# Part I – Agency Profile

## Agency Overview

The Office of Administrative Hearings (OAH) was established in 2022 by the Legislature as an independent office of Administrative Hearings, charged with providing independent and unbiased hearing officers to preside over contested administrative cases before most of Idaho’s agencies. OAH is statutorily charged with providing hearing officers in contested case proceedings under Idaho’s Administrative Procedure Act (APA) which arise from the appeal of an agency order. OAH is also authorized to provide mediation, arbitration, and other adjudicatory services to Idaho’s agencies if requested. Depending on the nature of the action, OAH conducts hearings in a number of ways: 1) in-person field hearings, which can be done anywhere in the state; 2) remote video conference; 3) hybrid hearings, which have in-person attendees and remote attendees; and 4) telephonically.

On September 6, 2022, Governor Little appointed Bryan Nickels as the Chief Administrative Hearing Officer to launch OAH as a new agency. By statute, OAH formally began to handle contested cases on January 3, 2023. As of September 1, 2023, OAH is staffed with 3 hearing officers (the Chief Administrative Hearing Officer, the Deputy Chief Administrative Hearing Officer, and a Hearing Officer) and 1 legal assistant; OAH also utilizes legal extern(s) from the University of Idaho Law School. In January 2023, the Chief and Deputy Chief completed a four-week online course of Administrative Law Judges, which included four hours of seminar time and forty hours of self-study. In August 2023, all 3 of OAH’s in-house hearing officers completed a 10-day Fair Hearings training for administrative law judges at the National Judicial College at the University of Nevada-Reno. OAH’s offices are currently located at 816 W. Bannock, Suite 203, Boise, ID 83702.

OAH’s Mission: The Office of Administrative Hearings serves the citizens, businesses, and state agencies of Idaho by providing independent, efficient, and unbiased hearings of contested administrative cases, and facilitates the opportunity for parties to resolve their disputes through alternative dispute resolution.

OAH’s Vision: 1) The Office of Administrative Hearings will continue to develop a transparent and standardized hearing process to benefit participants in contested case proceedings; 2) The Office of Administrative Hearings, through its hearing officers, will continue to provide all participants with a fair, civil, and efficient process through which contested case proceedings will be heard; and 3) The Office of Administrative Hearings will continue to educate the public and stakeholders about Idaho’s Administrative Procedures Act so that parties may participate to the fullest extent possible in the process.

## Core Functions/Idaho Code

OAH’s duties in providing independent and unbiased hearing officers, and corresponding due process concepts (as illuminated in the landmark U.S. Supreme Court case of *Mathews v. Eldridge*, 424 U.S. 319 (1976)), play a pivotal role in safeguarding individuals' rights within administrative proceedings. These mechanisms are integral to ensuring that individuals receive fair treatment and protection from arbitrary decisions when dealing with Idaho’s agencies, given the potential harm to the individual if erroneous decisions are made without adequate procedures. As Idaho’s Court of Appeals has explained in *Hawkins v. Idaho Transp. Dep’t.,* 161 Idaho 173 (Ct. App. 2016), “[t]he minimum constitutional due process requirements for administrative hearings are timely and adequate notice and an opportunity to be heard that is meaningful and appropriate to the nature of the case.” Altogether, these concepts underscore the fundamental principles of due process, striving to strike a harmonious balance between governmental efficiency and the protection of individual rights.

To ensure fulfillment of these due process considerations, OAH and its Chief Administrative Hearing Officer have a number of statutory duties regarding contested cases before Idaho’s agencies and handled by OAH hearing officers. Those duties are outlined in I.C. §§67-5280 through -5286, and generally include as follows:

* Conduct contested case proceedings that arise from the appeal of an agency order (I.C. §67-5280(2)(a));
* Provide mediation, arbitration and adjudicatory services requested by agencies (I.C. §67-5280(2)(b));
* Appoint hearing officers, both within OAH and as outside contract hearing officers (I.C. §67-5282(1)(d));
* Promulgate an updated Idaho Rules of Administrative Procedure (I.C. §§67-5280(2)(c), -5282(1)(e), and - 5206(3))
* Establish a Code of Conduct governing hearing officers’ conduct to ensure independent and unbiased decision-making (I.C. §67-5282(1(f))
* Protected and ensure the decisional independence of OAH’s hearing officers (I.C. §67-5282(1)(g)), and
* Implement monitoring systems regarding the quality of contested case proceedings (I.C. §67-5282(h)).

As of September 1, 2023, OAH provides – or may provide – contested case and other services to most of Idaho’s agencies. The only agencies expressly exempted from OAH’s scope are the Water Board and Department of Water Resources per I.C. §67-5280(3). As of July 1, 2023, OAH will begin hearing Department of Health and Welfare (DHW) matters, per I.C. §67-5286.

## Revenue and Expenditures:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Revenue** | **FY 2021** | **FY 2022** | **FY 2023** | **FY 2024** |
| General Fund | $ n/a | $ n/a | $ 605,700.00 |  |
| **Total** | **$ n/a** | **$ n/a** | **$ 605,700.00** |  |
| **Expenditure** | **FY 2021** | **FY 2022** | **FY 2023** |  |
| Personnel Costs | $ n/a | $ n/a | $ 310,862.58 |  |
| Operating Expenditures | $ n/a | $ n/a | $ 70,259.00 |  |
| Capital Outlay | $ n/a | $ n/a | $ 31,783.27 |  |
| Trustee/Benefit Payments | $ n/a | $ n/a | $ 0 |  |
| **Total** | **$ n/a** | **$ n/a** | **$ 412,904.85** |  |

