

Agenda Item Summary

BACKGROUND

Suspensions under the Wildlife Violator Compact, Landowner Preference Program, Master Hunter Program and Hunter Education Instructor Program all require that a contested case hearing be offered. The Department is seeing more and more of these suspensions which in turn have generated requests to proceed through the hearing process. Currently we must rely on Senior Assistant Attorney William Cook to represent the department in these cases. Most of the cases are simple without complex factual or legal issues. Staff request that authorization be given to the Department to use agency representatives in these cases. The agency representative would be limited to providing facts on ODFW's case and would not be allowed to make legal arguments. With this rule in effect, ODFW is under no obligation to take on a case itself and may still refer the case(s) to Senior Assistant Attorney General William Cook.

PUBLIC INVOLVEMENT

The draft administrative rules were developed in consultation with Wildlife Division staff, Administrative Services Division staff, and the Department of Justice

ISSUE 1

AGENCY REPRESENTATIVES IN CERTAIN CONTESTED CASE HEARINGS.

ANALYSIS

Agency lay representatives are subject to the limitations imposed by ORS 183.452(3) and (4) and OAR 137-003-0545. Implementation of this rule is subject to the approval of the Attorney General.

OPTIONS

1. Delegate agency staff to represent Department in contested case hearings described above.
2. Do not delegate.

STAFF RECOMMENDATION

1. Option 1

DRAFT MOTION	I move to adopt OAR 635-010-0070 as proposed by staff in Attachment 3.
EFFECTIVE DATE	Upon filing