

**BEFORE THE IDAHO TRANSPORTATION DEPARTMENT**

MONICA BLOUGH,	)	OAH Case No. 26-290-11
	)	
Petitioner,	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, AND</b>
v.	)	<b>PRELIMINARY ORDER</b>
	)	
IDAHO TRANSPORTATION	)	
DEPARTMENT,	)	
	)	
Respondent	)	
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A remote hearing was held in this matter via Zoom on April 3, 2026. Petitioner Monica Blough (“Petitioner Blough”) appeared and gave testimony along with her spouse, Benjamin Blough, and RN Michelle Jessen; the Idaho Transportation Department (“ITD”) appeared through counsel Brian Neuffer, and offered the testimony of Krishna Kiger, the Registrations Program Supervisor for ITD. Following hearing, the Hearing Officer left the record open until April 10, 2026, for the parties to submit additional evidence for consideration; written closings were also permitted to be submitted on or before April 17, 2026.

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 IDAPA 62.01.01.252.01.d.

**WRITTEN EVIDENCE**

In transmitting this matter to the Office of Administrative Hearings (“OAH”), ITD provided the extant agency record (“Hearing Packet”) which contained the following items, some of which were also later numbered as proposed ITD exhibits:

- Idaho Proof of Registration (Plates on Order), dated July 2, 2024, for plate no. “BUTSTFF”.
- License Plate Cancellation Notification for plate no. “BUTSTFF”, dated February 10, 2025. (Proposed Exh. 4)
- Email from Krishna Kiger to Petitioner Blough (ITD), dated February 20, 2026.
- Amended License Plate Cancellation Notification for plate no. “BUTSTFF”, dated February 20, 2026. (Proposed Exh. 6)
- List entitled “Agency Record Attachment/Common Internet or Dictionary Resources” and attached documents from list. (Proposed Exh. 3)
- Email from Petitioner Blough to Krishna Kiger (ITD), dated January 23, 2026. (Proposed Exh. 5)
- Email from Petitioner Blough to Krishna Kiger (ITD), dated January 27, 2026.
- Assorted images of marketing materials for Petitioner Blough’s business.
- Email from Petitioner Blough to Krishna Kiger (ITD), dated February 2, 2026.

In advance of the hearing on this matter, ITD supplemented its initial hearing packet submissions with proposed exhibits as follows:

- Exh. 1: Copy of Idaho Code §49-409.
- Exh. 2: Copy of IDAPA 39.02.60.202.
- Exh. 3: List entitled “Agency Record Attachment/Common Internet or Dictionary Resources” and attached documents from list.
- Exh. 4: License Plate Cancellation Notification for plate no. “BUTSTFF”, dated February 10, 2025.
- Exh. 5: Email from Petitioner Blough to Krishna Kiger (ITD), dated January 23, 2026.

- Exh. 6: Amended License Plate Cancellation Notification for plate no. “BUTSTFF”, dated February 20, 2026.
- Unnumbered Exh.: Findings of Fact, Conclusion of Law, and Preliminary Order, Albert Pete Veenstra v Idaho Transportation Department, dated July 1, 2025.

At hearing, Petitioner Blough asserted a blanket objection to ITD’s proposed exhibits 1-6, on the grounds that ITD’s materials did not relate to the letters/words which actually appeared on the disputed license plate. *See* Hearing Record (“Rec.”), 1:19:14-1:20:00. This objection was overruled, as ITD’s proffered exhibits 1-6 set forth the basis of their decision to cancel and recall the license plate at issue, and also captured documents already provided by ITD in its Hearing Packet which had not been objected to. Rec., 1:20:08-1:20:41.

In turn, Petitioner Blough also submitted one consolidated exhibit in advance of hearing, as follows:

- Exhibit A: screenshots of internet-based definition inquiries regarding “but” and “butt” as well as “stiff,” and assorted images of marketing materials for Petitioner Blough’s business.

