

# The OAH



Jane Dee Hull  
Governor

Cliff J. Vanell  
Director

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[www.azoah.com](http://www.azoah.com)

Official Newsletter of the Arizona Office of Administrative Hearings

## Helping us help you: [www.azoah.com](http://www.azoah.com) **MAKING THE MOST OF THE OAH WEBSITE**

There are two images that often come to my mind as I think about how people must feel about coming to a hearing. One is the image of my mother sitting alone on the couch in my living room in the very early morning before the sun was up. She was staying at my house in Gilbert, Arizona, visiting from Globe where she lived. She had a small claims matter in a nearby justice court. She had been taken from pillar to post and although she would never say so, I know she was worried. She was expected to present her case before a perfect stranger, in an unfamiliar place with no experience. Even though my mother has been dead for almost ten years, my heart still goes out to her. The other image is of a man I saw at the public library years ago asking the librarian where the Arizona law was. After he was shown the large set of books comprising the Arizona Revised Statutes and after watching him puzzle through the index, I couldn't help but think what incredible barriers are set up for people who are not lawyers, but who are nonetheless expected to know and obey the law. These two people probably have no idea how they have affected the spirit of the OAH in its formative years. It is to these two people, my mother and that nameless man, that I dedicate our web page. May serving people like them always be a focus of the "quality of life" that we proclaim in our mission statement as being OAH's reason for existing.

The OAH website is designed with the minimum of frills and organized to get people to the right place as quickly as possible. An outline of the homepage can be found on page 2.

The **background of the OAH**, including its mission statement, logo, management philosophy and views of the hearing rooms give parties a sense of the "feel" of the OAH. **The biographies of the Administrative Law Judges** allow parties to put a name to a face and learn about a judge's background. Along with links to the Arizona Revised Statutes, Arizona Administrative Code and OAH's procedural rules, the OAH has included **extensive cross referencing** to allow non-lawyers to quickly pick up practice pointers and be able to put the law together with a minimum of searching. For example, if a person goes to OAH's procedural rules, any rule which references another rule will have a link to it, as well as any statute in the Uniform Administrative Hearings Procedures that deals with the same issue. Likewise, any reference in articles dealing with practice pointers or any response to a frequently asked question that refers to any rule or statute will have links.

**The OAH Portal** is an important asset to parties since it allows parties to directly access OAH's docket to view case settings, rulings, receipt of documents and other information. Parties can also quickly research any important considerations regarding **attorney representation**. Parties also have the ability to **file motions on line** and

**"Website Overview"**

*continued page 3*

The Office of Administrative Hearings (OAH) began operations on January 1, 1996. Administrative Hearings previously provided by regulatory agencies (except those specifically exempted) are now transferred to the OAH for independent proceedings. Our statutory mandate is to "ensure that the public receives fair and independent administrative hearings."

The process of unifying the administrative hearings function in OAH-style agen-

cies began in 1945 with California. The current states having adopted the model, with year of inception are: Arizona (1996), California (1961), Colorado (1976), Florida (1974), Georgia (1995), Illinois (1997), Iowa (1986), Kansas (1998), Louisiana (1996), Maine (1992), Maryland (1990), Massachusetts (1974), Michigan (1996), Minnesota (1976), Missouri (1965), New Jersey (1979), New York City (1979), North Carolina (1986), North Dakota (1991), Oregon (1999), South Carolina (1994), South Dakota (1994), Tennessee (1975), Texas (1991), Washington (1981), Wisconsin (1978) and Wyoming (1987).

#### **Mission Statement:**

**We will contribute to the quality of life in the State of Arizona by fairly and impartially hearing the contested matters of our fellow citizens arising out of state regulation.**

## 2nd Quarter Statistics At A Glance

### Acceptance Rate:

ALJ findings of fact and conclusions of law were accepted in **97.54%** of all recommended decisions acted upon by the agencies.\* ALJ decisions, including recommended orders, were accepted without modification in **94.5%** of all recommended decisions acted upon by the agencies. **68.85%** of all agency modification was of the order only (i.e. penalty assessed).

### Appeals to Superior Court:

There were 15 appeals filed in Superior Court. 3 appeals involved 1086 consolidated cases; 12 appeals involved separate cases.

