

BEFORE THE IDAHO TRANSPORTATION DEPARTMENT

BILLIE COX,	)	OAH Case No. 25-290-72
	)	
Petitioner,	)	<u>AMENDED FINDINGS OF FACT,</u>
	)	CONCLUSIONS OF LAW, AND
v.	)	PRELIMINARY ORDER
	)	
IDAHO TRANSPORTATION	)	
DEPARTMENT,	)	
	)	
Respondent	)	
	)	

A remote hearing was held in this matter via Zoom on September 26, 2025. Petitioner Billie Cox (“Petitioner Cox”) appeared and gave testimony; the Idaho Transportation Department (“ITD”) appeared through counsel Paul Schlegel, and offered the testimony of Krishna Kiger, the Registrations Program Supervisor for ITD.

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

- Idaho Proof of Registration (Plates on Order), dated June 19, 2025, for plate no. “7AZFK” (Proposed Exhibit 1).
- Amended License Plate Cancellation Notification, dated September 3, 2025 (Proposed Exhibit 2).
- Email from Billie Cox to Krishna Kiger dated September 4, 2025 (redacted) (Proposed Exhibit 3).
- License Plate Cancellation Notification and attached Personalized Plate Correction Form, dated June 25, 2025 (Proposed Exhibit 4).

- Letter to ITD from Petitioner Cox “Re: Appeal personalized plate cancellation. Request for administrative hearing.” (Proposed Exhibit 5).
- List entitled “Description of Exhibits – Common Internet and Dictionary Resources” and attached documents from list (Proposed Exhibit 6).
- Amended Findings of Fact, Conclusion of Law, and Preliminary Order, Levi Hawley v Idaho Transportation Department, dated May 16, 2025 (Proposed Exhibit 7).

In advance of the hearing on this matter, ITD supplemented its initial hearing packet submissions with respect to Proposed Exhibit 6, identifying three additional internet resources.

For the reasons stated at hearing, 3 subparts of ITD’s consolidated proposed Exhibit #6 were excluded:

- “Screenshot of Google AI result for search: meaning of ‘as fk’”
- “Screenshot ‘@fitazfk’ Tik Tok profile page”
- “Google Screenshot of AI Overview for Google Search: ‘az fk’ meaning

The remaining exhibits were otherwise admitted.¹

Petitioner offered no written exhibits before or at hearing.

FINDINGS OF FACT

1. Petitioner Cox requested, and was issued, a personalized license plate for a Land Rover Range Rover Sport displaying the message “7AZFK” on or about June 19, 2025, with an expiration date of June 30, 2026. Exhibit 1.

2. On June 25, 2025, ITD issued a “License Plate Cancellation Notification” to Petitioner Cox 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 7AZFK was flagged as having a double meaning which the state considers inappropriate for display on an

¹ Exhibit #7 was admitted, but ultimately is just a prior decision offered by ITD as persuasive authority, rather than strict “evidence.” Likewise, ITD filed a “Motion in Limine” in advance of hearing, specifically identifying three prior ITD decisions as precedential agency orders pursuant to Idaho Code §67-5250 and as available at <https://itd.idaho.gov/guidance/> (last retrieved October 3, 2025). Again, these items are not true “evidence,” but are accepted and considered as precedential agency orders, the applicability and persuasiveness of which is analyzed herein.

officially issued license plate.

In accordance with Idaho Code, this license plate must therefore be cancelled and recalled, effective Jul 25, 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.

Exhibit 4 (emphasis in original). A copy of the Personalized Plate Correction Form was attached to the letter. *Id.*

3. On July 2, 2025, Petitioner Cox submitted correspondence to ITD regarding the “License Plate Cancellation Notification.” Exhibit 5. The letter stated, in relevant part:

I was very disappointed to read the letter I received in the mail today- July 2, noting my plate to be “inappropriate” when in no way did the letter say why it was “flagged” and described that way. I noted in the request when applying that it was a religious form of expression. I believe personalized plates are creative and expressive and if someone has a way in expression of their faith in God and love of Jesus as their King, in no way should the audit challenge that statement and accuse one of being inappropriate with their choice of plate. What is the point of personalized plates if someone who audits the request has their own meaning? Do all Idaho personalized plate users create a phrase or expression on their plates for everyone else to understand, see or enjoy? Or do some create something personal just for themselves? Speaking for myself, my plate idea is for my gratitude of life, love of God, and Jesus. I would hope this letter clears up the matter of my plate being cancelled. Speaking of expression, Idaho has a special plate with the caption, “an appeal to heaven” and another plate ‘dont [sic] tread on me.” Both could be questioned, one as heaven being religious or spiritual and the other plate being anti-government or offensive to some people. Personalized plates and special plates are all forms of expression. My plate idea was inspired by the Idaho appeal to heaven special plate. I would request my plate be approved and sent to me by mail so I can have my plates put on my vehicle in a timely manner.

4. On September 3, 2025, ITD issued to Petitioner Cox another letter, entitled “Amended License Plate Cancellation Notification,” which stated, in relevant part:

The Idaho Transportation Department (“ITD”) has engaged in further review of

ITD's June 25, 2025, decision to cancel and recall your personalized plate **7AZFK**. On the original personalized license plate request that you submitted to ITD, you identified **7AZFK** as meaning "RELIGIOUS EXPRESSION OF FAITH IN GOD". ITD is also in receipt of your letter to ITD dated July 2, 2025, wherein you provided additional information regarding your personalized plate message.

Upon further review, ITD has affirmed that **7AZFK** must be cancelled and recalled because this message is prohibited under Idaho Code § 49-409(1) and IDAPA 39.02.60.202.08, which provides that a personalized license plate message "may not consist of a term that is considered to be...*profanity, as defined by common internet and dictionary resources*". IDAPA 39.02.60.202.08(b) (emphasis added).

Exhibit 2 (emphases in original). The letter went on to explain which particular "internet and dictionary resources" were identified in support of ITD's contention that the plate presented a double meaning warranting cancellation of the plate:

Here, "AZFK" can be considered an abbreviation or shortening of the phrase "As Fuck" (sometimes also abbreviated as "af" or "as fk"), which contains a profanity that is prohibited from being displayed on a personalized license plate. For example, certain internet and dictionary resources show that:

- According to the Cambridge Advanced Learner's Dictionary and Thesaurus (available online) "as fuck" is defined to mean "a rude phrase used for emphasizing something"
- According to Dictionary.com, the abbreviation "af" means "as fuck; to a great degree"
- According to UrbanDictionary.com, "fk" means "abbreviation for fck or fuck..."
- According to a Google AI overview for the prompt "meaning of 'as fk'", "As fk" is a vulgar abbreviation for "as fuck," which is an intensifier used in casual or informal language to add emphasis to an adjective or adverb, meaning "to a great degree" or "very".

Additionally, your apparent contention that **7AZFK** has a non-profane meaning does not alter the fact that the plate message has "a double meaning which the state considers inappropriate for display on an officially issued license plate", as ITD provided in its initial *License Plate Cancellation Notification* letter dated June 25, 2025.

Exhibit 2 (emphases in original).

5. At hearing, Petitioner Cox explained that the chosen number/letters in the plate was, essentially, an amalgamation of three different faith-based references: "7", "AZ", and "FK".

Hearing Recording (“HR”) at 21:53-24:45.

6. With respect to “7,” Petitioner Cox testified that she chose that number as it is her “life path number” and that it is “the holiest of numbers.” HR at 22:00-22:19. The undersigned Hearing Officer finds Petitioner Cox’s testimony and explanation on this point credible. *Accord* Exhibit 6, “Screenshot of Wikipedia entry for ‘7’”.

7. Further with respect to “7”, ITD’s representative, Krishna Kiger, testified at hearing that ITD’s denial was not predicated on the use of the number 7. HR at 1:09:51-1:10:02. The undersigned Hearing Officer finds Ms. Kiger’s testimony and explanation on this point credible, especially when compared to the exhibits offered by ITD in this matter, which do not reflect any basis of the denial being predicated on the use of “7”.

8. With respect to “AZ”, Petitioner Cox testified that she chose these letters because “the A to Z context is start to finish of God's divine, complete plan. That is what A through Z symbolizes.” HR at 23:13-23:24. Although Petitioner Cox did not offer any written exhibits in support of this reading, the undersigned Hearing Officer finds Petitioner Cox’s testimony and explanation on this point credible.