ITD made no objection to the admission of this proposed exhibit. Rec., 1:20:51-1:21:00.

At the conclusion of the hearing, all documents submitted by the parties to date (the Hearing Packet, ITD Exhs. 1-6, and Petitioner Blough’s Exh. A)<sup>1</sup> were admitted. Rec., 1:20:52-1:21:00.

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<sup>1</sup> ITD’s additional submission – the Veenstra decision – was acknowledged as a non-binding guidance document, but is not “evidence” per se, and is considered only as persuasive legal authority rather than any kind of fact evidence. Rec., 12:00-14:45.

Following the hearing, Petitioner Blough submitted two additional exhibits, both undated recordings of telephonic communications between Petitioner Blough and ITD witness Kiger, which are labeled as Exh. B and Exh. C in the agency record.<sup>2</sup> No objection being made by ITD, and such exhibits appearing to be permissible under Idaho Code §67-5251, both exhibits are deemed admitted.

### FINDINGS OF FACT

1. Petitioner Blough requested, and was issued, a personalized license plate for a 2019 Land Rover displaying the message “BUTSTFF” on July 2, 2024, with an initial expiration date of December 31, 2024. Hearing Packet, .pdf p. 3.

2. On February 10, 2025, ITD issued a “License Plate Cancellation Notification” to Petitioner Blough 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 BUTSTFF 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 Mar 12, 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**).

You may select an alternative plate to replace the current one by filling out and returning the attached Personalized Plate Correction Form (ITD 3423). Please select a new personalization if applicable, or enter a standard-issue county plate text you own. Fees paid are not subject to refund. Either option will be a no-fee replacement by the Idaho Transportation Department.

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<sup>2</sup> ITD did not submit any additional post-hearing exhibits.

Hearing Packet, .pdf pp. 4-5; Exh. 4 (emphasis in original).

3. On January 23, 2026, Petitioner Blough emailed Krishna Kiger (ITD) regarding the disputed license plate, stating, in relevant part:

Hi Krishna,

I'm really hoping you can help me. I feel like this is a unique problem to have. I went into Boise County DMV today to renew my registration and was told my license plates were canceled as of February, 2025. They printed off a letter that my husband and I have never seen before. We searched through our informed delivery and see no trace of ever receiving this letter. We are not understanding why these plates have been canceled. I called IDT today and they said the plate is of sexual connotation which is not correct. My license plate is BUTSTFF. I guess it can be taken by some however they want to take it, but if you see my vehicle, you know it's a branding logo for our practice. Quite frankly, there's a lot of plates out there that can be taken in a lot of ways, but this just isn't one of them.

My husband and I own Wellness Within Colon Hydrotherapy. We have practices in both Eagle and Twin Falls. BUTSTFF is a HUGE part of our brand and marketing. We have several logos and advertise often using the phrase. One of our sayings is "it might feel awkward to you - **BUT** it's just **STUFF** to us. You'll find it all over our social media and even on our website. Obviously, these plates were issued and approved at one point and it was explained in the application that this is a logo used by a business.

But - is a conjunction word or a preposition

Butt - is a noun NOT WHAT IS WRITTEN ON THE PLATE

Hearing Packet, .pdf pp. 20-21; Exh. 5 (bold emphases in original; underlined emphasis added).

4. On February 20, 2026, ITD sent Petitioner Blough an additional letter, entitled "Amended License Plate Cancellation Notification," for the plate "BUTSTFF". Hearing Packet, .pdf pp. 7-8; Exh. 6.

5. The "Amended License Plate Cancellation Notification" stated, in relevant part:

Upon further review, ITD has affirmed that **BUTSTFF** must be cancelled and recalled because this message is prohibited under Idaho Code § 49-409(1) and IDAPA 39.02.60.202.08(b). IDAPA 39.02.60.202.08(b) provides: “The message, in any language, may not carry a **sexual connotation** nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial or ethnic degradation, or **profanity**, as defined by common internet and dictionary resources. Further, IDAPA 39.02.60.202.08(b)(i) provides: “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.

