW POLICY REGARDING SWORN
TELEPHONE OR SWORN WRITTEN TESTIMONY REQUESTS**

WHEREAS, § 70.47(8), Wis. Statutes authorizes the Board of Review to consider requests from a property owner or the property owner's representative to testify under oath by telephone or written statements under oath to the Board of Review and whether to allow the same; and

WHEREAS, the Board of Review has determined that the use of telephone testimony or sworn written testimony for Board of Review proceedings raises issues with regard to the fairness of the proceedings to all parties involved, and would present, in the case of telephone testimony, the potential for technical difficulties in creating a usable record of the proceedings as required by statute.

NOW, THEREFORE the Town Board and Board of Review of the Town of Delavan, Walworth County does hereby adopt the following policy with regard to sworn telephone or sworn written testimony at Board of Review proceedings:

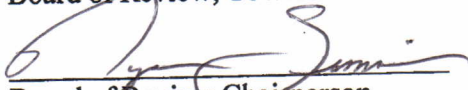
POLICY REGARDING SWORN TELEPHONE OR SWORN WRITTEN TESTIMONY:

It is the policy of the Town of Delavan Board of Review that it shall not receive telephone testimony or written testimony at Board of Review proceedings as authorized by the provisions of §70.47(8) of the Wisconsin Statutes due to the fact that use of either sworn written testimony or sworn telephone testimony presents serious issues with regard to the fairness of the proceedings to the parties, particularly due to the inability of parties to cross examine witnesses, and due to the impairment of the ability of the Board of Review to obtain complete information regarding the value of the property which is the subject of the particular Board of Review hearing. In addition, the use of telephone testimony presents the potential for an incomplete or incomprehensible record of Board of Review proceedings which would limit or possibly eliminate the ability of a party to a Board of Review proceeding to obtain meaningful review of any Board of Review determination.

The foregoing policy is not intended to eliminate the presentation of telephonic testimony of ill or disabled persons presenting to the Board of Review a letter from a physician, osteopath, physician's assistant as defined in §448.01(6), or advanced practice nurse prescriber certified under §441.16(2) that confirms the illness or disability, all as provided in §70.47(8) of the Wisconsin Statutes.

Adopted this 16th day of June, 2015.

Board of Review, Town of Delavan


Board of Review Chairperson

Attested by:


Clerk of the Board of Review