9. With respect to “FK”, Petitioner Cox testified that she chose those letters because “I am part of the indigenous culture, and so from a spiritual perspective, to the indigenous people, FK means ‘faith keepers.’” HR at 23:45-23:58. Although Petitioner Cox did not offer any written exhibits in support of this reading, the undersigned Hearing Officer finds Petitioner Cox’s testimony and explanation on this point credible.

10. Further with respect to “AZ” and “FK,” ITD’s representative, Krishna Kiger, testified that ITD read these items together as a single phrase, phonetically, as shorthand for “as fuck.” HR at 51:43-51:54. In support thereof, ITD identified the following dictionary and internet

resources as to this interpretation:

- “as fuck – a rude phrase used for emphasizing something.” (Exhibit 6 – “Screenshot of the definition of ‘as fuck’ from the Cambridge Advanced Learner’s Dictionary & Thesaurus”, located at <https://dictionary.cambridge.org>).
- “af or AF – abbreviation – slang – as fuck...” (Exhibit 6 – “Screenshot of definition of ‘af’ from dictionary.com”, located at <https://www.dictionary.com>).
- “Fk – Short for the term fuck commonly used in IRC” and “Fk – Abbreviation for fck or fuck.” (Exhibit 6 – “Screenshot of definitions for ‘fk’ from Urban Dictionary”, located at <https://www.urbandictionary.com>).
- “AF – informal offensive – written abbreviation for as fuck” (Exhibit 6 – “Screenshot of the definition of “AF” from the Cambridge Advanced Learner’s Dictionary & Thesaurus”, located at <https://dictionary.cambridge.org>).
- “fk: f**k” (Exhibit 6 – “Definition & Meaning of “FK” from Internet Text & Slang Dictionary”, located at <https://www.noslang.com>”).

The undersigned Hearing Officer finds Ms. Kiger’s testimony and explanation on this point credible. Further, the Hearing Officer finds that the Cambridge Dictionary, dictionary.com, and Urban Dictionary are each a “common internet [or] dictionary resource.” IDAPA 39.02.60.202.08.b; Idaho Code §67-5251(8). However, the Hearing Officer finds that ITD has failed to demonstrate that the noslang.com resource is a “common internet [or] dictionary resource” and will disregard that definition.

CONCLUSIONS OF LAW

1. Because she is challenging ITD’s action, Petitioner Cox bears the burden of proving that ITD acted improperly in issuing its License Plate Cancellation Notification (and related

Amended License Plate Cancellation Notification). *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 § 342.

2. 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).

3. 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 considered to be one of obscenity, contempt, prejudice, hostility, insult, racial or ethnic degradation, **or profanity**, as **common internet and dictionary resources.**

(emphases added).

4. 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.

(emphases added).

5. In support of her appeal, Petitioner Cox generally argues that, first, her chosen number/letters are a personal representation of faith which the State may/should not restrict, and second, that “AZFK” cannot be reasonably read to be comparable to “AF”. *See generally*, HR at 22:00-23:58 & 1:15:37-1:18:20; Exhibit 5.

6. Petitioner Cox’s first argument fails for two reasons.

- a. First, Petitioner Cox’s contention that she is entitled to a personal message, even if not immediately decipherable by the general public, disregards the nature of state-issued plates and the right of the State of Idaho 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.”) *and 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.”) Given this, a State may limit the messages conveyed on vanity plates. *See, e.g., Mitchell v. Maryland Motor Vehicle Admin.*, 450 Md. at 311–12 (cleaned up)(“ 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.”)

- b. Second, nothing in the record – either by way of regulatory citation, exhibit, or testimony from ITD’s representative – reflects that the decision to cancel the plate was in any way made because the plate may have reflected an expression of faith. Indeed, ITD was clear in testimony that any potential religious messaging was not, and could not be, considered by ITD in the cancellation of the plate at issue. HR at 1:00:56-1:01:29. Instead, ITD’s evaluation – assessing other readings of the intended message – was made in line with the general regulatory directive to determine whether “the message ... consist[s] of a term that is considered to be one of ... profanity[.]” IDAPA 39.02.60.202.08.b. Here, ITD concluded that part of the requested license plate message had the potential to be read as a profanity – to wit, “as fuck.”

