Research Project

David J. Agatstein

Follow this and additional works at: https://digitalcommons.pepperdine.edu/naalj

Part of the Administrative Law Commons, and the Evidence Commons

Recommended Citation


This Special is brought to you for free and open access by the School of Law at Pepperdine Digital Commons. It has been accepted for inclusion in Journal of the National Association of Administrative Law Judiciary by an authorized editor of Pepperdine Digital Commons. For more information, please contact Katrina.Gallardo@pepperdine.edu, anna.speth@pepperdine.edu.
The state official is president, chairman of the board, chief executive officer and majority stockholder in the Bank of Winfield, which he was instrumental in establishing about three years ago. He is vice president of the National Association of Administrative Law Judges.

Born in the Manila Creek community on the left hand fork of Poca River in Putnam County, McClanahan was one of 12 children. From small jobs at low pay, he advanced to shift worker at a Nitro chemical plant 1941-44.

He later became a Nitro grocery store owner and supervisor of the making of license tags by the old State Road Commission. He was named "most outstanding young man" in Nitro in 1950.

He believes his "peasant" background is an important part of the qualification for his present position. Which brings up a question: Why would a millionaire want to continue to serve in a $14,000-a-year job?

"I like to help people who help themselves," he says.

* * *

RESEARCH PROJECT

One party to an administrative hearing offers in evidence a tape recording as proof of a disputed fact (for example, to prove that an employee quit his job, or made unauthorized personal telephone calls). The conversation may have taken place over the telephone, and recorded, with or without the knowledge of one or both of the parties, by the proponent of the evidence, the respondent, the telephone company, a government or private investigator, or some other person, with or without warrant or permission to do so, in the course of such person's duties, or otherwise. Alternatively, the conversation may have taken place in person, and recorded by concealed or exposed microphone.

What, if any, are the potential liabilities of the hearing officer and his agency in admitting or refusing to admit such evidence? When must such evidence be received or rejected at an administrative hearing? When may it be received or rejected?

The NAALJ Journal will award a prize, and suitable recognition, to any member who submits an original, concise, complete and documented synopsis of the law of wiretap and eavesdropping evidence, as applied to administrative hearings, by January 1, 1982. Entries should not exceed 1,000 words, exclusive of citations.