

The OAH



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Governor

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Director

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Official Newsletter of the Arizona Office of Administrative Hearings

Researching Decisions on the OAH Website

Cliff J. Vanell, Director

Arizona Office of Administrative Hearings
Decision Search

Matter ID:

If a Matter ID is entered, all other search fields will be ignored!

Judge:

Agency:

Date range:

Matter description:

Full-text search:

Search By:
case number
Judge
agency
date range
party
text

For an example, see page 2

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 agencies began in 1945 with California. The current American states and cities, and Canadian

provinces, having adopted the model, with year of inception are: Alabama (1998); Alaska (2004); Arizona (1996); California (1961); City of Chicago (1997); Colorado (1976); Florida (1974); Georgia (1995); 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 D.C. (1999); Washington (1981); Wisconsin (1978); Wyoming (1987); and Province of Quebec ().

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 **90.66%** of all Administrative Law Judge Decisions acted upon by the agencies.* ALJ Decisions, including orders, were accepted without modification in **83.65%** of all Administrative Law Judge Decisions acted upon by the agencies. **50%** of all agency modification was of the order only (i.e. penalty assessed).

Appeals to Superior Court:

There were 23 appeals filed in Superior Court.

Rehearings:

The rehearing rate was **.84%**, defined as rehearings scheduled (6) over hearings concluded (710).**

Completion Rate:

The completion rate was **110.9%**, defined as cases completed (1785) over new cases filed (1610).

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 **52.9 days**. The frequency of continuance, defined as the number of continuances granted (292) over the total number of cases first scheduled (1607), expressed as a percent, was **18.2%**. The ratio of first settings (1909) to continued settings on the calendar (364) was **1 to 0.33**

Dispositions:

Hearings conducted: **52.5%**; vacated prior to hearing: **45.4%**; hearings withdrawn by the agency: **2.1%**.

Contrary Recommendations and Agency Response:

15.6% of Administrative Law Judge Decisions were contrary to the original agency action where the agency took a position. Agency acceptance of contrary Administrative Law Judge Decisions was **84.44%**.

* 3.96% of Administrative Law Judge Decisions were certified as final by the OAH due to agency inaction or were rendered moot by settlement.

** Cases which were vacated or which settled on the day of hearing are not included.

Step 2. Select the Administrative Law Judge:

Matter ID:

If a Matter ID is entered, all other search fields will be ignored!

Judge:

Agency:

Date:

Matter description:

Full-text search:

Step 3. Select the Registrar of Contractors:

Matter ID:

If a Matter ID is entered, all other search fields will be ignored!

Judge:

Agency:

Full-text search:

(continued from page 1)

Example:

Finding decisions written by Administrative Law Judge Michael L. Barth in Registrar of Contractors hearings dealing with broken tiles:

Step 1. Go to www.azoah.com and scroll down to "Search Administrative Law Judge Decisions"



Step 4. Select the search method and term:

Date range:

Matter description:

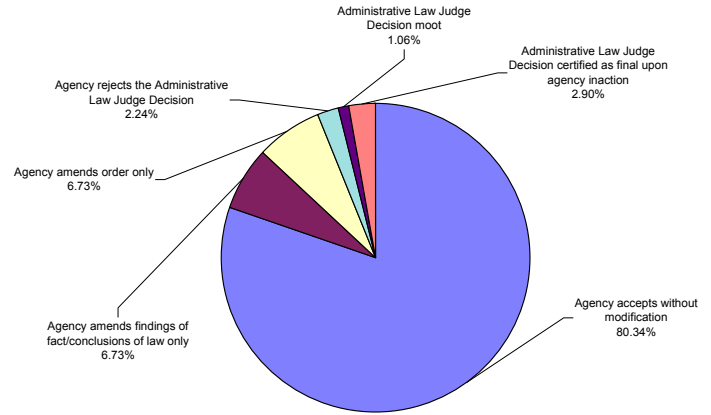
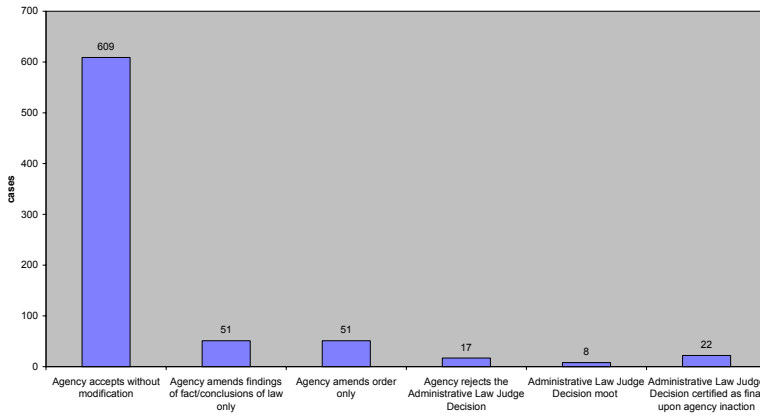
Full-text search:

