

BEFORE THE IDAHO TRANSPORTATION DEPARTMENT

KATHERINE BOCHU,)	OAH Case No. 25-290-33
)	
Petitioner,)	FINDINGS OF FACT, CONCLUSIONS
v.)	OF LAW, AND PRELIMINARY ORDER
)	
IDAHO TRANSPORTATION)	
DEPARTMENT,)	
)	
Respondent.)	
)	

A remote hearing was held in this matter via Zoom on May 5, 2025. Petitioner Katherine Bochus (“Petitioner Bochus”), and Petitioner’s mother, Kris Van Dyke, appeared and gave testimony. No Idaho Department of Transportation (“ITD”) representative attended.

Based upon the administrative record and the testimony provided at hearing, the Hearing Officer makes the following Findings of Fact and Conclusions of Law pursuant to Idaho Code §49-326(4) and IDAPA 62.01.01.252.01.d.

WRITTEN EVIDENCE

In advance of the hearing on this matter, ITD provided the following documents as potential exhibits in the matter:

- A Non-ALS Hearing Checklist with the Case Comments: “When reviewing personalized plate order, ITD staff research all terms despite state meaning by customers. ‘LESBARU’ is a phrase that has been deemed to be derogatory. ITD is prevented from issuing this plate pursuant to IDAPA 39.60.02.202.08(b).”
- Idaho Proof of Registration (Plates on Order), dated March 17, 2025.
- License Plate Cancellation Notification and attached Personalized Plate Correction Form, dated March 19, 2025.
- IDAPA – Idaho Transportation Department, Division of Motor Vehicles, 39.02.60 – Rules Governing License Plate Provisions
- AI Overview re: “Lesbaru,” Urban Dictionary definition of “Les,” and “People also ask” for “Definition of ‘les’”.

At hearing, Petitioner Bochu did not object to the admission of these items; accordingly, these will be deemed admitted. (Hearing Recording (“HR”) at 4:22-4:32.)

In addition to ITD’s submissions and pursuant to the Order Re: Submission of Post-Hearing Materials and Notice of Intent to Take Official Notice dated May 5, 2025 (“May 5 Order”), Petitioner Bochu submitted the following on May 6, 2025:

- A letter to ITD from Petitioner Bochu dated April 1, 2025, contesting ITD’s License Plate Cancellation Notification, including screenshots (denoted in the proceeding record as “Exhibit P-1”).
- Additional screenshots re: personalized plate availability for various plates (“P-2”)
- Personal statement from Petitioner Bochu (“P-3”).

Pursuant to the May 5 Order, ITD was permitted to make objection to Petitioner Bochu’s submissions by May 8, 2025. No objection by ITD was lodged; accordingly, these items are deemed admitted.

Finally, the May 5 Order provided notice to the parties, pursuant to Idaho Code §67-5251(4), that the Hearing Officer intended to take official notice of the following:

- ITD’s “Personalized Plate Text Check” website, accessible at: <https://dmvonline.itd.idaho.gov/OpenServices>
- Subaru’s French website, located at: <https://www.subaru.fr/>
- Google Translate, located at: <https://translate.google.com/>

The parties were permitted to make objection to these items by May 8, 2025. Neither party made objection; accordingly, these items are also deemed admitted.

FINDINGS OF FACT

1. Petitioner Bochu requested, and was issued, a personalized license plate for a Subaru Crosstrek displaying the message “LESBARU” on or about March 17, 2025, with an expiration date of March 31, 2027. ITD Hearing Packet, .pdf pp. 2-3.

2. On or about March 19, 2025, ITD issued a “License Plate Cancellation Notification” to Petitioner Bochu regarding the personalized plate, which stated, in relevant part:

You are receiving this letter because during a recent audit of personalized license plates issued to Idaho vehicles, your personalized plate LESBARU was flagged as having a double meaning which the state considers inappropriate for display on an officially issued license plate.


In accordance with Idaho Code, this license plate must therefore be cancelled and recalled, effective Apr 18, 2025. Display of these plates on your vehicle after that date will be considered a fictitious display of plates, which will subject you to possible citation by law enforcement (Idaho Code 49- 456).

ITD Hearing Packet, .pdf p. 3.

