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Bob L. Corkins, Director

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POLICY MEMORANDUM

To: OAH Staff

Date: February 14, 2017

Last revised November 2, 2010

From: Bob L. Corkins

Subject: Presiding Officers' control of hearings

In accordance with K.S.A. 77-523, hearings held pursuant to the Kansas Administrative Procedure Act are open to observation unless it is determined by the Presiding Officer that the hearing, in whole or in part, must be closed.

Presiding Officers of the Office of Administrative Hearings shall control and appropriately prohibit the use of equipment/devices for broadcasting, televising, videotaping, photographing or otherwise recording or communicating sound or images in any hearing rooms utilized by a Presiding Officer, any areas immediately adjacent to such hearing rooms during hearings, or during recesses between such hearings. This includes the use of any type of cellular phone, to include I-phones or similar devices. When utilizing the hearing rooms located at 1020 S. Kansas Avenue, Presiding Officers are directed to permit these activities and the use of these devices only outside the building. If a hearing is being conducted at a location other than 1020 S. Kansas Avenue, then access to the areas inside the building, which are not the hearing room or immediately adjacent to it, will depend on the rules of that particular building or location.

In accordance with K.S.A. 77-523(e), Presiding Officers may permit an audio recording by a party to the proceeding, subject to any reasonable conditions imposed and the understanding that such recording is at the party's own expense.

Notwithstanding any other provision of law to the contrary, any hearing held pursuant to the Kansas Administrative Procedure Act is not a meeting pursuant to K.S.A. 75-4317a and amendments thereto.

BLC