Free Text
Free Text
Boolean

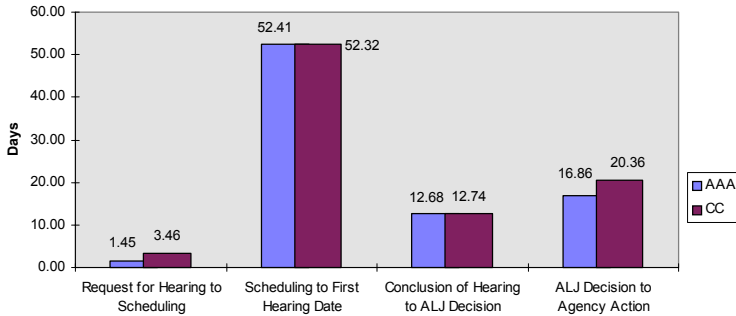
"Full Text Searching"

(continued on page 4)

Agency Response to Administrative Law Judge Decisions October 1, 2005 - December 31, 2005



Average Time Between Selected Events - Appealable Agency Actions v. Contested Cases*, October 1 - December 31, 2005



*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.

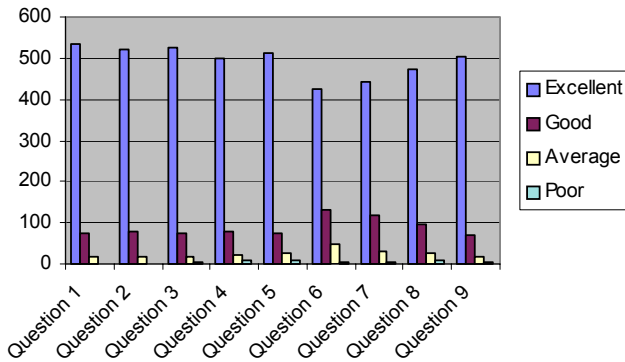
1610 Cases Filed October 1, 2005 - December 31, 2005

	2ndQ	FY 2006		2nd Q	FY 2006		2ndQ	FY 2006
Accountancy	5	8	Economic Security	0	0	Peace Ofc. Standards	5	14
Acupuncture Board	0	0	Economic Security-CPS	31	76	Pharmacy Board	0	3
Administration	3	4	Education (Board)	0	0	Physical Therapy	0	0
Admin. Parking	28	60	Education (Department)	16	23	Podiatry	0	0
Agriculture	0	0	Environ. Quality	10	27	Psychologist Examiners	1	1
Ag. Empl. Rel. Bd.	0	0	Fingerprinting	30	30	Public Safety - CW	5	5
AHCCCS	705	1603	Funeral	0	0	Public Safety - Trans	5	8
Alternative Fuel	0	0	Gaming	2	5	Public Safety - Adult CC	0	0
Appraisal	7	14	Health Services	81	195	Pvt. Post. Ed.	0	0
Arizona Trial Courts	0	0	Insurance	20	41	Racing	3	5
Arizona Retirement Sys.	7	19	Land	5	10	Radiation Regulatory	0	0
Attorney General	0	0	Liquor	12	24	Registrar of Contractors	416	867
Arizona Works	0	0	Lottery	1	2	Real Estate	41	169
Athletic Board	0	0	Maricopa Cty. Housing	0	0	Revenue	7	23
Banking	8	20	Massage Therapy	2	2	School - Deaf & Blind	0	0
Behavioral Health Ex.	1	1	Medical Board	3	10	Secretary of State	7	10
Building and Fire Safety	30	53	Medical Radiologic	1	6	State Board of Education	0	0
Charter Schools	1	1	Naturopathic	0	0	Structural Pest Control	4	4
Chiropractic	0	0	Nursing	35	67	Technical Registration	0	0
Clean Elections	1	4	Nursing Care Admin.	1	1	Veterans Home	0	0
Community Colleges	0	0	Occupation Therapy	1	1	Veterinary Board	0	0
Cosmetology	0	1	Optometry	0	0	Water Qual. App. Bd.	0	0
Criminal Justice	0	2	Osteopathic	1	1	Water Resources	0	2
Dental	22	29	Parks	0	0	Weights and Measures	46	93

