

**APPROVED MINUTES**  
**Office of Administrative Hearings (OAH) Oversight Committee**  
**Date: Tuesday, September 18, 2012 – 1:30p-3:30p**  
**Dave Pleasant Conference Room**  
**Employment Department Central Office - Salem, Oregon**

The meeting was called to order at 1:38pm by Chair Paul Holvey.

***Welcome and Introductions***

Chair Holvey welcomed members, attendees and asked all to introduce themselves.

***Committee and Staff***

Denise Fjordbeck, Department of Justice  
Karla Forsythe, Chief Administrative Law Judge (CALJ), OAH  
Rep. Paul Holvey, House District 8 & Chair of the Committee  
Melissa Leoni, Government Relations Manager, Employment Department  
Liani Reeves, Governor's Office  
J. Kevin Shuba, Vice Chair of the Committee, Garrett Law Firm  
Laurie Warner, Director, Employment Department  
Sen. Doug Whitsett, Senate District 28  
Steve Wolf, Department of Justice

***Other Attendees***

Brian Worley, Office of Senator Rosenbaum  
John Mann, OAH  
Janice Krem  
Richard Davis, OAH

***Approval of Minutes***

Sen. Whitsett moved the minutes of the November 15, 2011 OAH Oversight Committee meeting be approved as presented. The motion was seconded by Ms. Fjordbeck. Motion carried.

***Review of Legislative Concepts Impacting Administrative Law***

*Denise Fjordbeck, Department of Justice and Karla Forsythe, OAH, Chief ALJ*

Ms. Fjordbeck and Ms. Forsythe gave an overview of two proposed concepts that have been discussed by the Oregon State Bar. The first concept would require notices of administrative hearings to include a statement apprising the parties of the rights of active duty servicemembers under the Servicemembers Civil Relief Act. Questions and discussion on this concept focused on the current requirement of agencies to provide notice, how this concept adds one more provision, and the likely minimal cost to implement.

The second concept presented was the Fastcase Administrative Law Pilot Project, which would expand Fastcase to include orders of certain agencies. The

Committee then discussed how to achieve the goal of having readily available, searchable case decisions to explain agency policy and increase consistency, while minimizing costs to agencies from concerns such as redaction of personally identifiable information. Also discussed was the concept's status and development process.

***FY 2012 OAH Annual Report***

*Karla Forsythe, OAH, Chief ALJ*

Ms. Forsythe presented the first annual report on the Office of Administrative Hearings. Ms. Forsythe's presentation included background information, budget information, number of referred hearing requests, Administrative Law Judge (ALJ) information and recusals, details on referrals by agencies and interagency agreements, accomplishments, future goals, and an evaluation of the OAH, including the public's perspective on OAH service. Ms. Forsythe also offered to provide copies of the August 2012 Final Order Analysis, a report from Presiding ALJ John Mann.

A brief discussion along with "questions and answers" followed the presentation, including discussion about independent contractors, the OAH budget and referrals. Ms. Forsythe requested the Committee give her feedback on the format and content of the annual report to inform future reports.

***Public Comment***

There was no public comment.

***Discussion about Oversight Committee's input to Governor on Appointment of Chief Administrative Law Judge (CALJ)***

*Representative Paul Holvey, Chair and Liani Reeves, Governor's Office*

Rep. Holvey introduced the item and reminded the committee of its statutory role in providing recommendations to the Governor's office on the appointment of the CALJ. Ms. Reeves described the process that the Governor is considering to use in appointing a CALJ, and offered the Committee three ways in which it may participate in the process:

- Advising the Governor's office on the characteristics and qualifications of a CALJ.
- Assisting in the review or vetting of the initial list of applicants.
- Interviewing the finalists.

The Committee then briefly discussed qualifications and characteristics of the CALJ, and its options for participation in the process.

Mr. Shuba moved that the Committee actively participate in making recommendations to the Governor's Office on the appointment of a CALJ. Sen. Whitsett seconded the motion. Motion carried.

After further discussion about whether motion included the review of all applicants, the Committee agreed that if the number of applicants exceeds five, then it would like to have further discussion about having the Governor's office do the first review. Ms. Reeves will circulate a job description to the Committee for its review.

Ms. Reeves stated that she will be running the process for the Governor's office, so as a member of the Committee, she will participate in the process, but will not participate in any Committee votes or formal recommendations.

***Adjournment***

The meeting adjourned at 3:50 pm.

***Next Meeting***

The next meeting is at the Call of the Chair.