

# Secretary of State

## Mission and philosophy

### Mission

The Secretary of State's staff serves the citizens of Wyoming by providing accurate, timely and courteous

- ◆ information and referral services
- ◆ statutory filings and registrations
- ◆ regulation and enforcement

in the areas of

- ◆ corporations/businesses/trademarks/trade names
- ◆ UCCs (Uniform Commercial Code transactions)
- ◆ central filing (agricultural products, liens, searches)
- ◆ securities/notaries public
- ◆ elections/lobbying/ethics
- ◆ state rules and regulations
- ◆ state lands, state investments, e-commerce and/or
- ◆ citizen representation and legislation.

### Philosophy

The Secretary of State and his staff take pride in their work and appearance; demonstrate a strong work ethic; show that they care about their customers by giving knowledgeable, timely and courteous service; are organized and constantly review and modify procedures and technology to keep public service at its best and costs down; present in a friendly, professional way.

The Secretary of State's staff give their best effort; value common sense, honesty and a good sense of humor; respect each other's opinions; support good will, cooperation and loyalty. They are committed to continuing their education and/or training to maintain a high level of professional expertise and competency.

## Results of outcomes

Outcomes are measured as substantial movement toward accomplishing the agency's goals and objectives. Each goal, objective, outcome and output is listed in the agency's strategic plan.

**Outcome 1-1:** During the past year, the division maintained 120,077 active business entity registrations. Business entities include profit and nonprofit corporations, LLCs, LPs, RLLPs, Statutory Trusts, Trade Name, Trademark and UCC/EFS filings.

### General information

Joseph B. Meyer, Secretary of State

### Agency contact

Patricia O'Brien Arp, Ph.D., Deputy Secretary of State  
307/777-5333  
Secretary of State  
200 West 24th Street  
The Capitol Building  
Cheyenne, WY 82002-0020  
secofstate@state.wy.us

### Year established

1869

### Statutory references

The Secretary of State is established as a state elected office by the Wyoming Constitution and Wyoming Statutes, Title 9.

The **Corporations Division** acts in accordance with the following state statutes:

W.S. 17-3-101 through 17-3-104 ..... Professional Corporations  
W.S. 17-8-101 through 17-8-117 ..... Churches and Religious Societies  
Generally  
W.S. 17-10-101 through 17-10-126 ..... Cooperative Marketing  
Associations  
W.S. 17-10-201 through 17-10-253 ..... Processing Cooperative  
W.S. 17-11-101 through 17-11-120 ..... Industrial Corporations  
W.S. 17-12-101 through 17-12-107 ..... Miscellaneous Companies  
W.S. 17-14-201 through 17-14-1104 ..... Uniform Limited  
Partnership Act  
W.S. 17-15-101 through 17-15-147 ... Limited Liability Companies  
W.S. 17-16-101 through 17-16-1804 ..... Wyoming Business  
Corporation Act  
W.S. 17-17-101 through 17-17-151 . . . Close Corporation Supplement  
W.S. 17-18-101 through 17-18-403 ..... Wyoming Management  
Stability Act  
W.S. 17-19-101 through 17-19-1807 . . . Nonprofit Corporation Act  
W.S. 17-20-101 through 17-20-1801 ..... Wyoming Cooperative  
Utilities Act  
W.S. 17-21-101 through 17-21-1003 ..... Uniform Partnership Act  
W.S. 17-21-1101 through 17-21-1106 ..... Registered Limited  
Liability Partnerships  
W.S. 17-22-101 through 17-22-115 ..... Uniform Unincorporated  
Nonprofit Association Act  
W.S. 17-23-101 through 17-23-302 . . . Wyoming Statutory Trust Act  
W.S. 17-24-101 ..... Business Names  
W.S. 17-25-101 through 17-25-109 ..... Close Limited Liability  
Company Supplement  
W.S. 17-26-101 ..... Conversion  
W.S. 34-21-1101 through 34-21-1107 ..... Central Filing System  
W.S. 34.1-9-101 through 34.1-9-709 . . . Uniform Commercial Code

*Continued p. 3-10*

*Continued p. 3-9*

W.S. 37-4-101 through 37-4-104 . . . . .Transmitting Utility Act  
 W.S. 40-1-101 through 40-1-116 . .Trademarks and Service Marks  
 W.S. 40-2-101 through 40-2-109 . . . . .Trade Names

The **Securities Division** operates under the Uniform Securities Act which is W.S. 17-4-101 through 17-4-132.