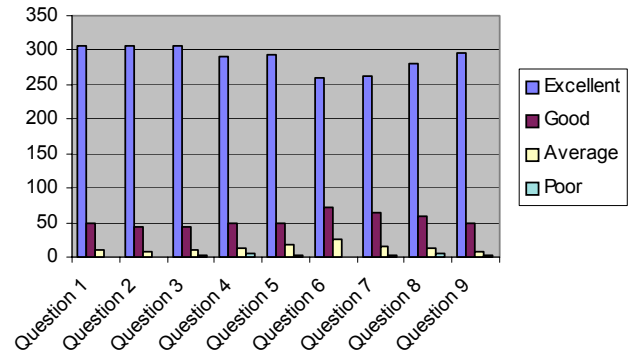
Evaluations of OAH Services

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. They are used by management to improve the OAH process and do not affect the decisions issued.

All Responses 2nd Quarter



Unrepresented 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

Step 5. View the results and select a case from the list:

Arizona Office of Administrative Hearings
Decision Search

Date	Matter ID	Judge	Agency	Matter
9/29/2005	05F-2054-ROC	MLB	Registrar of Contractors	Featherstone, Maureen -v- S C B Saguro Custom Builders, Inc. (Corp.)
9/12/2005	05F-30744-ROC	MLB	Registrar of Contractors	Sankon, Lynn & Adkinson, Candace -v- Customer Service Professionals Inc.(ROOD)
8/29/2005	05F-1448-ROC	MLB	Registrar of Contractors	Scola, Robert and John -v- T R G Construction Co., L.L.C. (LLC)
8/25/2005	05F-10390-ROC	MLB	Registrar of Contractors	Rusher, Greg -v- La Mirage Pools and Spas Master Builders LLC
8/16/2005	05F-M1609-ROC	MLB	Registrar of Contractors	Lalich, Joseph -v- Courtland Homes, Inc. (Corp.)
6/27/2005	05F-1294-ROC	MLB	Registrar of Contractors	Pisciotta, Vito -v- Lyons Roofing Incorporated
5/9/2005	05F-M1158-W-ROC	MLB	Registrar of Contractors	Bronzo, Steven J. and Phyllis G. -v- Gilbert Pool Service LLC
3/31/2005	04F-EF0614-ROC	MLB	Registrar of Contractors	Lindemulder, Al and Lindemulder, Nancy -v- Kesh Black Roofing, Inc.
3/22/2005	05F-0476-ROC	MLB	Registrar of Contractors	M-Wing, Rhonda
2/9/2005	05F-0332-ROC	MLB	Registrar of Contractors	Bass Electric, Inc. -v- Sun Eagle Corporation (Corp.)

Matter ID:
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Step 6. Open the decision: (note the agency action will appear first)

Final agency action regarding decision below:

AACCEP Agency accepts decision Order of Dismissal the ROC adopts the ALJ recommended order. Order shall become effective on the 20 day of April, 2005. /jr/3/14/05: Duplicate copy of above/jr

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

BASS ELECTRIC, INC., Complainant, -v- License No. 070147, Class B-01 SUN EAGLE CORPORATION (CORP), Respondent.	No. 05F-G0332-ROC ADMINISTRATIVE LAW JUDGE DECISION
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For more information about searching OAH decisions, visit our website at www.azoah.com