

■ **APPEALS**

In most cases you have the right to appeal the regulating agency's final order to the Superior Court. Final orders should specify your appeal rights.

■ **SPECIAL ACCOMMODATIONS**

The Office of Administrative Hearings endeavors to ensure the accessibility of its hearings to all persons with disabilities. Should you, or anyone you call as a witness, need special accommodations, contact the Office of Administrative Hearings three working days before the hearing.

■ **LOCATION**

Hearings are primarily held in Phoenix. There are exceptions, such as videoconferenced hearings, or where statute requires another location. The Phoenix Office is located on the northeast corner of Washington and 15th Ave. Parking is available north of that location in the rear parking lot or just north of that between Adams and Monroe. See map (Building 18).

■ **ELECTRONIC FILING**

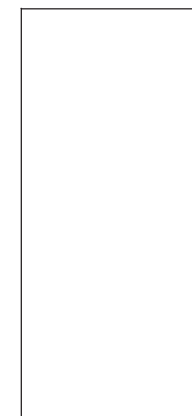
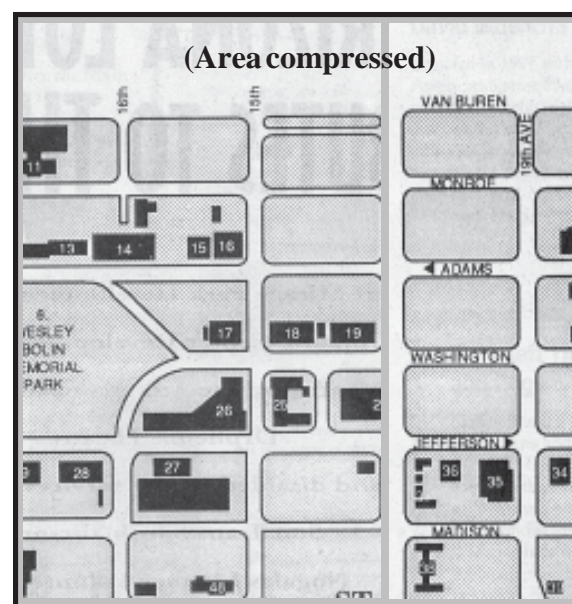
You can use an e-motion form, found on OAH's website (www.azoah.com), to file motions. You must certify on the form that you have sent a copie of all paries.

■ **VIDEOCONFERENCING**

Certain cases are videoconferenced. There is an instructional video that describes the process on OAH's website, www.azoah.com. You will receive a minute entry outlining how to presubmit exhibits.

■ **MORE INFORMATION**

To research your case by case number, and for more information, visit our website at www.azoah.com.



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Phoenix, Arizona 85007

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Informational Guide

This document available in alternative formats by contacting the Office of Administrative Hearings at (602) 542-9826.

FROM THE DIRECTOR

The Arizona Legislature established the Office of Administrative Hearings, an independent state agency, to ensure that parties are given a fair opportunity to be heard before a state regulatory agency takes an action. My guiding principles in managing the Office have been to streamline procedures as much as possible and to make sure that the record of any hearing reflects all the facts necessary for an informed and just decision. It is my sincere hope that you will find that through the Office of Administrative Hearings your government has become more responsive and accessible to you.

Cliff Vanell, Director

HOW DO I KNOW WHAT RULES TO FOLLOW?

You will find a copy of the OAH rules accompanying your brochure. If you have not received a copy, please contact the Office and a copy will be sent to you. In addition, statutory provisions found in A.R.S. §41-1092.01 to A.R.S. §41-1092.11 are applicable. A.R.S. §12-904 to A.R.S. §12-910 will guide any appeal to Superior Court. Other statutes may apply in special cases. You can find the rules and statutes at our website at www.azoah.com, "Research Procedures, Rules and Statutes Affecting Your Case."

WHERE AND WHEN WILL THE HEARING BE HELD?

You will be notified of the date, time, and place of the hearing in the "Notice of Hearing" sent to you by the agency.

WILL THERE BE A RECORD?

There will always be a record made of any hearing, generally by digital recording. Either party can hire a court reporter instead. The record will be available to either side. For more information see OAH Rule 2-19-121.

