

**RESOLUTION SUPPORTING ADEQUATE FUNDING FOR
THE OFFICE OF ADMINISTRATIVE HEARINGS**

WHEREAS, the North Carolina Office of Administrative Hearings (“OAH”) performs functions, mandated by statute, which are essential to the efficient and just administration of law in the State of North Carolina; and

WHEREAS, North Carolina operates under a “central panel” system of administrative adjudication whereby Administrative Law Judges work for OAH rather than a single state agency, thereby ensuring an objective arbiter to make decisions; and

WHEREAS, OAH’s Administrative Law Judges hear cases throughout North Carolina so that citizens throughout the State can seek redress in their home county in contested case hearings without having to travel to Raleigh; and

WHEREAS, OAH administers Article 2A of the Administrative Procedure Act (Chapter 150B of the General Statutes) to provide for a fair and uniform procedure for the adoption of rules, notice of agency rulemaking through the North Carolina Register and publication of adopted rules in the North Carolina Administrative Code; and

WHEREAS, OAH also is designated as a deferral agency of the Equal Employment Opportunity Commission, charged with the investigation of alleged acts of unlawful employment practice for all charges filed by the state and local government employees covered under the State Personnel Act; and

WHEREAS, the level of activity within all three OAH divisions has risen with the increased complexity and specialization of administrative law and breadth of the jurisdiction of state agencies; and

WHEREAS, the proper functioning of OAH is essential to protect the rights of North Carolinians who are regulated or employed by local or state government; and

WHEREAS, under the leadership of its current Director and Chief Administrative Law Judge, OAH has performed all of its functions extremely efficiently and with minimal staffing levels; and

WHEREAS, recent budgets have not adequately addressed the needs for additional staff and resources at OAH which jeopardizes the operational capability of OAH; and

WHEREAS, any further failures to properly fund the operations of OAH will result in delays in deciding contested case hearings, less responsiveness to inquiries, and decreased resources to review and consider agency rules, employee grievances and contested case issues; these results would be detrimental to North Carolina citizens; and

THEREFORE, BE IT RESOLVED, that the North Carolina Bar Association recognizes: (1) the need to ensure that sufficient resources are committed to OAH to enable OAH to fulfill its statutory duties; and (2) the inadequacy of OAH’s current funding levels; and

THEREFORE, BE IT FURTHER RESOLVED, that the North Carolina Bar Association strongly supports full and adequate funding for OAH.

Adopted this 22nd day of January, 2009
by the Board of Governors of the North Carolina Bar Association



Charles L. Becton
President, North Carolina Bar Association