...

Here, **BUTSTFF** is a variation of the common term “butt stuff”, which is a reference to an intimate body part (buttocks and anus), carries a sexual connotation (common reference to anal sex and other sex acts involving this “intimate body part”), is commonly used in reference to sexual preference or orientation, and may be considered a profanity due to the sexual connotations of the term. Therefore, this plate message is prohibited under the above-cited rules.

Hearing Packet, .pdf pp. 7-8; Exh. 6 (emphases in original).

6. A number of internet resources support ITD’s reading of **BUTSTFF**, which can be read as “butt stuff,” a commonly-used euphemism for anal sex. *See generally* Rec., 58:33-59:26 (witness Kiger). The following internet resources identified by ITD support this determination:<sup>3</sup>

- a. Urban Dictionary: 2 definitions: “[a]ny sexual act involving da butt” and “butt stuff means to stuff someone or something up someone or somethings butt”.

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<sup>3</sup> ITD identifies two additional internet resources which the Hearing Officer declines to give any weight to. The first, a definition from the “Reverso English Dictionary,” which dictionary does not readily appear to be a “common internet or dictionary resource,” as required by IDAPA 39.02.60.202, absent additional supporting information from ITD regarding the dictionary. The second, a 2025 NY Post article interviewing an ER doctor, addresses the physician’s experiences with patient care and things they’ve “pulled out of a patient’s butt;” while the NY Post would constitute a “common internet ... resource,” the content of the article itself does not appear to squarely support ITD’s bases for rejection, and thus lacks relevance under Idaho Code §67-5251.

- b. Wiktionary: 1 definition: “(Canada, US, slang) *Synonym of anal sex.*”
- c. KIRO 7 News Seattle article: 2024 article entitled “‘I was in shock’: a ‘cheeky sign’ creating controversy in a Pierce County neighborhood”: includes the text, “The sign, depicting a buttock in rainbow colors and the words ‘my neighborhood loves butt stuff,’ had an arrow pointing toward a neighbor’s pride flag” and “‘The flag there just means unity, individualism, what have you. And then sign she put up brought it right down into the gutter.’”
- d. GQ Magazine Online article: 2016 article entitled “Kanye West is very adamant that Kanye West isn’t into butt stuff”: includes the text, “Amber Rose chose not to rise above and fired back with some heat, essentially being like *Why you so obsessed with me?* except, well, more focused on butt stuff. ... Was Amber Rose’s tweet hilarious and brutal? Yeah. Is the tweet also a little on the yikes side? A little problematic? Yeah. It points to an outdated stigma about anal play, which is an increasingly mainstream part of sex ....”

Exh. 3, pp. 1-4 & 7-8; Hearing Packet, .pdf pp. 9-12 & 15-16.

7. Additional internet resources, as identified by ITD, reflect that the term “Butt Stuff” has also been used in other commercial contexts differently than as a euphemism for anal sex:

- a. Los Angeles Times article: 2018 article entitled “This fitness class is all about glamming up your glutes”: includes the text, “The cheekily titled

exercise class ‘Butt Stuff’ is described by its creator, known as HyberBody, as 45 minutes dedicated to the donk and everything below the belt.”

- b. New York Magazine’s The Cut: 2024 article entitled “Let’s talk about hemorrhoids, baby”: includes the text “Sturino’s company, Megababe, just launched Butt Stuff, an ointment that helps relief hemorrhoid symptoms such as pain, itching, and swelling.” ‘I didn’t want Butt Stuff to have the stigma of the products you’ve seen in your parents’ or grandparents’ drawers, which are tucked away and have shame around them’....”

Exh. 3, pp. 9-10; Hearing Packet, .pdf pp. 17-18.