WHAT IS AN ADMINISTRATIVE LAW JUDGE (ALJ)?

The Administrative Law Judge (ALJ) is not part of a court. The ALJ is an employee of the Office of Administrative Hearings and not an employee of the regulating agency which has initiated the action or from whose action or inaction you have appealed. You may view a biography and a picture of the assigned ALJ at our website at www.azoah.com, "About your Assigned Administrative Law Judge." The ALJ will decide facts, apply law, and make recommendations to the regulating agency. Normally, it will be the regulating agency, and not the ALJ, who will make the final decision in your case. There are exceptions where the ALJ makes the final decision. In most cases, if the agency does not act within 30 days of receiving the recommendation of the ALJ, the ALJ's recommendation will become final. In some cases, the board or commission may only have 5 days to take action after a meeting.

The ALJ of the Office of Administrative Hearings is charged with making sure that you have had a fair, impartial, and independent opportunity to be heard before an agency acts. The function of the ALJ can best be summed up by our Mission Statement:

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

WHERE DO I SEND REQUESTS?

After you receive the "Notice of Hearing" in your case, you should file requests or motions with the Administrative Law Judge (see the address on the cover of this brochure). However, you must send a copy of whatever you file to any other party and the agency, even if the agency is not a party. Likewise, the agency must send you a copy of what it sends to the Administrative Law Judge or any other

party. Sometimes the agency or you will refer to documents that you intend to use at the hearing to make your point. In that case, both the agency and you must make those other documents reasonably available for inspection by the other party if requested prior to the hearing. Be sure to list on whatever you file both the names and addresses of everyone who has been given a copy. For more information see OAH Rule 2-19-108. See Also - Electronic Filing.

WHAT IF I NEED A DELAY?

Sometimes either or both parties may request that a hearing be rescheduled. The Administrative Law Judge will make a decision as to whether there is a good reason for the delay. If there is, the hearing will be rescheduled to the next available date. Your request for a continuance must be in writing and generally must be received fifteen days before the scheduled hearing. For more information, see OAH Rules 2-19-106 and 2-19-110.

PRE-HEARING MOTIONS

Normally pre-hearing motions will be heard on the day of the hearing. The Administrative Law Judge will determine in advance whether the hearing itself will be rescheduled and will inform the parties whether only the motion will be heard that day. For more information, see OAH Rule 2-19-106.

HOW DO I SUBPOENA WITNESSES?

There are basically two types of subpoena. The first is an order for someone to appear. The second is an order for someone to make documents or other items available to you. If you want either of these types of subpoena, you must prepare a subpoena form for the Administrative Law Judge's signature. The second type of subpoena requires a justification as well, normally a letter attached to the subpoena. The subpoena may not be served by a party. Process servers can be found in the yellow pages. A copy of the subpoena, along with an affidavit from the person serving the original subpoena, must be

returned to the Office of Administrative Hearings. Subpoena forms, along with a guide on how to fill them out and have them served, are available through the Office of Administrative Hearings. Since you are required to have the subpoena served, you should request subpoenas well in advance of the hearing. For more information, see OAH Rule 2-19-113.

WHAT IF I HAVE A COMPLAINT?

Sometimes things may not appear to be going along as you think they should. Not everyone will be pleased with all of the decisions of the Administrative Law Judge. However, all parties have the right to be treated courteously and to have their hearing conducted with the aim of finding the truth. At the end of each hearing the parties will have the opportunity to complete a questionnaire to comment on how each felt the hearing was conducted and to comment on the work of the Administrative Law Judge. The questionnaire will not affect the result of the hearing, but will help the Office of Administrative Hearings improve its work. Any complaints either before or during the hearing should be made to the Director of the Office of Administrative Hearings. Your concerns will be addressed, consistent with the spirit of providing a fair, impartial, and independent hearing.

DO I NEED A LAWYER?

No one is required by the Office of Administrative Hearings to have a lawyer. Individuals may, of course, represent themselves. However, when a party wishes to be represented by another, or when a party must be represented (such as a corporation), Supreme Court Rule 31(d) applies. This rule and a more detailed discussion may be found on our website at www.azoah.com, "Attorney Issues."