3. In support of its decision to cancel and recall the personalized license plate at issue, ITD identified three supporting pieces of information in advance of hearing: an AI-generated search result, a dictionary definition from the “Urban Dictionary,” and a “People also ask” internet search result. ITD Hearing Packet, .pdf p. 17.¹

4. The AI-generated search result offered by ITD provides as follows:

AI Overview

"Lesbaru" is a slang term for a Subaru automobile, often associated with lesbians. This association emerged from Subaru's demographic research in the 90s, revealing that lesbians were a significant consumer group for the brand, particularly in areas like Northampton, MA, and Portland, OR. Subaru even started marketing to this demographic. 

(ITD Hearing Packet, .pdf p. 17.)

5. The Urban Dictionary definition offered by ITD provides as follows:

¹ This exhibit (ITD Hearing Packet, .pdf p. 17) also appears to include a 4th item: “Les, lez is commonly used for a shortened term for lesbian.” However, no provenance for this item is provided, and as such, the Hearing Officer cannot assess whether this is selected from a “common internet [or] dictionary resource.” IDAPA 39.02.60.202.08.b. For this reason, while it was not objected to by Petitioner Bochu, it will not be considered.



Urban Dictionary

<https://www.urbandictionary.com/define?term=les>

Les

A girl who likes girls. I'm a les looking for fun by Guzman July 19, 2003 Flag Get the les mug. les Share definition a shorter way of saying lesbian.

(ITD Hearing Packet, .pdf p. 17.)

6. The “People also ask” internet search result offered by ITD states as follows:

People also ask

What does being les mean?

Definition of 'les'

1. **a female homosexual**. adjective. 2. of or characteristic of lesbians.

(ITD Hearing Packet, .pdf p. 17.) Accordingly, the Hearing Officer finds that ITD has demonstrated that the proposed license plate message (“LESBARU”) displays a readily-known meaning(s) related to sexual orientation, as demonstrated through a “common internet [or] dictionary resource.” IDAPA 39.02.60.202.08.b.

7. Petitioner Bochu contends that the spelling she selected for her plate (“LESBARU”) is intended to be a space-limited contraction of “Le Subaru,” selected as an homage to her Le Creuset cookware. (Exhibit P-1; HR at 12:15-13:41.)

CONCLUSIONS OF LAW

1. Idaho Code §49-409, regarding personalized license plates, states:

PERSONALIZED LICENSE PLATES. (1) Any person who is the owner of a vehicle registered under section 49-402 or 49-434(1), Idaho Code, may apply to the department for personalized license plates in lieu of regular numbered plates except that this provision shall not apply to a vehicle registered under section 49-434(1), Idaho Code, with a maximum gross weight over twenty-six thousand (26,000) pounds or any vehicle registered under section 49-435, Idaho Code. In addition to

the regular registration fees required in section 49-402(1) and (2), section 49-422, and section 49-434(1), Idaho Code, the applicant shall pay the initial program fee and the annual program fee specified in section 49-402, Idaho Code. All revenues from the initial program fee and the annual program fee shall be deposited in the state highway account. The personalized license plates shall be of the same color and design as other license plates, and shall consist of numbers or letters, or any combination thereof, not exceeding seven (7) positions. No more than one (1) particular combination of letters and numbers shall be in existence at any one (1) time. The form for application of the plates will be as prescribed by the director who, **at his discretion, may refuse to issue the plates.**

(emphasis added).

2. The governing ITD regulation (IDAPA 39.02.60.202.08) provides, in relevant part:

Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria:

- b. The message, in any language, may not carry a sexual connotation nor consist of a term that is defined by the Hearing Officer considered to be one of obscenity, contempt, prejudice, hostility, insult, racial or ethnic degradation, or profanity, as **common internet and dictionary resources**.
 - i. The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; **sexual preference or orientation**; acts of violence; illegal substances or the use thereof.

(emphases added).

3. IDAPA 39.02.60.202.08 additionally provides, with respect to personalized plates,

the following considerations in the evaluation of personalized plates:

- c. The criteria in Paragraph 202.08.b. of this rule is not to be considered an exhaustive list. A compilation of words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law enforcement agencies within or outside of Idaho.
- d. When a complaint is received from the public concerning an issued plate, the name of the complainant will not be recorded nor, if known, revealed.
- e. Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process will include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision.