7. With respect to her second argument – disputing “as fuck” as being a potential reading of “AZFK,” as determined by ITD - Petitioner Cox fails to meet her burden in showing that ITD’s assessment was in error.

- a. First, the common dictionary and internet resources utilized by ITD in its assessment of the potential reading of the desired message adequately demonstrate that there is an appreciable risk that the letter sequence “AZFK” may be read,

phonetically or otherwise, as “as fuck.” In response, Petitioner Cox fails to identify any other common dictionary and internet resources that suggest an alternative meaning; instead, Petitioner Cox only offers her own personal construction of the number/letters sequence at issue, without reference to any common dictionary and internet resources.² Thus, while Petitioner Cox may argue a personal meaning to the desired plate message, she is unable to demonstrate that ITD’s evidence regarding a potential common reading of that sequence, differing from her own interpretation, is in error.

- b. Second, Petitioner Cox attempts to distinguish her proposed plate’s use of “AZFK” as different from the “AF” (shorthand for “as fuck”). *See, e.g.*, HR 1:15:45-1:18:30; *compare with* Hawley v. ITD (Amended FOFCOL dated May 16, 2025; OAH Case No. 25-290-31), *available at* <https://itd.idaho.gov/guidance/> (affirming ITD rejection of “MAGA AF” plate). However, as noted above, ITD is permitted to rely on, for example, the prior decision in Hawley in evaluating other proposed plates, as information “gathered from the experience of Idaho”. IDAPA 39.02.60.202.08.c. Thus, Hawley provides an appropriate basis to inform ITD of potentially offensive messages individuals may seek to put on a vanity plate – such as, here, “as fuck.” That the sequence “AZFK” is different than “AF” is immaterial, given both the commonly-understood slang usage of “AF”, as well as the fact that the potential phonetic pronunciation of “AZFK” makes it more likely to be construed as a shorthand for “as fuck” than even “AF” is.³

² Indeed, ITD itself even researched and provided the innocuous meaning of “7”, as reflected in a common internet resource. *See* Exhibit 6 (“Screenshot of Wikipedia entry for ‘7’”).

³ The other two decisions cited by ITD, Veenstra and Bochu, relate to other requested license plate messages that do not include “as fuck” or any variation as a potential reading. As such, they offer no persuasive value in this matter.

8. Petitioner Cox also points to two recent specialty plates approved by the Idaho Legislature (rather than ITD), the “Don’t Tread on Me” and “An Appeal to Heaven” plates as being plates where “[b]oth could be questioned” by members of the public who disagree with them. Exhibit 5. However, specialty plates (as contrasted with vanity plates) are typically construed as purely governmental speech reflecting a message pre-approved by the government (and the government alone). *See generally Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. at 216-217. In the context of a vanity plate, while an individual has some ability to select a license plate message of their choosing, its appearance on a license plate issued by the State naturally implicates the question of government adoption of that message (or, at least, a reasonable potential reading). Here, the distinction and rationale between the two is clear. The adoption of the “Don’t Tread on Me” and “An Appeal to Heaven” flags as specialty plates as references to American Revolutionary War history⁴ are messages that the State of Idaho has elected to affirmatively preapprove and adopt; on the other hand, messaging that reads, or could be read, to say “as fuck” is one the State of Idaho has elected to not share in.

9. Finally, both parties presented some testimony regarding a phone call wherein the Petitioner may or may not have been offered the opportunity to provide a request for an alternative plate message. Whether or not this occurred is ultimately irrelevant; the Hearing Officer notes only that the option was provided in writing, and no rejected alternative message is at issue in this matter. *See* Exhibit 4, Personalized Plate Correction Form.

PRELIMINARY ORDER

Based on the Findings of Fact and the Conclusions of Law set forth above, ITD’s decision to cancel and recall Petitioner Cox’s personalized license plate of “7AZFK” is **AFFIRMED**.

⁴ *See* Idaho Code §§49-420S and -420T.

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: October 6, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Bryan A. Nickels

Bryan A. Nickels
CALJ/Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

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