### Rehearings:

The rehearing rate was **.415%**, defined as rehearings scheduled (4) over hearings concluded (965\*\*).

### Completion Rate:

The completion rate was **90.31%**, defined as cases completed (1622) over new cases filed (1796).

### Continuance:

The average length of a first time continuance based on a sample of cases (first hearing setting and first continuance both occurred in the 2nd quarter) was **45.7 days**. The frequency of continuance, defined as the number of continuances granted (198) over the total number of cases first scheduled (1804), expressed as a percent, was **10.98%**. The ratio of first settings (1641) to continued settings on the calendar (1322) was **1 to 0.806**.

### Dispositions:

Hearings conducted: **59.5%**; vacated prior to hearing: **37.7%**; hearings withdrawn by agency: **2.8%**.

**Contrary Recommendations and Agency Response: 19.71%** of recommendations were contrary to the original agency action where the agency took a position. Agency acceptance of contrary recommendations was **88.32%**.

\*1% of ALJ recommended decisions were certified as final by the OAH due to agency inaction.

\*\* Cases which were vacated are not included

## OAH Website Structure at a Glance (underlines indicate links)

### BACKGROUND OF THE OFFICE

[Our Mission Statement](#)  
[Our Logo](#)  
[Our Newsletter](#)  
[The Director](#)  
[Views of the Office](#)

### FREQUENTLY ASKED QUESTIONS

[What is an Administrative Law Judge?](#)  
[What is a hearing like?](#)  
[Do I need a lawyer?](#)  
[How do I know what rules to follow?](#)  
[Will there be a record?](#)  
[Where do I send requests?](#)  
[What if I need a delay?](#)  
[How do I ask the judge to do something?](#)  
[How do I subpoena witnesses?](#)  
[What if I need special accommodations?](#)  
[Are there forms I can use?](#)  
[How can I appeal my decision?](#)

### YOUR ASSIGNED ADMINISTRATIVE LAW JUDGE

You can find a biography and a picture of the assigned judge as well as former judges who are our distinguished alumni.

### RESEARCH PROCEDURES, STATUTES AND RULES AFFECTING YOUR CASE

#### [OAH Procedural Rules](#)

[Uniform Administrative Hearings Procedures](#) These are statutory provisions establishing the OAH and outlining the appeals process. For specific procedures involving your case, see the OAH Procedural Rules (above).

[Link to Arizona Administrative Code](#) Here you can research the rules promulgated by the agency that may impact your case.

#### [Link to Arizona Revised Statutes \(A.R.S.\) by title.](#)

Notices of Hearing provided by agencies will refer to these statutes. The number appearing immediately after the "A.R.S." refers to the title.

### RESEARCH YOUR CASE (PORTAL)

The OAH portal allows you to research your case by matter number (certain cases will not appear due to confidentiality requirements).

### ATTORNEY ISSUES

See [Do I need a lawyer?](#)

[Rule 31, Rules of the Supreme Court](#) This rule provides exceptions to the general rule regarding attorney representation before the OAH.

[Rule 33\(d\), Rules of the Supreme Court - Out of State Attorneys: Application Process to Appear Pro Hac Vice](#) (Note: This on-line application is consistent with the Order of the Supreme Court suspending the amendments to Rule 33(d), as adopted on October 9, 2001.)

### OAH NEWSLETTER

[Articles from the OAH Newsletter](#) The OAH newsletter is published quarterly. It contains informative articles and statistics as well as practice pointers.

