

MINUTES
Office of Administrative Hearings Oversight Committee
Date: Wednesday, May 9, 2007
5:30pm – 7:30pm
Location: Room 3
Employment Department Central Office

Welcome and Introductions

Phil Schradle, Department of Justice, opened the meeting and requested all attendees introduce themselves.

Committee & Staff:

Phil Schradle, Department of Justice
Laurie Warner, Director, Employment Department
Senator Doug Whitsett, Senate District 28
David Reese, Governor's Legal Counsel
Tom Ewing, Chief Administrative Law Judge
Christine Chute, Department of Justice
Lynn Nelson, Rules Coordinator, Employment Department
Rebecca Nance, Legislative Coordinator, Employment Department

Other Attendees:

Neil Bednarczyk, AFSCME	Lynne Wehrlie, OAH
Kym Gasper, DHS	Mary Tarkington, OAH
Sidney Shuptrine, OAH	Larry Smith, OAH
Denise Lewis, OAH	Lai Saetern, OAH
Laurel Drawson, OAH	Bernadette House, OAH
Staci Steele, OAH	Steven Demarest, OAH
Sebastian Mekkadath, OAH	Steven Tegger, OAH
Bill Fink, OED	Lucy Garcia, OAH
Lynn Wehrlie, OAH	Charles Smith, OAH
David Marcus, OAH	Catherine Coburn
Vance Bybee, OAH	Michelle Morales, OAH
Paul Hegstrom, OAH	Tammy Adkins, OAH
Lorrin King, OAH	Daina Upite, OAH
Kyle Hoppe, OAH	

In discussion of approving the April 18, 2007 minutes, Phil Schradle suggested the minutes be more open ended on election of the Chair and state the Committee intends to elect a Chair.

Senator Whitsett suggested the minutes include more details in the public testimony and Phil proposed the minutes reflect the general topic matter. Phil also suggested that Jennifer Subrowski's comment be moved to the public comment area.

These changes will be incorporated into the April 18, 2007 minutes.

House Appointment Update

Rebecca Nance shared that she has been in contact with the Speaker's office and the Speaker's office has sent a memo to House members seeking two House Committee members. The appointments may not take place until after the legislative session has adjourned. Rebecca will continue to pursue the appointment of two House members to the Committee.

Appointment/Reappointment of Chief ALJ

Laurie Warner discussed the four year term of the Chief Administrative Law Judge. The current four year term ends this month, May 2007, Tom Ewing will continue to serve until the next appointment is made. Laurie would like to wait until Public Knowledge submits the final report to the Committee before an appointment or reappointment is made.

Review and Discussion of Bylaws

Phil Schradle suggested two amendments be made to the Bylaws:

1. Update the address for the Oregon Employment Department Central Office.
2. Electing two House members to the Committee.

The Bylaws, in Article 1, Section 6, currently lists the address of the Office of Administrative Hearings. Since the Committee is being staffed by the Employment Department, the address will be changed to 875 Union Street NE, Salem, Oregon 97311.

The Committee discussed the election of officers and changing the Bylaws to say, "unless the Committee chooses, otherwise pending the filling of vacancies." Phil Schradle asked, if in order to change the Bylaws, there needs to be a majority of the quorum. The Committee then discussed the definition of "quorum" and determined that before changing any language in the Bylaws, the definition of "quorum" needs to be made.

David Reese suggested changing the language in Section 3 to read, "The election shall be held every two years hereafter, unless the Committee chooses

to delay filling the vacancies.” It was agreed the changes in the Bylaws will be made after the May 30 meeting and the definition of “quorum” has been made.

There was consensus on two Bylaw changes: changing the address from the Office of Administrative Hearings to the Oregon Employment Department and that the Bylaws will include the definition of “quorum.”

Discussion of Draft Scope Document

The Committee will continue discussions of who should be contacted and interviewed by Public Knowledge, including:

- Variety of representatives from each area of the OAH
- Lane Shetterley
- A representative from the Administrative Law Section of the Oregon State Bar
- Representative from the LCD
- Each member of the Oversight Committee

A survey has been provided to all OAH staff containing a variety of questions compiled from other surveys of other state agencies. The survey will be reviewed by Public Knowledge and results published in the report.

Electronic surveys were discussed and Tom Ewing shared that Public Knowledge did not want to do an electronic survey because of the anonymity issue. Laurie Warner will have Gerry Brodsky of Public Knowledge invited to the May 30 meeting and talk about what methodology they are using.

David Reese requested Tom Ewing provide an analysis of data collected for a historical comparison to include agency applications on Orders and how it was laid out in court. Tom Ewing responded that no data was collected on Court of Appeals cases. Senator Whitsett requested an enhanced performance measure report that includes percentage of decisions that are made within a time frame, the percentage of the decisions that are appealed and the percentage of those that are upheld.

The role of Public Knowledge was discussed and determined the Public Knowledge report will be a resource for the Committee to determine if the OAH has progressed in the manner determined by the legislature and what, if anything, can be improved or changed.

Senator Whitsett posed the question of whether the Public Knowledge report will be a public document; Laurie Warner indicated that it will be a public document.

State Agency and Public Comment

A sign up sheet was available for those who wished to make public comment. The following signed up to make public comment:

Lawrence Smith: President of the Association of Administrative Law Judges extending an invitation the Committee to attend the next meeting and dinner.

Lynne Wehrle: Administrative Law Judge. Shared concerns with the survey she received and asked about what the survey was based on since Public Knowledge had not talked to any staff at OAH. Felt the survey was too broad. Laurie Warner suggested that this was the contractor's fact finding base and that Public Knowledge will gather this information and then pursue further information.

Mary Tarkington: Administrative Law Judge. Asking the same question as Lynne Wehrle.

Closing: Agenda items for the May 30 meeting will include:

Report on OAH training program
OAH report on data collected
Review Public Knowledge fact finding methodology

The meeting adjourned at 7:00pm.