

Rulemaking Matters at CAH:

A Pathway to a Successful Proceeding

Interagency Rules Committee Seminar
Tuesday, October 14, 2025

Court of Administrative Hearings

- The Court of Administrative Hearings (CAH) reviews the legality of rules and promotes procedural due process and public participation in agency rulemaking.
- CAH also leads the public comment process through its centralized eComments (Public Comment Portal) website, allowing members of the public to find, review, and submit comments on agency rules.

Your CAH Panel



Jessica Palmer-Denig
Assistant Chief
Administrative Law Judge



Barbara Case
Administrative Law Judge



Sarah Mezera
Staff Attorney



William Moore
Fiscal Note and
Rulemaking Coordinator

We're here to help!

➤ **Our goals today:**

- Share practical insight into how CAH can support your agency, and the communities you serve, during the rulemaking process.
- Highlight resources available to you from start to finish of the rulemaking proceedings
- Discuss how judges approach legality reviews of proposed rules under Minnesota Statutes, Chapter 14, and CAH's rules.

Fiscal Note and Rulemaking Coordinator



William Moore
Fiscal Note and
Rulemaking Coordinator



Rulemaking Coordinator

- Rulemaking Coordinator position created in 2022.
- First point of contact at CAH for agency rule writers and rule coordinators.
- Primary contact for members of the public who have questions about:
 - Submitting public comments
 - Asking when an ALJ report will be available
 - Understanding the hearing process
 - And other general questions about rulemaking

Getting Started

I can help with first-steps like:

- Opening a case
- Requesting a docket number and ALJ assignment
- Accessing the eFiling system to submit documents

If you're unsure where to start, you're always welcome to reach out to me first.

Public Comments

- Main contact for the new public comment portal.
- I can help if you need:
 - A new comment page created
 - Reports run during the comment period
 - Troubleshooting for agency staff or members of the public
- Once the portal closes, I'll send you a full report of comments and attachments received, both online and by mail.

Public Comment Hearings

- I use my experience as CAH's APA scheduler to help agencies schedule hearings.
- Agencies must request ALJ approval of a dual notice or hearing notice before publishing in the State Register.
- Contact me before submitting your notice for ALJ review so we can confirm the hearing date and include it in your draft notice.
- If a hearing is scheduled, I recommend setting up a WebEx practice session with the ALJ in advance. I can help schedule both the hearing and the practice session to ensure you are set-up for success.

Submissions for ALJ Review

- ALJs often have tight timelines for reviewing filings:
 - Deadlines can range from **5 working days** to **30 calendar days** depending upon the type of notice and whether there's a hearing scheduled
 - To avoid conflicts and delays, coordinate submission dates with me.
- Send an email or Teams message when you know when you'd like to file.
 - This small step helps judges handle the high volume of cases on their dockets, plan their calendars, complete reviews on time, and avoid delays.

Staff Attorneys



Sarah Mezera
Staff Attorney



Office of General Counsel

- Led by the General Counsel, Abigail Rankin
- Supported by five staff attorneys:
 - Elizabeth Kelly
 - Jack Zustiak
 - Lor Vue
 - Parker von Sternberg
 - Sarah Mezera
- This team provides legal and procedural support across CAH.

What Staff Attorneys Do

- Advise
- Assist
- Research
- Analyze
- Write
- Answer procedural questions

Staff Attorneys' Role in Rulemaking

- Point of contact if required filings or documents are missing.
- Resource for procedural questions in rulemaking matters before an ALJ.
- Cannot give legal advice but can explain process and connect you to the right people.

How to Contact a Staff Attorney

- On-call schedule: One staff attorney rotates weekly to answer calls and emails.
- Call 651-361-7900 and ask for the on-call staff attorney.
- Leave a voicemail with your CAH case number (if you have one) and details about your question.
- If you have an assigned staff attorney, continue contacting them directly.
- For urgent or unresolved questions, contact Sarah at 651-361-7878 or sarah.mezera@state.mn.us.
- And... Say hello to us today! We're here to help you in this process.

Administrative Law Judges



Jessica Palmer-Denig
Assistant Chief
Administrative Law Judge



Barbara Case
Administrative Law Judge

Guiding Principles

The purposes of Minnesota's Administrative Procedure Act (Minn. Stat. § 14.001) provide guidance in rulemaking matters:

- Provide oversight of administrative agencies.
- Increase public accountability.
- Ensure a uniform minimum procedure.
- Increase public access to information.
- Encourage public participation in rulemaking.

Hearings

- Hearings are a key chance to engage with the public you regulate.
- Consider whether this is an opportunity for dialogue. While agencies will not be able to answer every question at a hearing, answering what you can demonstrates responsiveness and potentially builds a better record.
- See Minn. Stat. § 14.14, subd. 2a (The administrative law judge shall allow questioning of agency representatives or witnesses, or of interested persons making oral statements.)
- See Rule 1400.2210:
 - Public may ask agency representatives and witnesses questions.
 - Agencies may ask questions.
 - Judges may also ask questions to clarify the record.

Curing Defects

- Hearings also allow agencies to fix (“cure”) issues that could otherwise be considered procedural defects.
- Minn. Stat. § 14.26, subd. 3(d), establishes standards for review of procedural errors and defects.
- **Example:** In *Builders Ass’n of the Twin Cities v. DLI* (2015), a rule was invalidated, in part because the agency did not discuss costs to small businesses and cities.

Modifying the Rule

- Agencies may modify a proposed rule in response to public input.
- Modifications are allowed if they are not substantially different from what was originally proposed.
- Minn. Stat. § 14.05, subd. 2 - A rule is not “substantially different” if:
 - The change is within the scope of the notice.
 - The change is a logical outgrowth of the notice or comments.
 - The notice gave fair warning the final rule could take that form.

ALJ Review Questions

When reviewing a rule, the Administrative Law Judge will ask:

- Did the agency meet all legal rulemaking requirements?
- Can any deficiencies be cured?
- Did the agency provide facts to support the rule?
- Did the agency demonstrate the rule is needed?
- Is there a rational basis for the choices made?
- Does the rule clearly notify regulated parties of their obligations?
- If there are language defects, how can they be corrected?

We're here to help!

Please always feel welcome to contact CAH.

For Rulemaking, William Moore is always your first point of contact.

William.t.moore@state.mn.us or 651-361-7893