4. In support of the appeal, Petitioner Bochu generally argues that a) the 1st Amendment protects her personalized plate message selection (e.g., HR at 9:17-9:35 & Exhibit P-2); b) ITD has inconsistently applied its regulations regarding personalized plate message selection (e.g., HR at 10:44-11:26 and Exhibits P-1, P-2, and P-3); and c) her personalized plate selection has an innocuous meaning (e.g., HR at 12:22-13:51 and Exhibit P-1).

5. Generally, as to the question of 1st Amendment applicability, while the Idaho Supreme Court does not appear to have broached the question of personalized ‘vanity’ license plates in the context of protected speech, a number of other courts have.

- a. As the U.S. Supreme Court has explained, for example, specialty license plates (as opposed to personalized ‘vanity’ plates) are not subject to traditional First Amendment analysis because the plates themselves express the government’s own speech. *See generally Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 216-217, 135 S. Ct. 2239, 2251-52, 192 L. Ed. 2d 274 (2015)(“Texas's specialty license plate designs are meant to convey and have the effect of conveying a government message. They constitute government speech. The fact that private parties take part in the design and propagation of a message does not extinguish the governmental nature of the message or transform the government's role into that of a mere forum-provider. ... [T]he fact that Texas vehicle owners pay annual fees in order to display specialty license plates does not imply that the plate designs are merely a forum for private speech.”)(cleaned up).
- b. However, personalized ‘vanity’ plates differ from specialty plates, in that the messages are generally selected by the plate-holder, rather than messaging that has typically been designed by the government and presented for general circulation.

See generally, e.g., Hart v. Thomas, 422 F. Supp. 3d 1227, 1232 (E.D. Ky. 2019)(“First, the Court disagrees that license plate *numbers*, separate and distinct from license plate *designs*, have historically been used to communicate messages from the State. License plate designs have historically used slogans to urge action, promote tourism, and tout local industries. But vanity plates convey a personalized message with intrinsic meaning (sometimes clear, sometimes abstruse) that is independent of mere identification and specific to the owner.”)(cleaned up)(emphases in original); *accord generally, Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. at 212–13 (“Indeed, a person who displays a message on a Texas license plate likely intends to convey to the public that the State has endorsed that message. If not, the individual could simply display the message in question in larger letters on a bumper sticker right next to the plate. But the individual prefers a license plate design to the purely private speech expressed through bumper stickers. That may well be because Texas’s license plate designs convey government agreement with the message displayed.”) As a result, it is generally understood that personalized ‘vanity’ plates express the message of the individual car owner, rather than the state, especially given that personalized license plate messaging, when taken as a whole, can appear to be ‘incoherent babbling’ and/or the presenting of conflicting messages. *See generally Hart v. Thomas*, 422 F. Supp. 3d at 1232-33.

- c. For these reasons, personalized ‘license’ plates are generally deemed to be nonpublic forums for which some limited expression is permitted, and the Hearing Officer so concludes here as well with respect to Idaho’s personalized license plate

program. See Hart v. Thomas, 422 F. Supp. 3d at 1233 (“A license plate is government property upon which Kentucky has allowed some limited private expression in the form of vanity plates. Therefore, this Court finds that license plates, when made available for private expression, are a nonpublic forum.”); Odquina v. City & Cnty. of Honolulu, No. 22-16844, 2023 WL 4234232, at *1 (9th Cir. June 28, 2023)(“We assume without deciding that license plates bearing customized alphanumeric inscriptions—commonly known as vanity plates—fall outside the government-speech doctrine as explained in *Walker v. Texas Division, Sons of Confederate Veterans*, 576 U.S. 200 (2015), and are properly analyzed as nonpublic forums.”); Mitchell v. Maryland Motor Vehicle Admin., 450 Md. 282, 305, 148 A.3d 319, 333 (2016), as corrected on reconsideration (Dec. 6, 2016) (“...Maryland's vanity plates constitute a nonpublic forum.”);

- d. “The government may restrict speech in nonpublic forums so long as such restrictions are reasonable in light of the forum's purpose and are viewpoint neutral.” Odquina v. City & Cnty. of Honolulu, No. 22-16844, 2023 WL 4234232, at *1 (9th Cir. June 28, 2023). In the context of personalized ‘vanity’ plates, the Court of Appeals of Maryland has explained:

