

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

██████████,

Petitioner.

)
) OAH CASE NO. 25-460-01
)
) **ORDER DECLINING**
) **JURISDICTION AND DISMISSING**
) **PETITION**
)

On March 28, 2025, Petitioner electronically filed his “Petition for Declaratory Ruling” with the Office of Administrative Hearings (“OAH”), seeking a declaratory ruling on the applicability of IDAPA 62.01.01 both as to an existing contested case before the ██████████, as well as to contested cases ██████████ which were filed after July 1, 2024.

While Idaho’s Administrative Procedure Act permits the filing of petitions for declaratory rulings regarding the applicability of any order issued by an agency, by the express terms of the governing statute, such petition must be made to the agency itself. *See* Idaho Code §67-5250(1)(“Any person may petition an agency for a declaratory ruling as to the applicability of any order issued by the agency.”)(emphases added). The statute does not authorize direct filing with OAH in seeking such declaratory ruling. Instead, a petition for a declaratory ruling must be filed directly with the agency from which a declaratory ruling is sought, at which time the agency can determine (if not otherwise set by statute or regulation) who to assign as the presiding officer for determination of the petition.

Accordingly, IT IS HEREBY ORDERED that OAH declines jurisdiction over

Petitioner's Petition for Declaratory Ruling.

IT IS FURTHER ORDERED that such Petition for Declaratory Ruling, as filed with OAH, is DISMISSED without prejudice, as Petitioner may still request a declaratory ruling [REDACTED] on the subject matter of the Petition for Declaratory Ruling.

DATED: March 31, 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 31st day of March, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

[REDACTED]

☐ U.S. Mail

☒ Email:

[REDACTED]

[REDACTED]

☐ U.S. Mail

☒ Email:

[REDACTED]

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/s/ Elaine Maneck
Elaine Maneck, Deputy Clerk
Office of Administrative Hearings