

BEFORE THE IDAHO TRANSPORTATION DEPARTMENT

GARRETT ANTHONY BALLS,)	
)	OAH Case No. 26-290-34
Petitioner,)	
)	FINDINGS OF FACT, CONCLUSIONS
v.)	OF LAW, AND PRELIMINARY ORDER
)	
IDAHO TRANSPORTATION)	
DEPARTMENT,)	
)	
Respondent.)	
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Petitioner Garrett Anthony Balls requested a hearing to challenge a License Plate Cancellation Notification issued by the Idaho Transportation Department (ITD) cancelling and recalling his personalized license plate (“B4LLS”).

This matter was assigned to Administrative Law Judge Scott Zanzig to serve as Hearing Officer on April 29, 2026. A videoconference hearing was held on May 7, 2026. Mr. Balls appeared and testified. ITD appeared through counsel Brian Neuffer and ITD Program Supervisor Krishna Kiger. Ms. Kiger testified. Mr. Balls’ Exhibits A and B and ITD’s Exhibits 1 through 10 were admitted without objection.¹

The parties were permitted to present closing written statements on or before May 14, 2026. Both parties submitted statements that day. The record is now closed.

Based upon the record and the hearing in this matter, the Hearing Officer makes the following Findings of Fact and Conclusions of Law pursuant to IDAPA 62.01.01.252.d.

PRELIMINARY MATTERS

ITD filed a prehearing motion to include in the record two indexed precedential agency guidance documents: *Albert P. Veenstra v. ITD*, Findings of Fact, Conclusions of Law, OAH Case

¹ All documents in the administrative packet were included in ITD’s exhibits.

No. 25-290-32 (Leslie Hayes, 7/1/25); and *Chayanne Kooch v. ITD*, Findings of Fact, Conclusions of Law, OAH Case No. 25-290-81 (Bryan Nickels, 11/4/25). Those documents were admitted to the record as ITD Exhibits 8 and 9 with no objection from Mr. Balls.

FINDINGS OF FACT

1. On or about January 5, 2026, Garrett Balls submitted a personalized license plate application requesting a plate reading “B4LLS.” *See* Exhibit 3 (Idaho Proof of Registration).

2. Mr. Balls intended his requested plate to convey the message “Balls,” because it is his surname. He did not intend any other meaning of “balls” from this message. Nor did he intend to convey a vulgar meaning. (Exhibit 6; Balls Testimony.)

3. ITD conducted an internal review of Mr. Balls’ request to determine whether it violated any of the personalized plate prohibitions found in Idaho regulations. Among other things, ITD staff conducted internet searches on the term “balls,” which ITD believed to be the word “B4LLS” was intended to convey. (Kiger Testimony.) Those searches located the following information, reflected in Exhibit 4:

- a. “balls” has an “offensive” meaning: “a rude word for testicles” (Cambridge Dictionary);
- b. “balls” is “slang for testicles” (Urban Dictionary);
- c. “balls” has a “vulgar, colloquial” meaning: “testicles” (Wiktionary).

4. Based on these search results, ITD determined that “B4LLS” conveyed a message prohibited by regulation. (Kiger Testimony.)

5. On January 21, 2026, ITD sent Mr. Balls a License Plate Cancellation Notification. (Exhibit 5.)

6. On January 26, 2026, Mr. Balls submitted a hearing request to ITD. (Exhibit 6.)

7. Following some correspondence (Exhibit 6), ITD sent Mr. Balls an Amended License Plate Cancellation Notification, dated March 13, 2026. (Exhibit 7.)

CONCLUSIONS OF LAW

1. Because he is challenging ITD’s cancellation of his personalized license plate, Mr. Balls has the burden of proof in these proceedings. IDAPA 62.01.01.477.

2. Idaho Code section 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 . . . 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.**

I.C. §49-409(1) (emphasis added).

3. ITD may recall personalized plates if they contain “[u]nacceptable . . . messages” as defined in IDAPA 39.02.60.202.08.b. (Rule 202.08.b.). IDAPA 39.02.60.202.10.c. Rule 202.08.b. provides:

The message [on a personalized plate], in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity . . . or profanity, as defined by common internet and dictionary resources.

4. Rule 202.08.b.i. further prohibits a personalized plate whose message refers to “intimate body parts.”

5. “Intimate body parts” is not defined in IDAPA 39.02.60, but it is defined in multiple areas of Idaho Code:

- a. Idaho Code section 18-919(b)(1) (sexual exploitation by a medical care provider): “‘Intimate part’ means the sexual organ, anus, or groin of any person, and the breast of a female.”
- b. Idaho Code section 18-924(1) (sexual battery): “For purposes of this section, ‘intimate parts’ means the genital area, groin, inner thighs, buttocks or breasts.”
- c. Idaho Code section 18-5601(5) (commercial sexual activity): “‘Intimate body parts’ includes human genitals, pubic area, buttocks, or breasts.”
- d. Idaho Code section 18-6606(4)(d) (disclosing explicit synthetic media): “‘Intimate parts’ means the nude genitals, pubic area, anus, or postpubescent female nipple.”
- e. Idaho Code section 18-8602(8) (human trafficking): “‘Intimate body parts’ includes human genitals, pubic area, buttocks, or breasts.”

6. Male genitalia, including testicles, are intimate body parts within the meaning of Rule 202.08.b.i.

7. Based on “common internet and dictionary sources,” IDAPA 39.02.60.202.08.b., “balls” has a meaning that is slang for “testicles,” an intimate male body part.

8. “Balls” is not only Mr. Balls’ surname, but also a word that has multiple other meanings, one of which is slang for testicles. The crux of this case is whether Rule 202.08.b.i. prohibits a personalized plate if it contains a word that has multiple meanings, only one of which is prohibited, even if the word is also the applicant’s name and the applicant had no subjective intent to convey the prohibited meaning.

9. Mr. Balls argues that ITD’s rules unfairly discriminate against him because unlike many other people, he is unable to display his name on his license plate. But unfortunately for Mr. Balls, neither Idaho Code nor ITD’s personalized plate regulations provide a right to obtain a personalized plate displaying the applicant’s name.

10. Mr. Balls also argues that his subjective intent is not to display a message that means “testicles.” But unfortunately for Mr. Balls, the law in this case does not depend on his intent. Rather, it is designed to prohibit messages that others might reasonably be expected to interpret to have a prohibited meaning.

11. Mr. Balls has not satisfied his burden of demonstrating that ITD lacked authority to deny his request for the personalized plate “B4LLS.”

PRELIMINARY ORDER

Based on the foregoing findings of fact and conclusions of law, ITD’s cancellation of Garrett Balls’ personalized plate “B4LLS” 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.

IT IS SO ORDERED.

DATED: May 18, 2026.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ W. Scott Zanzig
W. Scott Zanzig
Lead ALJ/Hearing Officer

DEPUTY CLERK’S CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May, 2026, I caused to be served a true and correct copy of the foregoing by the following method to:

Garrett Anthony Balls

[Redacted]

Petitioner

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/s/ Elaine Maneck

Elaine Maneck, Deputy Clerk
Office of Administrative Hearings