

**AOPA COMMITTEE
OF THE
NATURAL RESOURCES COMMISSION**

January 16, 2018 Meeting Minutes

AOPA COMMITTEE MEMBERS PRESENT

Jane Ann Stautz, Chair
Laura Hilden

NRC, DIVISION OF HEARINGS STAFF PRESENT

Sandra Jensen
Dawn Wilson
Scott Allen

Call to order and introductions

Jane Ann Stautz, Chair, called the meeting to order at 9:09 a.m., ET, at the Fort Harrison State Park, Garrison, 6002 North Post Road, Lawrence Room, Indianapolis, Indiana. With the presence of two members, the Chair observed a quorum. The Chair and Laura Hilden, who served as the proxy of the Indiana Department of Transportation, introduced themselves.

Consideration and approval of minutes for the meeting held on May 16, 2017

Laura Hilden made a motion to approve, as presented, the minutes of the meeting held on May 16, 2017. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Update on proposed rule package regarding participation\representation in AOPA proceedings: Administrative Cause No. 16-116A

Stautz recognized Sandra Jensen to provide an update on the drafting of an administrative rule to address participation and representation in AOPA proceedings before the Commission.

Jensen explained that since this proposed administrative rule was last considered by the AOPA Committee, she and ALJ Dawn Wilson have met with the Unauthorized Practice of Law Committee (UPL Committee) of the Indiana State Bar Association. Jensen related that the UPL Committee expressed concern about two instances in which the original draft of the rule included the phrase “unauthorized practice of law” because this phrase has not be defined by the Indiana Supreme Court, which possesses exclusive jurisdiction over that subject matter. Consequently, subsections (e)(3)(D) and (g)(1) were revised to remove the phrase and replace it with other language. Jensen explained that the revisions were prepared in consultation with the UPL Committee, the Chair of which has reported satisfaction with the revisions.

Jensen expressed that she did not want to proceed with a request for moratorium exception until the revised draft of the rule had been presented for consideration by the AOPA Committee.

Stautz expressed appreciation for the work and consultation that has been undertaken in preparation of the proposed rule. She stated that she has no other questions or comments regarding the rule. Hilden also indicated no concerns with the language of the proposed rule.

Stautz and Hilden concurred that the AOPA Committee was in a position to grant preliminary adoption for the Division of Hearings to proceed with the rulemaking. Jensen offered that formal rulemaking cannot begin until an exception to the moratorium on rulemaking is received from the State Budget Agency (SBA).

Hilden moved to grant preliminary adoption to the rule conditioned upon the Division of Hearings first obtaining an exception from the moratorium on rulemaking from SBA. Stautz seconded the motion. On a voice vote, the motion carried.

Adjournment

The meeting was adjourned at 9:17 a.m., ET.