#### [Newsletters in PDF format](#)

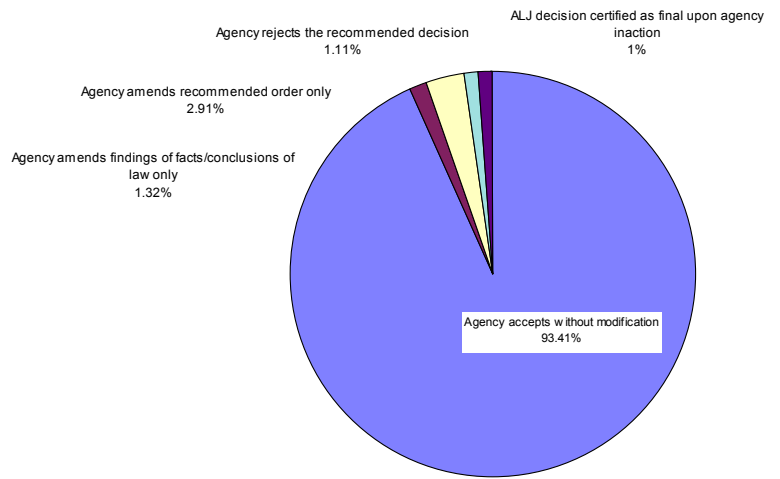
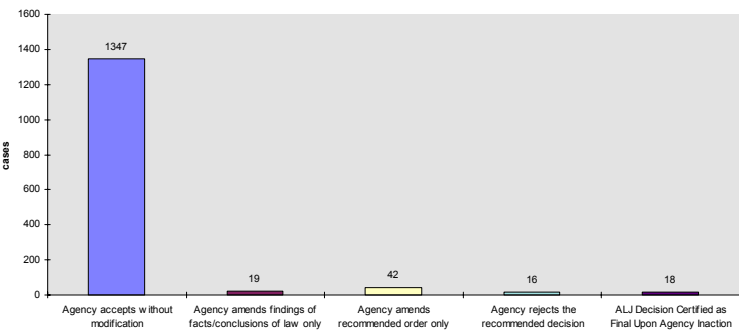
[Previous Quarter Statistics](#) Performance measures as reported in the OAH Newsletter.

### MOTIONS

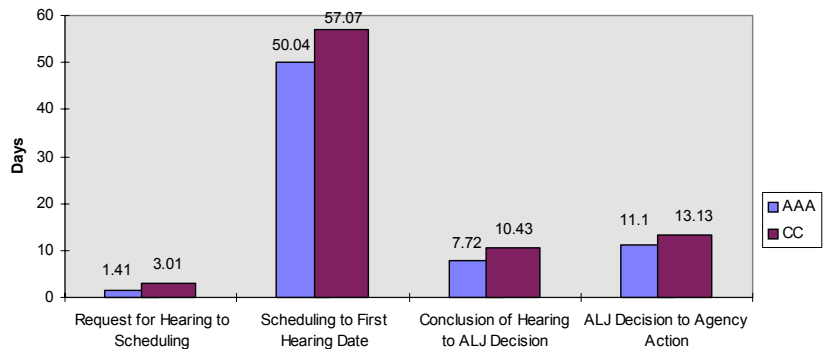
[Sample subpoena form](#)

[Compose motions or respond to motions online](#)

### Agency Response to Recommended Decisions October 1 - December 31, 2001



### Average Time Between Selected Events - Appealable Agency Actions v. Contested Cases\*, October 1 - December 31, 2001



\*Note: *Appealable Agency Actions* are agency actions taken before an opportunity for a hearing. A typical example would be the denial of a license. A party is entitled to a hearing before the OAH before the action becomes final. *Contested Cases* involve actions yet to be determined by an agency. An example would be proposed discipline on a professional license with the possibility of suspension or revocation. Parties are entitled to a hearing before the OAH prior to the agency acting.

## “Website Overview”

*continued from page 1*

**download sample subpoena forms.**

Ultimately the best designers of a website are those that use it. The OAH welcomes any suggestions and can be reached by e-mail at [oah@azoah.com](mailto:oah@azoah.com). We have included a link to comments and questions on the website to make that process easier.

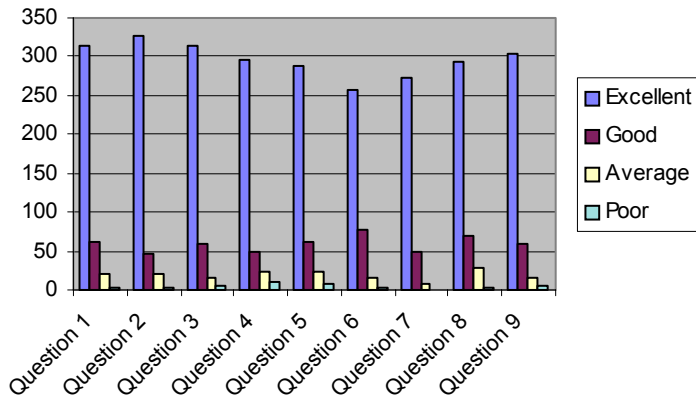
Although the OAH welcomes direct contact to answer questions, we suggest that parties try [www.azoah.com](http://www.azoah.com) first. The OAH website can truly be a one-stop way to learn about procedures, get valuable practice pointers, research your case, find statutes and agency rules that affect your case.