The **Services Division** includes elections, lobbyists, ethics, notaries public, state registry of agencies' rules and acts in accordance with the following state statutes:

W.S. 22-1-101 through 22-29-601 . . . . .Elections  
 W.S. 28-7-101 through 28-7-201 . . . . .Lobbyists  
 W.S. 9-13-101 through 9-13-109 . . . . .Ethics  
 W.S. 32-1-101 through 32-1-113 . . . . .Notaries Public  
 W.S. 16-3-101 through 16-3-115 . . . . .State Agency Rules  
 W.S. 8-3-117 . . . . .Bucking Horse & Rider (BH&R) Trademark

The Secretary of State has other statutory duties. A few examples of those diverse statutory requirements are:

W.S. 7-3-223 . . .Criminal Procedure: Fugitives and Prevention of Crime: Extradition - Extraditions are to be filed in the office of the Secretary of State to remain of record in that office.  
 W.S. 9-1-102 . . .Administration of Government: State Officers: Generally - Officers of state agencies & specified state employees are to file an oath of office with the Secretary of State.  
 W.S. 16-2-102 . . .City, County, State and Local Powers: Facsimile Seals and Signatures - Any authorized officer shall file with the Secretary of State his manual signature certified by him under oath.  
 W.S. 18-7-105 . . .Counties: Libraries - As soon as a library board is organized, it shall file with the Secretary of State a certificate showing their organization.  
 W.S. 18-8-104 . . . . .Counties: Memorial Hospitals: Generally - As soon as a memorial hospital board is organized, it shall file with the Secretary of State a certificate showing their organization.  
 W.S. 18-9-102 . . .Counties: Fairgrounds, Airports, Parks, Pleasure Grounds and Recreational Systems: Generally - As soon as the board of any of the referenced groups is organized, it shall file with the Secretary of State certificate showing their organization.  
 W.S. 28-2-116 . . .Legislature: Apportionment of Members - The Secretary of State is to maintain the census block list. The Secretary of State also has responsibilities pertaining to legislative redistricting which are carried out under Chapter 106, 1995 Session Laws of Wyoming.  
 W.S. 40-13-103, 106 and 108 . .Trade and Commerce: Copyrighted Music: Protection of Copyright Users - Secretary of State is to accept filing of performing rights contracts and license agreements.  
 W.S. 41-3-725 . . . . .Water: Rights, Administration and Control: Water Conservancy Districts - Water conservancy districts are to file copies of the findings and the decree of the court incorporating said district with the Secretary of State.  
 P.L. 107-252 . . . . .The Secretary of State, as the State's Chief Election Official, has the responsibility for implementation of the Help America Vote Act of 2002 (HAVA).

The Secretary of State also has responsibilities pertaining to legislative reapportionment which are carried out under Original Senate File 36, Enrolled Act 44 (1995).

Authorized personnel  
 27 full-time

Organizational structure  
 Corporations Division, Securities Division, Services Division

Clients served  
 Entities served by the Secretary of State's office include corporations and other business entities; attorneys; bankers; accountants; those with agricultural interests; individuals who purchase securities investments; all members of the public who participate in elections: county clerks, district, circuit, municipal and JP courts, those who wish to file an initiative or referendum; notaries public; individuals needing international document authentication services; state agencies filing agency rules; lobbyists; all elected officials required to file ethics reports; individuals wishing access to enrolled acts and legislative journals; those involved with legislative reapportionment; individuals wishing to use the state's BH&R trademark; statewide and legislative political candidates; individuals involved with the State Land and Investment Board or other state Board issues; and members of the general public wishing to access state government. The entire population of Wyoming is served by the reapportionment program in that there is a constitutional requirement that the Wyoming State Legislature be reapportioned every ten (10) years. Those specifically involved with this program, who benefit from the collection of data, are the Wyoming State Legislature, the counties and other political subdivisions, and Wyoming electors. The Securities Enforcement and Compliance Program serves people who buy investments such as stocks, bonds or mutual funds. Citizens benefit from regulatory and enforcement activities which stop unethical or fraudulent promotions. Entities served by the Bucking Horse & Rider Trademark Protection Program include the State of Wyoming, all people who enjoy use of the mark, and those business entities that use the mark for promotion or profit.

