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Ardelle M. Kissler, Clerk

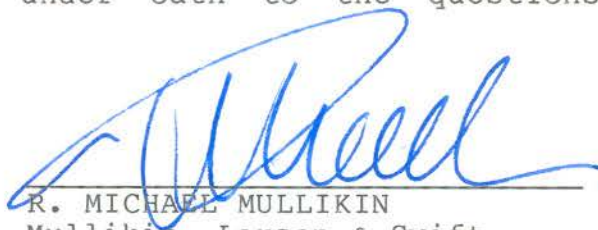
BEFORE THE ENVIRONMENTAL QUALITY COUNCIL Environmental Quality Council
STATE OF WYOMING

IN THE MATTER OF THE)
OBJECTIONS TO A MINING)
PERMIT APPLICATION BY)
PETER HANSEN, TFN 2 6/20)

MOTION FOR LEAVE TO CONDUCT VOIR DIRE EXAMINATION
WITH RESPECT TO MEMBERSHIP OF ENVIRONMENTAL QUALITY COUNCIL

COMES NOW, R. Michael Mullikin, attorney for the Applicant, Peter A. Hansen, and moves this tribunal for an Order requiring that Voir Dire be conducted with respect to all members of the Environmental Quality Council in order to determine whether any bias or prejudice exists to a degree which would render one or more of the council members unable to give Applicant a fair and impartial hearing. The attorney for the Applicant has no reason to believe that any such bias or prejudice exists, but in the discharge of his office as attorney for the Applicant, feels that the matter must be inquired into prior to the consideration of the Application. The attorney for the Applicant relies upon the decisions of Board of Trustees, Laramie County School Dist. No. 1 vs. Spiegel, 549 P.2d 1161 (Wyo. 1976), and Ririe vs. Board of Trustees of School Dist. No. 1, 674 P.2d 214 (Wyo. 1983).

It is, therefore, requested that the members of the Environmental Quality Council respond under oath to the questions attached hereto.



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Attorneys for Applicant

CERTIFICATE OF SERVICE

A copy of the foregoing MOTION FOR LEAVE TO CONDUCT VOIR DIRE EXAMINATION WITH RESPECT TO MEMBERSHIP OF ENVIRONMENTAL QUALITY COUNCIL was mailed, postage prepaid, this 21st day of November, 1986, addressed to the following:

Randolph Wood, Director
Dept. of Environmental Quality
122 West 25th Street
Herschler Building
Cheyenne, Wyoming 82002

Steven Shanahan
Senior Asst. Attorney General
Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002

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Roger Shaffer, Administrator
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R. MICHAEL MULLIKIN

APPLICANT'S PROPOSED VOIR DIRE QUESTIONS

1. Do you presently or have you ever had a business or personal relationship with any of the objectors?
2. Have you ever been a social guest in the home of any objector?
3. Have you ever attended a social engagement with any objector?
4. Are you an officer, director, owner, stockholder, partner or member of any organization, corporation or partnership of a business, civic, non-profit, religious or fraternal nature in which any objector is also an officer, director, owner, stockholder, partner or member?
5. Are you a member of or contributor to any organization, association or corporation which, to your knowledge, has taken any stand with respect to the issues of whether the Applicant may legally or should conduct the operations of a gravel pit as he has in the past or as is proposed in the Application? If so, describe your involvement, if any, with respect to that matter and if the organization has not taken such a stand, whether to your knowledge a substantial number of the members of said organization have taken such a stand.
6. If your responses to any of the foregoing questions are yes, please give details.
7. Have you read any newspaper accounts, heard any radio broadcasts or otherwise received any information from the media or otherwise concerning the factual and legal issues involved with respect to the pending Application or whether the operation as previously conducted or is proposed to be conducted would be in violation of Teton County regulations? If so, have you reached any preliminary views with respect to the appropriateness legally or personally of the operations in the past or as proposed based upon that information? If so, state what, if any, views you presently hold with respect to the matter.
8. Have you ever expressed to any other person or organization, either orally or in writing, any feeling, position or stand or otherwise made any comment upon whether you personally feel that the extraction and production of gravel at the Hansen pit is proper or in any way criticized the past operations or proposed operations? If so, please give details here.
9. Have you been solicited in any way by any person or organization, whether or not an objector to the pending Application, to influence or support in any way, whether by monetary contribution, testimony or otherwise to promote the closing of the Hansen pit operations, either as they have existed in the past or as they are proposed? If so, please give details.
10. Have you reached any conclusions, tentative or otherwise, with respect to whether you feel the operations at the Hansen pit as they have existed in the past or as they are proposed to exist are appropriate or inappropriate from any standpoint whether legal or personal? If so, what are they?
11. Assuming you were in the position of Peter A. Hansen, the Applicant, and the objectors were opposed to you with respect to the issues of this case, would you consider a person judging that dispute and having the same state of mind as you have with respect to the issues to be a fair and impartial judge of the matters in issue?

12. If you were to find in favor of Peter A. Hansen as Applicant on the matters in issue, would you feel embarrassed or uncomfortable to meet any of the objectors on the street or elsewhere after having so found? Would the prospect of such a meeting or contact have an effect on your conduct or deliberations with respect to the matters in issue with regard to the above-entitled Application?
13. Having considered your responses to all of the foregoing questions, do you feel that you will be able to be a fair and impartial judge of the law and facts pertaining to the issues of this Application?