The prohibition of “profanities, epithets, or obscenities” on vanity plates relates reasonably to Maryland's purposes of vehicle identification and revenue generation, which involve the public display of license plates. Because the State requires motorists to display license plates on their vehicles, the public is exposed to the messages that appear on vanity plates. For better or worse, our society sets apart particular words as out-of-bounds; their utterance or display can be understood reasonably as indecent or offensive, especially in the presence of minors. “Shit” is one of these words, and that is an English translation, admitted by Mitchell, of “mierda.” It is reasonable, therefore, for the State to protect knowledgeable observers of vanity plates from the perception of such a term. Even though a witness to a vanity plate message will discern easily the vehicle owner as the speaker, because the speech takes place on government property and only with State

permission, the message will be associated with the State. “The state has a legitimate interest in not communicating the message that it approves of the public display of offensive scatological terms on state license plates,” and it is reasonable, therefore, for Maryland to prohibit “profanities, epithets, or obscenities,” content with which it does not wish to associate.

Neither the MVA's content-restricting regulation, nor its actions in accordance with that regulation, constitute viewpoint discrimination. Viewpoint discrimination occurs when the government “targets ... particular views taken by speakers on a subject,” for example, “to discourage one viewpoint and advance another.” Here, the Maryland regulation targets only content—profanities, epithets, and obscenities—not a speaker's viewpoint about such terms or any viewpoint expressed with such terms. Clearly, the regulation does not target viewpoints in support of organic agriculture. If Maryland wished to suppress pro-agriculture speech, it probably would not speak in favor of agriculture via commemorative plates, and it would restrict the use on vanity plates of terms such as “FARM,” “COMPOST,” and “CROPS.” This is not the case. Moreover, Maryland did not “impute an offensive intent” on the part of Mitchell, as he claims. Mitchell's subjective intent is irrelevant because the regulation restricts outright and objectively profanities, not specific viewpoints for or against profanity. The MVA rescinded Mitchell's plates not because of Mitchell's real or presumed intent, but based on the content with which Maryland is not willing to be associated, and the content the State is not willing to inflict upon the discerning public.

Mitchell v. Maryland Motor Vehicle Admin., 450 Md. at 311–12 (cleaned up).

- e. In Idaho, ITD – and the Legislature, through its approval of ITD’s rules, as contained in the IDAPA – has indicated that it is not willing to be associated with personalized ‘plate’ messages that reflect any kind of reference to “sexual preference or orientation.” IDAPA 39.02.60.202.08.b.i. Accordingly, for these reasons as discussed in other persuasive authority, ITD’s stated limitations on personalized ‘vanity’ plate messaging are reasonable and are viewpoint neutral, especially in the absence of any authority to the contrary with respect to Idaho’s program.
- 6. Turning, then, to the application of ITD’s rules to the proposed personalized plate message at issue – “LESBARU” – the authority cited above, and the evidence presented in this

matter, makes clear that the denial of Petitioner Bochu's requested plate does not constitute viewpoint discrimination. "Viewpoint discrimination occurs when the government targets particular views taken by speakers on a subject, for example, to discourage one viewpoint and advance another." Mitchell v. Maryland Motor Vehicle Admin., 450 Md. at 312 (cleaned up).

- a. The regulation at issue itself does not discriminate on particular views taken by 'speakers' of personalized license plates – instead, ITD simply precludes any messaging regarding "sexual preference or orientation."
- b. Petitioner Bochu's evidence – presented in the form of multiple screenshots of either extant license plates in Idaho or available license plate messages per ITD's personalized license plate online request form – likewise demonstrates no viewpoint discrimination with respect to the denial of the "LESBARU" plate. (Exhibits P-1 & P-3.)
- c. With respect to screenshots of plates that are – or were – issued (including "KILL", "QUEEF", and "04FOXSK"), there is no evidence in the record as to whether those plates are still in circulation, or were otherwise withdrawn, either as a result of an audit (such as the one that flagged Petitioner Bochu's plate) or a complaint, as contemplated by IDAPA 39.02.60.202.08.d.² Instead, at most, the plate photographs merely demonstrate that – like Petitioner Bochu's own "LESBARU" plate – those plates simply existed at some point in time.
- d. Likewise, with respect to the screenshots of license plate message availability, ITD's Personalized Plate Text Check webpage (via <https://dmvonline.itd.idaho.gov/OpenServices>) makes clear both that 1) the