8. Due to the limited number of spaces on a license plate (a maximum of 7 characters, per Idaho Code §49-409(1)) and requestors’ creativity, reading a requested license plate phonetically is part of the process ITD engages in reviewing personalized plate requests, to also include review of common internet dictionaries and acronyms and reading of the requested lettering backwards. Rec., 52:43-55:01 (witness Kiger).

9. While not expressly spelling out “Butt Stuff” due to the limited number of spaces on a personalized license plate, the BUTSTFF plate can be read phonetically to read “Butt Stuff.” Rec., 1:10:19-1:10:41 (witness Kiger).

10. In turn, Petitioner Blough argues that the “BUT” portion of the plate means “but,” rather than “butt.” See Hearing Packet, .pdf p. 20; Exh. 5 (“One of our sayings is ‘it might feel awkward to you - **BUT** it’s just **STUFF** to us. You’ll find it all

over our social media and even on our website. Obviously, these plates were issued and approved at one point and it was explained in the application that this is a logo used by a business. But - is a conjunction word or a preposition Butt - is a noun NOT WHAT IS WRITTEN ON THE PLATE”) (emphases in original); *accord*, Rec., 18:21-19:49 (Petitioner Blough), 38:16-38:57 (witness Jessen) & 39:07-39:24 (same); Exh. A, pp. 1-2. The Hearing Officer finds the testimony of Petitioner Blough and her husband adequately credible, such that they may have reasonably held a subjective belief and intent that the plate would be a cross-reference to their marketing materials’ statement that “but it’s just stuff to us.” However, the Hearing Officer also finds that the marketing materials themselves demonstrate an intent to playfully engage with the services provided by the business by utilizing wording that suggests, but avoids explicitly stating, what the business does. *Accord*, e.g., Exh. A, p. 6 (vehicle’s rear window script: “We take your crap seriously”; social media post: “November Special Tootin’ Tuesdays”); Hearing Packet, .pdf p. 24. Thus, a reasonable reading of “but it’s just stuff to us” may also reasonably convey the nature of the business through wordplay – suggesting “butt stuff” in the context of colon hydrotherapy. *See also*, e.g., Rec., 21:12-21:23 (Petitioner Blough)(“So, one huge thing, and so a huge piece of what I do, I understand that we do colonics, we clean the colon, we use humor, and we use whatever as part of our branding.”).

11. Somewhat confusingly, Petitioner Blough also argues at the “STFF” portion of the plate is intended to mean “stiff” rather than “stuff.” Hearing Packet, .pdf p. 20; Exh. 5 (“But does not spell BUTT - and stff does not spell STUFF. Another

logo we've used is ..is your colon stiff (stff). Like I said people can take it however they take it, but that still doesn't make it true. it's NOT a negative/sexual plate.”)(emphasis added); *accord* Rec., 20:02-20:54 & 1:17:38-1:17:46 (Petitioner Blough); Exh. A, p. 3; Exh. C, 10:45-11:02. In light of Petitioner Blough's own contention that “BUTSTFF” is a reference to marketing materials referring to “but it's just stuff to us,” the Hearing Officer does not find as credible the contention that “STFF” is also intended to mean “stiff.”

12. Second, Petitioner Blough testified that while she held the “BUTSTFF” plate prior to the second notice of recall (approximately July 2, 2024 through January 23, 2026), she had developed a marketing campaign incorporating the plate. *See* Hearing Packet, .pdf p. 20; Exh. 5 (“We have spent thousands of dollars on marketing, attorneys, and branding. For ITD to make a decision to revoke a license plate based on a perception of a twisting of words and letters, changing what it actually says just does not seem just or right. It also does not make it true because it says something else. We've built an entire brand around this license plate. This license plate has changed the trajectory of our business in amazing ways and we have been able to help so many people from elderly, extremely ill clients, to even those with mental illness. What we do is life changing for so many people and God has blessed our businesses. Many of these clients would not have known about what we do, but because they read the plate and then read the rest of the logoing..scanned the code they made appointments.”); *accord*, Rec., 18:21-18:30 (Petitioner Blough) & 30:35-31:15 (witness Mr. Blough); 41:02-42:17 (witness Jessen); 1:11:39-1:11:50 (“I just wanted it on record