Budget information

Expenditures*	
001-0101 Administration . . . . .	\$1,662,440
001-0201 Reapportionment . . . . .	36,399
001-0301 UCC Secured Transactions . . . . .	79,913
001-0401 Securities Enforcement & Compliance . . . . .	251,512
001-0601 Bucking Horse & Rider . . . . .	90,575
<b>Total . . . . .</b>	<b>\$2,120,839</b>

\* Figures submitted are as of June 30, 2004. These figures do not reflect any pending encumbrances.

**Outcome 1-2:** During the past year, 8,572 UCC1 financing statements and 5,594 UCC3 amendments were filed directly online by customers.

**Outcome 2-1:**

The number of cases investigated per year.....	53
The number of cases not addressed.....	0
The number of cases opened at FY end.....	7
The number of cases closed.....	31
The number of cases referred.....	15
The number of Cease and Desist Orders.....	2
The number of stipulations.....	9
The number of injunctions.....	0
The number of other regulatory actions.....	1
The number of persons arrested.....	6
The number of persons convicted/guilty pleas.....	1
The amount of restitution.....	\$3,875,000
The amount of fines, penalties, costs of investigation.....	\$200

Six criminal arrests were made during the year. One of those matters was resolved by the defendant pleading guilty. Of the remaining criminal matters, five await trial. Administrative stipulations netted \$3,875,000 in settlement money completing actions originally taken by the New York Attorney General against large brokerage firms for violations involving research and advice.

**Outcome 2-2:**

The number of mutual fund notice filings.....	62
The number of renewal filings.....	1,397
The number of Reg. D notice filings.....	242
The number of securities filing for registration by coordination.....	38
The number of securities filing for registration by qualification.....	0
The number of new agent registrations.....	17,519
The number of new broker-dealer registrations.....	112
The total number of agents registered in Wyoming.....	50,847
The total number of broker-dealers registered in Wyoming.....	1,342

Twelve audits were completed. For ten of the 12 audits performed in FY04, no compliance issues were noted. Thus no further regulatory action was needed. Three of the ten audits were initiated based on customer complaints alleging sales practice violations. None of the audits discovered sales practice violations necessitating further legal action.

**Outcome 3-1:** The average number of user sessions per day for FY04 was 2,298. During FY04, the Secretary of State's office recorded 12,234,610 successful hits on its website, averaging approximately 16,737 hits per day.

**Outcome 3-2:** The five random spot checks were all within the time frame noted above and all deposits were made. This procedure not only gives the Secretary of

State's office the financial data needed for the agency, but also provides interest bearing revenues to the Treasurer's office for the general fund in a timely manner.

**Outcome 3-3:** During FY04, the residents of Wyoming were provided with an average of more than 33 opportunities per month to meet with the Secretary of State.

The public has broad opportunity to contact the Secretary of State in person, by telephone, by regular mail and by e-mail. The Secretary of State tries to accommodate walk-ins and telephone calls when available. These opportunities are not included in the count, however. Only those engagements that have been prearranged and are in the schedule book are tallied.

Conferences/conventions, forums, workshops are counted as one appointment for that day even though many contacts with the public are made throughout the event. Unless a sign in sheet with documented names of participants is available and the Secretary of State was a member of the presenting board or panel, those contacts are not individually counted.

**Outcome 3-4:** Like last year, this year has been a very busy year in terms of contacts with the county clerks. The Secretary of State's office had more than 1,127 collective contacts with the county clerks on topics ranging from the State Plan, voter registration, voting systems, 2004 election year preparation and the Help America Vote Act.

**Outcome 3-5:** There were 730 licenses or Business Use Agreements at the beginning of FY04. By the end of FY04, there were 790 licenses or Business Use Agreements filed. That is an increase of 60 licenses in the course of the fiscal year. The number of registrations continues to increase beyond original expectations as protection and promotion of the state's Bucking Horse & Rider trademark continues to be met with public popularity.

## Strategic plan changes

The one goal for the Wyoming Secretary of State's office has remained essentially the same as in previous years. However, objectives have been modified, added and/or deleted based on past accomplishments and new responsibilities. These specific changes can be found in the agency's strategic plan submitted September 2004.

**The agency's goal is:**

To efficiently, accurately and fairly administer the statutory duties of the Secretary of State as outlined in the state constitution, state statutes Title 9 and the state statutes pertaining to corporations and other business entities, trademarks and trade names, liens and searches, securities, notaries public, elections, lobbying, ethics, state rules, legislative redistricting, investor awareness and fraud prevention program.

# Secretary of State organization chart