² Petitioner Bochu has not presented any evidence that she made any complaint of any of the photographed plates to ITD, or that complaints about any of the photographed plates were rejected by ITD.

message “[m]ust be tasteful (in any language) according to IDAPA 39.02.60 202.08” (sic), and 2) “plate image and text shown here is for demo purpose only!” Nothing on this webpage indicates that the mere availability of some alphanumeric sequence also constitutes a non-revocable approval of that message. Thus, the screenshots regarding available messages which might run afoul of the governing regulation do not, in and of themselves, demonstrate that any such license plates have ever been approved, issued, and/or withstood any kind of audit/complaint process.

- e. Importantly, none of the screenshot images (whether actual plates or hypothetical plates) relate to any kind of “sexual preference or orientation” such as may suggest viewpoint discrimination. That is, while ITD’s objection to the “LESBARU” plate at issue is predicated on a refusal to permit a message regarding “sexual preference or orientation,” Petitioner Bochu has not provided any evidence of any contrary messaging regarding “sexual preference or orientation” on a plate that has been approved, issued, and/or withstood any kind of audit/complaint process (to wit, some pro-heterosexual and/or anti-LGBTQIA2S+ messaging). This is in contrast to, for example, the Hart decision, wherein certain religious messaging on vanity plates was permitted, while other messaging was not. Hart, 422 F. Supp. at 1234 (identifying viewpoint discrimination in rejection of “IM GOD” plate, despite state’s prior approval of plates bearing messages such as “IM4GOD,” “ASKGOD,” “GR8GOD,” and “LUVGOD”).
- f. Thus, the Hearing Officer finds that no viewpoint discrimination has occurred. Instead, like in the Mitchell decision, the plate message at issue – “LESBARU,”

having at least one meaning related to sexual orientation – is “content with which [Idaho] is not willing to be associated, and the content the State is not willing to inflict upon the discerning public.” Mitchell v. Maryland Motor Vehicle Admin., 450 Md. at 312.

7. With respect to Petitioner Bochu’s contention that the plate “LESBARU” is simply an innocuous, space-limited contraction of “Le Subaru,” an homage to her Le Creuset cookware, this does not undo ITD’s concern about the plate message “having a double meaning which the state considers inappropriate for display on an officially issued license plate.” ITD Hearing Packet, .pdf p. 3. Indeed, Petitioner Bochu did not object to, nor provide any contrary evidence, regarding the sexual orientation meanings of “Lesbaru” and “les” as presented by ITD from a “common internet and dictionary resource.” IDAPA 39.02.60.202.08.b. Thus, the uncontroverted evidence in this matter demonstrates that – even accepting Petitioner Bochu’s explanation as credible and plausible³ – the plate expresses a message readily susceptible to a double meaning, allowing for ITD’s rejection of that plate message as contrary to its regulations.

8. Finally, in requesting a hearing in this proceeding, Petitioner Bochu contends that “ITD neglected to provide what the double meaning was.” Exhibit P-1; *compare with* ITD Hearing Packet .pdf p. 3 (“You are receiving this letter because during a recent audit of personalized license plates issued to Idaho vehicles, your personalized plate LESBARU was flagged as having a double meaning which the state considers inappropriate for display on an officially issued license plate.”).

³ While not determinative of this matter, the Hearing Officer notes as an aside that, more correctly, utilizing French to refer to a Subaru, as an homage to Le Creuset cookware, would result in a plate message that states “LASBARU.” Unlike English, French uses gender for nouns. “Creuset” is “crucible” in French. <https://translate.google.com/>. As a “masculine” noun, “creuset” takes on the masculine article “le” – hence, “le creuset.” *Id.* In contrast, “Subaru” is treated as a “feminine” noun, and would take the articles “une” and “la”. *See generally, e.g.,* <https://www.subaru.fr> (throughout); <https://www.subaru.fr/technologies.aspx> (using the feminine “une” with “Subaru”), *accord* <https://translate.google.com/> (translating “the Subaru” as “la Subaru”). Accordingly, a grammatically correct French reference to a Subaru would be “la Subaru” – thus, for a plate, “LASBARU”.

