

BEFORE THE MONTANA DEPARTMENT  
OF LABOR AND INDUSTRY

IN RE HUMAN RIGHTS BUREAU CASE NO. 0081013332 & 0081013344:

DR. STEVEN MARTINI,	)	Case Nos. 1551-2009 & 1552-2009
	)	
Charging Party,	)	
	)	NOTICE OF ISSUANCE OF
vs.	)	HEARING OFFICER DECISION
	)	AND SEALING ORDER
KALISPELL REGIONAL MEDICAL CENTER )	)	
and HEALTH CENTER NORTHWEST, )	)	
	)	
Respondents.	)	

\* \* \* \* \*

NOTICE OF ISSUANCE OF HEARING OFFICER DECISION

The decision of the Hearing Officer, which is an administrative decision appealable to the Human Rights Commission, issued on June 15, 2012 in this contested case. Unless there is a timely appeal by an interested party to the Human Rights Commission, the decision of the Hearing Officer becomes final and is not appealable to district court. Mont. Code Ann. § 49-2-505(3)(c).

NOTICE OF APPLICABLE SEALING ORDER

The decision includes within it an order sealing the record of the contested case hearing (depositions admitted into evidence, exhibits offered, both admitted and refused, testimony, both sealed and unsealed, post hearing filings advocating decisions, and this decision itself) from the public record for 30 calendar days after the decision. On the first business day after the 30th calendar day following the date of this decision, that seal is dissolved, and the record of this contested case hearing becomes a matter of public record, unless and until sealed in whole or in part by a tribunal exercising jurisdiction over the matter, available to the public.

The sealing order within the decision also seals all the rest of the Hearings Bureau files of this proceeding, except the contested case hearing record itself, unless and until some or all of the rest of the Hearings Bureau files of this proceeding are unsealed by a tribunal exercising jurisdiction over the matter.

With regard to both foregoing paragraphs, “sealed” means that the documents in the possession of the Department, and copies or originals of said documents obtained by parties or counsel in this case, or employees, agents or affiliates of either,

through the proceedings in this case (by discovery, service or voluntary provision within or in conjunction with these proceedings), as well as information within sealed portions of this case and not otherwise known by the Department, party, counsel or employee, agent or affiliate of any of them, are not to be disclosed to any person or entity without an order “unsealing” the document or information to be disclosed, or other order requiring disclosure, from a tribunal exercising jurisdiction over the question.

Although any review of the sealing order by the Human Rights Commission which is sought by the parties may be subject to the time constraints of the notice of issuance of administrative decision also contained within the decision, following the sealing order, independent requests for review directed to other tribunals with the power of independent review of department decisions regarding access to information are probably not subject to that limit no matter who files them. That limit is the statutory limit of Mont. Code Ann. § 49-2-505(3)(c), that unless appealed to the Montana Human Rights Commission within 14 days of its issuance, the Hearing Officer’s decision on the charging party’s complaint becomes final and is not appealable to district court by interested parties.

Dated: June 15, 2012.

/s/ TERRY SPEAR

Terry Spear, Hearing Officer

Montana Department of Labor and Industry

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CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing document was, this day, served by deposit in the U.S. Mail, postage prepaid, and addressed as follows:

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Signed this 15th day of June, 2012.

/s/ SANDRA PAGE  
Legal Secretary, Hearings Bureau  
Montana Department of Labor and Industry

c: Frank Bowen  
Donald R Spencer