



Agenda item F, Action item:

Contested Case Procedural Item Related to *In the Matter of Bio-Oregon Protein, Inc.*

Gary Vrooman, EQC Counsel
May 23, 2024
Portland, Oregon

Office of Administrative Hearing Issued a Proposed Order in the Matter

- Bio-Oregon Protein filed exceptions to the Proposed Order and the matter is currently pending before the EQC.
- Bio-Oregon Protein submitted its exceptions brief to the EQC on Feb. 16, 2024.
- This matter does not address the substance of Bio-Oregon's exceptions which will come before the EQC at a later date.
- Bio-Oregon Protein's exceptions brief raises arguments concerning the procedural practices of the Office of Administrative Hearings.

OAR 137-003-0650(3) authorizes the EQC to request that the Administrative Law Judge review and respond to exceptions.

“The agency may request the administrative law judge to review any written exceptions received by the agency and request the administrative law judge either to provide a written response to the exceptions to be made a part of the record or to revise the proposed order as the administrative law judge considers appropriate to address any exceptions. The administrative law judge shall not consider new or additional evidence unless, pursuant to OAR 137-003-0655(2), the agency requests the administrative law judge to conduct further hearing. The administrative law judge's response must be in writing, either in the form of a response to the exceptions or a revised proposed order, and sent to all parties and the agency.”

Because the exceptions brief raises issues of OAH procedure and practice that are not addressed in the Proposed Order, the EQC may be best served to allow OAH to review and respond to those exceptions before itself reviewing the matter and issuing a Final Order.

Questions?

Proposed Motion Language:

“I move that the Environmental Quality Commission send the request in Attachment 1 to the Office of Administrative Hearings.”

Title VI and alternative formats

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