The Hearing Officer does not perceive any due process deficiencies in this proceeding based upon the initial letter from ITD. The letter stated ITD's initial position, advised Petitioner Bochu of potential penalties if the plates were displayed after a certain deadline, provided information on selection of an alternative plate, provided contact information for questions, and provided the deadline and method for appealing ITD's decision. *Id.* At the initiation of the contested case with OAH, ITD provided a Hearing Checklist which outlined the specific double meaning at issue (*id.* at p. 1), and provided its proffered evidence regarding the double meaning (*id.* at p. 17). In reviewing the materials provided by Petitioner Bochu and in reviewing the testimony provided at hearing, the Hearing Officer perceives no inability on Petitioner Bochu's part to at least attempt to meet the evidence and argument presented by ITD. Accordingly, the notice of proceeding provided by ITD, and the full and fair opportunity afforded Petitioner Bochu to be heard in this contested case, does not suggest any due process deprivation. *See Neighbors for a Healthy Gold Fork v. Valley Cnty.*, 145 Idaho 121, 127, 176 P.3d 126, 132 (2007) ("Due process is not a concept to be rigidly applied, but is a flexible concept calling for such procedural protections as are warranted by the particular situation.").

PRELIMINARY ORDER

Based on the Findings of Fact and the Conclusions of Law set forth above, ITD's decision to cancel and recall Petitioner Bochu's personalized license plate of "LESBARU" is **AFFIRMED**.

RULE 626 NOTICE

This is a preliminary order of the presiding officer. It can and will become final without further action of the agency, and without any further notice to you, unless any party requests that either the presiding officer or the agency head review it. If no such request is made within fourteen (14) days of the service of this preliminary order, the order will become

final, and you will then have twenty-eight (28) days to file a petition for judicial review with a district court, pursuant to Idaho Code Sections 67-5270 through 67-5279.

If you disagree with this preliminary order, you may file a “motion for reconsideration” with the presiding officer, or you may file “exceptions” and/or a “petition for review” with the agency head. You are allowed to file all of these.

If you would like to file a motion for reconsideration of this preliminary order with the presiding officer, you must do so within fourteen (14) days of the service date of this order. After the presiding officer receives your motion for reconsideration, they have twenty-one (21) days to rule upon it. If they do not issue a ruling within twenty-one (21) days, your motion will be considered denied.

If another party has filed a motion for reconsideration of this preliminary order, you must file any opposition brief within fourteen (14) days from the service date of the motion for reconsideration. No further briefing by any party will be permitted unless the presiding officer, in their discretion, requests it.

You may also file any exceptions you may have to this preliminary order, with a supporting brief, directly with the agency head within fourteen (14) days of the service date of this order, unless the agency head sets a different deadline.

If another party has filed exceptions to this preliminary order with the agency head, you must file any opposition brief within fourteen (14) days from the service date of the exceptions. No further briefing by any party will be permitted unless the agency head, in their discretion, requests it.

You may also file a petition for review regarding this preliminary order, with a supporting brief which sets forth the basis for review, directly with the agency head within fourteen (14) days

of the service date of this order, unless the agency head sets a different deadline. The agency head may also notify the parties within fourteen (14) days of the service date of this order, that they, by their own choice, are reviewing this preliminary order, which notice will identify the issues the agency head will review. If a motion for reconsideration has been filed with the presiding officer, your petition for review, or the agency head's notice, does not have to be filed until fourteen (14) days after the motion for reconsideration process with the presiding officer is complete.

If another party has filed a petition for review of this preliminary order with the agency head, you must file any opposition brief within fourteen (14) days from the service date of the petition for review. No further briefing by any party will be permitted unless the agency head, in their discretion, requests it.

If you would like to request oral argument regarding any motion for reconsideration, exceptions, or petition for review, you must state so in your filings. The decision whether to have oral argument is a decision for the presiding officer or the agency head to make, and they may decide to not have oral argument, even if you or any other party has requested it.

If an agency head reviews a preliminary order, they have the option of either issuing a final order, remanding the matter back to the presiding officer, or holding additional hearings. You will be notified of the agency head's choice if the preliminary order is reviewed.

DATED: May 14, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Bryan A. Nickels
Bryan A. Nickels
Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

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/s/ Elaine Maneck

Elaine Maneck, Deputy Clerk
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