**Profile of Cases Managed and/or Key Services Provided**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Cases Managed and/or Key Services Provided** | **FY 2021** | **FY 2022** | **FY 2023** | **FY 2024** |
|  |  |  |  |  |
| Agencies assigning cases to OAH | n/a | n/a | 9 |  |
| Cases transmitted to OAH | n/a | n/a | 83 |  |
| Hearings conducted | n/a | n/a | 56 |  |
| Orders and notices issued by OAH | n/a | n/a | 329 |  |
| Assignment within 2 business days | n/a | n/a | 96.4% |  |
| Case aging (older than 6 months) | n/a | n/a | 0% |  |
| Mediations/Arbitrations conducted | n/a | n/a | 1 |  |
| Outcomes other than agency affirmance | n/a | n/a | 36.1% |  |
| Recommended outcomes other than agency affirmance | n/a | n/a | 10% |  |
| Recommended outcomes other than agency affirmance (excluding ITD) | n/a | n/a | 100% |  |

Note: “FY 2024” represents half-year figures, covering the official OAH start date of January 3, 2023 through June 30, 2023.

## Performance Highlights:

FY23 primarily focused on the initial start-up of OAH, including hiring of all personnel, identification of physical space for office and for hearings, set-up of IT services, creation of initial policies and procedures, education of stakeholder groups about scope of OAH services, Hearing Officer training, including contract hearing officers, and commencement of initial hearings. For the half-year that OAH has been operational, OAH was transmitted 83 matters from 9 different agencies, resulting in 56 final evidentiary hearings before a hearing officer.

Additionally, OAH drafted new Rules of Administrative Procedure, updating the prior Rules of Administrative Procedure which had initially been promulgated in 1993, and conducted eight in-person negotiated rulemaking sessions around the state, including Boise, Coeur d’Alene, Twin Falls, Moscow, and Pocatello.

# Part II – Performance Measures

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Performance Measure** |  | **FY 2021** | **FY 2022** | **FY 2023** | **FY 2024** | **FY 2025** |
| Goal 1: Develop website to incorporate background information regarding OAH for the public, agencies, and contract hearing officers. | | | | | |  |
| Public website information: FAQs, OAH information, contact info, etc. | achieved | n/a | n/a | Yes |  | --- |
| benchmark | n/a | n/a | *Webpage creations* |  | --- |
| Agency website information: ADR, transmittal, and contact info | achieved | n/a | n/a | Yes |  | --- |
| benchmark | n/a | n/a | *Webpage creations* |  | --- |
| Hearing officer information: Code of Conduct, statutory/administrative info | achieved | n/a | n/a | Yes |  | --- |
| benchmark | n/a | n/a | *Webpage creations* |  | --- |
| Goal 2: Develop processes and monitoring systems to assist public in full participation in proceedings, and to ensure hearing officers comply with code of conduct. | | | | | |  |
| Code of Conduct for hearing officers | achieved | n/a | n/a | Yes |  | --- |
| benchmark | n/a | n/a | *Creation* |  | --- |
| Quarterly Hearing Officer trainings | achieved | n/a | n/a | Yes (2 of 2) |  | --- |
| benchmark | n/a | n/a | *CLEs*  *conducted; attendance monitored* |  | --- |
| Development of long-term “how to” information delivery methods | achieved | n/a | n/a | Yes |  | --- |
| benchmark | n/a | n/a | *Options id’d* |  | --- |
| Goal 3: Consolidate and standardize administrative hearing officer practices and create quality monitoring system. | | | | | |  |
| Creation of hearing officer pool and contracts | achieved | n/a | n/a | Yes |  | --- |
| benchmark | n/a | n/a | *Complete* |  | --- |
| Creation of agency policies regarding conduct of hearings | achieved | n/a | n/a | Yes |  | --- |
| benchmark | n/a | n/a | *Initiated and ongoing; provided to all hearing officers* |  | --- |
| Develop monitoring/QC standards | achieved | n/a | n/a | Yes |  | --- |
| benchmark | n/a | n/a | *Complete* |  | --- |
| Goal 4: Promulgate rules to further implement OAH’s mission. | | | | | |  |
| Promulgate new Idaho Rules of Administrative Procedure | achieved | n/a | n/a | Pending Rules |  | --- |
| benchmark | n/a | n/a | *Complete* |  | --- |
| Assist agencies re: updates to agency-specific rules | achieved | n/a | n/a | Ongoing |  | --- |
| benchmark | n/a | n/a | *Meetings* |  | --- |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Goal 5: Education | | | | | |  |
| Establish training requirements for all hearing officers | achieved | n/a | n/a | n/a | Yes | --- |
| benchmark | n/a | n/a | n/a | *Complete* | --- |
| Present CLEs to stakeholder groups | achieved | n/a | n/a | n/a | Ongoing |  |
| benchmark | n/a | n/a | n/a | *Complete* |  |
| Goal 6: ADR | | | | | |  |
| Agencies: educational information and forms about ADR | achieved | n/a | n/a | n/a | Yes |  |
| benchmark | n/a | n/a | n/a | *Complete* |  |
| ADR Specialists: Identify and creating training requirements | achieved | n/a | n/a | n/a | Yes |  |
| benchmark | n/a | n/a | n/a | *Complete* |  |

## Performance Measure Explanatory Note:

As noted above, much of OAH’s initial performance measures are directed to initial set-up of the agency, and initial training and logistics regarding hearing officer operations. OAH projects that, following incorporation of DHW matters in FY25, start-up operations for OAH as reflected in its strategic plan are anticipated to be completed, and the strategic plan will be further updated to reflect ongoing OAH activities and metrics. At that juncture, and as OAH’s caseload further matures, OAH anticipates that performance measures will shift to different metrics regarding case types, case outcomes, judicial reviews, etc. OAH has also engaged in outreach with other states to evaluate what benchmarks and metrics are used in those states in their respective performance measurement report.

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