## 1796 Cases Filed October 1, 2001 - December 31, 2001

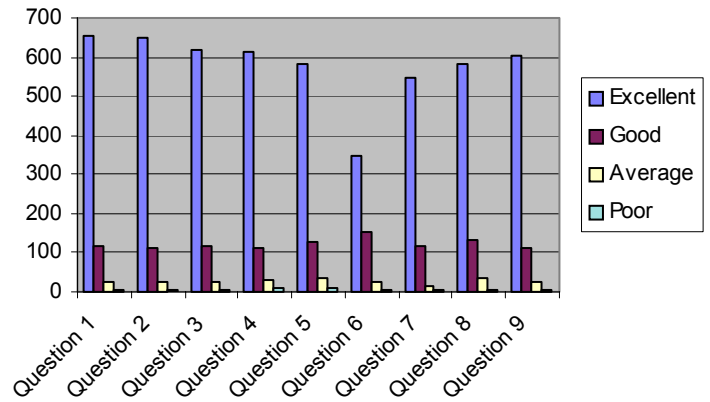
	2nd Q	FY 2002		2nd Q	FY 2002		2nd Q	FY 2002
Accountancy	5	6	Cosmetology	11	19	Peace Ofc. Standards	3	5
Acupuncture Board	0	0	Dental	8	12	Pest Control	11	11
ADA	0	0	Economic Security	0	0	Physical Therapy	0	0
Administration	2	6	Economic Security-CPS	63	114	Podiatry	0	0
Admin. Parking	22	72	Education	0	2	Psychologist Examiners	0	0
Agriculture	0	2	Environ. Quality	28	42	Public Safety - CW	2	5
Ag. Empl. Rel. Bd.	0	0	Funeral	0	0	Public Safety - Trans	4	6
AHCCCS	899	2910	Gaming	3	3	Public Safety - Adult CC	0	0
Alternative Fuel	1	6	Health Services	72	118	Pvt. Post. Ed.	0	0
Appraisal	3	3	Insurance	47	69	Racing	6	10
AZ Commission on the Arts	0	0	Land	2	5	Radiation Regulatory	0	0
Attorney General	0	3	Liquor	19	36	Registrar of Contr.	408	819
Arizona Works	0	0	Lottery	0	0	Real Estate	26	56
Banking	6	16	Maricopa Cty. Housing	1	2	Revenue	28	40
Behavioral Health Ex.	5	12	Medical Examiners	3	5	School - Deaf & Blind	0	0
Building/Fire Safety	61	125	Naturopathic	0	0	Secretary of State	0	0
Charter Schools	0	0	Nursing	8	19	Technical Registration	0	3
Chiropractic	2	3	Nursing Care Admin	1	1	Water Qual. App. Bd.	0	0
Clean Elections	0	0	Osteopathic	0	0	Water Resources	5	10
Community Colleges	0	0	Parks	0	0	Weights and Measures	31	57

# Evaluations of OAH Services

Unrepresented Responses 2nd Quarter



All Responses 2nd Quarter



Questions:

1. Attentiveness of ALJ
2. Effectiveness in explaining the hearing process
3. ALJ's use of clear and neutral language
4. Impartiality
5. Effectiveness in dealing with the issues of the case
6. Sufficient space
7. Freedom from distractions
8. Questions responded to promptly and completely
9. Treated courteously

**Note:** The four major groups of those who responded are: represented private party; unrepresented private party; counsel for a private party; and counsel for the agency. The evaluations are filled out immediately after the hearing and the evaluations are not disclosed to the ALJ involved.

Office of Administrative Hearings  
 1400 West Washington, Suite 101  
 Phoenix, Arizona 85007