that the state okayed it. And then we ran with it for a long time, and have thousands of dollars invested in marketing around this plate.”). Given this testimony, on the whole, the Hearing Officer finds credible that the “BUTSTFF” license plate has been utilized as a marketing tool in support of her business. *See* Exh. A, p. 6; Hearing Packet, .pdf p. 24; *accord* Exh. 5. However, the record before the Hearing Officer does not demonstrate that the plate is uniquely indispensable to the business or that no other alternative plate message exists. *See* Exh. A, p. 6 & Hearing Packet, .pdf p. 24 (other business messaging on the vehicle beyond the license plate) & Rec., 41:21-41:30 (witness Jessen)(“If anything, you know, it’s ... we talk about stuff, miscellaneous stuff, but if we were going to have it be related to anything body, it would say gut stuff, because it’s about the gut.”).

13. The record also demonstrates that there has been at least some public reaction on the BUTSTFF plate, including some of a mixed nature. *See* Exh. A, p. 6 (social media post by Petitioner Blough, captioned “When your BUTSTFF vanity plate is the talk of the town, but it’s funny because you are just a colon hydrotherapist”); Rec., 41:02-41:20 (witness Jessen)(“I know your car is a marketing piece, you know, that people see your car and have had mixed feelings about it, but the reality is it’s not meant to be anything related to the body part.”); *accord* Rec., 1:32:05-1:32:56 (Petitioner Blough’s closing argument, referencing annual news story regarding top revoked plates in Idaho 2025).

## **CONCLUSIONS OF LAW**

1. Because she is challenging ITD’s action, Petitioner Blough bears the

burden of proving that ITD acted improperly in issuing its License Plate Cancellation Notification (and related Amended License Plate Cancellation Notification) for the “BUTSTFF” plate. *See, e.g., Intermountain Health Care, Inc. v. Board of Cnty. Comm’rs of Blaine Cnty.*, 107 Idaho 248, 251 (Ct. App. 1984), *reversed on other grounds by* 109 Idaho 299 (1985) (burden of proof is on the party challenging government action); *accord*, 2 Am. Jur. 2d Administrative Law § 314; IDAPA 62.01.01.477.

2. Idaho Code §49-409(1), 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).

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

**Acceptability of Plates Message.** 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 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).

4. IDAPA 39.02.60.202.08 additionally provides 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.

(emphases added).

5. In addition to these statutory and regulatory controls, the State of Idaho is otherwise generally vested with the authority to limit what messages are conveyed on official license plates. *See generally Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 216-217 (2015) (“**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.”)(emphasis added) *and Hart v. Thomas*, 422 F. Supp. 3d 1227, 1233 (E.D. Ky. 2019)(“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.”). Given this, a State may limit the messages conveyed on vanity plates. *See, e.g., Mitchell v. Maryland Motor Vehicle Admin.*, 450 Md. 282, 311–12 (2016)(“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.**”)(emphases added)(cleaned up).

6. As an initial matter, the Hearing Officer finds that the general public could reasonably read the license plate “BUTSTUFF” as “butt stuff,” a commonly-used euphemism for anal sex, thereby yielding a message with a “sexual connotation” referencing an “intimate body part.” *See also generally* Idaho Code §§18-5601 & -8602 (defining “intimate body parts” as including buttocks). Indeed, Petitioner Blough herself appears cognizant of the fact that the public could read the “BUTSTUFF” plate in such a way. *See, e.g.,* Hearing Packet, .pdf p. 20; Exh. 5 (“I guess it can be taken by some however they want to take it...”). As such, “BUTSTUFF,” as can be read by the public as “butt stuff,” is a license plate message subject to rejection

by ITD pursuant to IDAPA 39.02.60.202.08.

