

OSBA
Administrative Agency Law
Certification
As a Specialist

STUDY GUIDE

Exam Place: Ohio State Bar Association
1700 Lake Shore Drive
Columbus, Ohio 43216
614-487-2050
800-282-6556

Exam Date: Friday, November (check OSBA website for specific date)

Exam Time: Registration begins at 12:30 p.m.; exam is 1:00 p.m. – 5:00 p.m.

Format: The exam will contain approximately 100-120 multiple choice test questions.

Content: The exam may cover any of the following areas:

Federal Topics: 20% exam weight

- 1.) Federal Administrative Procedures Act – Adjudication Procedures
- 2.) Federal APA: Rule Making Procedures – Formal & Informal
- 3.) Federal Freedom of Information Act
- 4.) Federal Privacy Act
- 5.) Federal Sunshine Act
- 6.) Judicial Review of Agency Actions
- 7.) Federal Constitutional Law as it effects administrative law

State Topics: 40% exam weight

- 7.) ORC Chapter 119 – Agency Adjudication Procedures
- 8.) ORC Chapter 119: Agency Rule Making Procedures, including JCARR
- 9.) ORC Chapter 4745: Standard License Renewal Procedure
- 9.) “Sunshine Laws” Public Records & Open Meetings
- 10.) State of Ohio Government Structure & Function
- 11.) The Inspector General Act
- 12.) Ohio Constitutional Law as it effects administrative law
- 13.) Judicial Review of Agency Actions

Local Topics: 20% exam weight

- 14.) Ohio Revised Code Chapter 2506 – Agency Adjudication Procedures
- 15.) Ohio Constitutional Provisions Effecting Local Agency Actions

Other Topics: 20% exam weight

- 16.) Trial/Hearing Advocacy Techniques
- 17.) Investigatory Techniques
- 18.) Ethics
- 19.) Appellate Advocacy & Practice
- 20.) Parallel Proceedings/Interaction of Criminal & Administrative Law
- 21.) Special Statutory Proceedings, i.e. declaratory judgment, mandamus, prohibition, etc.
- 22.) Civil and Appellate Procedures Impacting Administrative Agency Law
- 23.) Evidence
- 24.) Ethics Commission/Regulation of Public Officials

- 25.) Regulation of Lobbyists
- 26.) State Legislative Procedures
- 27.) Public Administration

The examination itself, with the assistance of the Association, will be prepared and graded under the authority of an independent testing service selected by and retained by the Association, in consultation with an independent third party, not a member of the Specialty Board or any of the Association's committees or sections, who has a background in academia.

There are no specific exam preparation materials or courses provided by the OSBA Administrative Law Specialty Board.

Sample exam questions are attached.

The following items may be used to study for the exam:

- Advanced courses or course materials specific to the field.
- The Ohio Rules of Evidence
- The Ohio Rules of Civil Procedure
- The Ohio Administrative Law Handbook & Agency Directory 2008 Edition (Baldwin's Ohio Administrative Code volume 17)
- Ohio Revised Code Chapter 119
- Ohio Revised Code Chapter 149
- Ohio Revised Code Chapter 1347
- Ohio Revised Code Chapter 2506
- Ohio Revised Code Chapter 4745
- 2008 Sunshine Law Book (The Yellow Book)
- Ohio's Open Government Resource Manual
- Federal Administrative Procedures Act
- Federal Privacy Act
- Federal Freedom Information Act

These are only suggestions and not an exclusive list.

**SAMPLE TEST QUESTION
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ADMINISTRATIVE AGENCY LAW**

1.) Ohio Revised Code Section 119.09 deals with adjudication hearings and requires that an agency may postpone or continue any adjudication hearing:

- A. upon its own motion.
- B. upon the motion of any party.
- C. upon the motion of any intervening party.
- D. both A and B are correct.

Correct Response: D, Source, RC Section 119.09

2.) The Ohio Inspector General Act, RC §§ 121.41 et seq., empowers the Inspector General to:

- A. inquire into wrongful acts or omissions within state agencies.
- B. receive and file financial disclosure forms from appointed state officials.
- C. set the maximum allowable fees to be charged by investigators contracting with the State of Ohio.

Correct Response: A, Source, RC Section 121.42(A)

3.) An adjudication is:

- A. a formal hearing held before a hearing officer.
- B. the determination of the rights, duties, privileges, benefits or relationships of a specified person by the ultimate authority of an agency.
- C. a quasi-legislative act undertaken by a local, county or federal agency.

Correct Response: B, Source, RC Section 119.01(D)

4.) Final orders of any officer, board, commission or department of a political subdivision of the state of Ohio may be appealed to:

- A. the common pleas court of the county in which the principal office of the political subdivision is located.
- B. the State of Ohio Office of Administrative Hearings and Appeals.
- C. the district court of appeals with territorial jurisdiction over the political subdivision.

Correct Response: A, Source, RC Section 2506.01

5.) Agency orders that are supported by _____ probative and substantial evidence and otherwise are rendered in accordance with the law will be affirmed on appeal to common pleas court.

- A. trustworthy
- B. responsible
- C. reliable

Correct Response: C, Source, RC Section 119.12