7. This established, Petitioner Blough’s argument as to her intended messaging (“but it’s just stuff to us”), and her assertion that ITD is reading/spelling different words than her intent, ultimately does not carry the day for her. *See, e.g.*, Exh. 5 (“Butt – is a noun NOT WHAT IS WRITTEN ON THE PLATE”). Restrictions on messaging on personalized license plates – a nonpublic forum – ultimately take into consideration the potential for the public to read a message (intended or otherwise) that appears to have the imprimatur of ITD and the State of Idaho. That is, a license plate is not only the message of the plate-holder, but is also a message a member of the public might perceive as an ‘official’ message of the State of Idaho. The State of Idaho, as with any speaker, has the right to refuse to ‘speak’ a particular message or otherwise co-sign the message of another. *See* 16A Am. Jur. 2d Constitutional Law § 543 (“While First Amendment protections still exist in a nonpublic forum, the government has much more flexibility to craft rules limiting speech in a nonpublic forum than it has with regard to public forums. When the government permits speech on government property that is a nonpublic forum, it may exclude speakers on the basis of their subject matter, as long as the distinctions drawn are viewpoint neutral and reasonable in light of the purpose served by the forum.”). Thus, the State of Idaho (through ITD) may appropriately refuse to allow a particular message on the license plates it issues to citizens for their vehicles, including – as here – a plate that can be read as “butt stuff.”

14. Again, while the Hearing Officer finds it at least credibly plausible that

Petitioner Blough intended the plate to cross-reference her marketing message of “but it’s just stuff to us,” the “common internet and dictionary resources” in the record amply establish that a comparatively simple phonetic reading of the plate readily yields a reading of “butt stuff,” a commonly understood euphemism for anal sex. While “BUTSTFF” does not expressly spell out “butt stuff,” neither the governing statute nor regulation constrain ITD’s rejections to only the exact, generally-accepted spelling of a word, thereby ignoring other phonetic or alternate spellings which may present impermissible messaging to the general public. Instead, ITD is given broad latitude to consider, for example, which “letter/number combinations” may convey an impermissible message. *See* IDAPA 39.02.60.202.08.c. Allowing ITD to only restrict exact spellings would create an exception that would swallow the rule – that is, any number of potentially offensive messages could be displayed on plates simply by changing the spelling by a single letter – a result which would defeat the entire purpose of the governing statute/regulation. Thus, all ITD need demonstrate is that the requested message – irrespective of exactness of spelling – could be read, even if only phonetically, by some segment of the general public as a message prohibited by IDAPA 39.02.60.202.08, which is thereby sufficient to support the rejection of a personalized license plate message. Here, the difference in spelling between “BUTSTFF” and “butt stuff” is minimal, and can more than appropriately be construed by ITD as capable of being read by the general public as “butt stuff.”

8. Further, while not expressly argued by Petitioner Blough as an explanation for the license plate at issue, the record does at least suggest that the

term “butt stuff” has been used commercially elsewhere in contexts other than as a reference to anal sex. *See* Exh. 3, p. 9 (fitness class) & p. 10 (hemorrhoid cream). However, even were Petitioner Blough to more expressly argue that the term “butt stuff” was more widely used as a term for something other than anal sex, and thus was appropriate as a reference to her colon hydrotherapy business, the current state of the English language would not support such a leap. While the fluidity of language does allow for euphemisms to eventually evolve into broader, more widely accepted meanings (“rock n’ roll,” originally a euphemism for sex), or to eventually simply lose their original meaning (“green gown,” a more archaic euphemism for sex), “butt stuff” has simply not made that linguistic leap yet, as reflected in the “common internet and dictionary resources” in the record in this matter, and primarily remains a reference to anal sex.<sup>4</sup>

9. Petitioner Blough’s argument that, as she had the plate for over 1 ½ years before this dispute eventually arose, she has made considerable marketing efforts for her business at significant cost based upon the license plate appears credible, although the record before the Hearing Officer and the testimony offered at hearing was somewhat sparse on details. However, neither the governing statute, nor the governing regulation, contemplate any time-restriction on when ITD may recall a plate.<sup>5</sup> This lack of time limitation in the statute/regulation allows both for

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<sup>4</sup> To be clear, however, even were the term “butt stuff” to have evolved as a euphemism to instead reference the human colon, its contents, and all things related thereto (other than anal sex), this would still likely run afoul of ITD’s regulation, which also otherwise prohibits messages related to “bodily functions [and] bodily fluids” and/or “intimate body parts.” *See* IDAPA 39.02.60.202.b.1.

<sup>5</sup> The record reflects that ITD actually attempted to recall the plate in February 2025, approximately 7 months after issued and a year earlier than when the instant dispute eventually arose. Hearing Packet, .pdf pp. 4-5. Petitioner Blough has asserted that she did not receive this initial recall letter.

the potential of inadvertent error by ITD in initially issuing the plate (especially given the volume of plates to review, estimated at 1,000 plates per week by ITD witness Kiger, Rec., 54:47-54:58), but also the potential that the English language may suddenly make a left turn (especially in an era when the internet can hard-launch an offensive word/term virtually overnight) and necessitate the recall of a plate which the general public may suddenly read as an offensive message endorsed by the State. Likewise, neither the legislature (via statute) nor ITD (via rule) have carved out any kind of 'business interest' exception to the general prohibition on license plate messages which "carry a sexual connotation" or which is "considered to be one of obscenity, contempt, prejudice, hostility, insult, racial or ethnic degradation, or profanity." IDAPA 39.02.60.202.08.b.i. Important to consider here, as well, is that while Petitioner Blough cannot use a State-issued license plate for such marketing message, the record amply demonstrates that the rest of her vehicle can, and is, used for effective marketing. *See* Exh. A, p. 6 (vehicle's rear window script: "We take your crap seriously" & QR code); Hearing Packet, .pdf p. 24; Rec., 21:42-22:44 (discussing the QR code displayed on the vehicle and noting that "there's been a lot of attention on social media with our **car**, with my **car**.")(emphases added).

10. Thus, in summary, Petitioner Blough has not demonstrated that ITD's identified potential reading ("butt stuff") for the license plate message of "BUTSTFF" is incorrect or otherwise unsupported by "common internet and dictionary resources."

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Exh. 5. Ultimately, resolution of this timing question is unnecessary, as there is no mechanism to time-bar ITD from recalling the plate; however, any argument by Petitioner Blough regarding ongoing economic reliance on the validity of the plate is otherwise blunted by ITD's earlier efforts to recall the plate.

Nor has Petitioner Blough demonstrated that the “BUTSTFF” license plate (again, read as “butt stuff”) is otherwise permitted for some reason under the governing statute and/or regulation, such as a time-bar or a business interest exception. Accordingly, Petitioner Blough has not met her burden in this matter, and as such, ITD’s Amended License Plate Cancellation Notification of February 20, 2026 for the license plate “BUTSTFF” is appropriately affirmed.

### **PRELIMINARY ORDER**

Based on the Findings of Fact and the Conclusions of Law set forth above, ITD’s decision to cancel and recall Petitioner Blough’s personalized license plate of “BUTSTFF” as reflected in the Amended License Plate Cancellation Notification of February 20, 2026, 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 a “petition for review” with the agency head. You are allowed to file both 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 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 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 6, 2026.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Bryan A. Nickels  
Bryan A. Nickels  
CALJ/Hearing Officer

**CLERK’S CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2026, I caused to be served a true and correct copy of the foregoing by the following method to:

Monica Blough

[Redacted]

*Petitioner*

U.S. Mail

Email:

[Redacted]

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Idaho Transportation Department  
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/s/ Elaine Maneck

Elaine Maneck, Deputy Clerk  
Office of Administrative Hearings