No. 24-1312

In the Supreme Court of the United States

JAMES J. DECOULOS,

Petitioner,

v.

BOARD OF REGISTRATION OF HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS AND THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondents.

On Petition for a Writ of Certiorari to the Supreme Judicial Court of Massachusetts

PETITION FOR A WRIT OF CERTIORARI

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June 13, 2025
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QUESTION PRESENTED

Whether a state court violates the Due Process Clause of the Fourteenth Amendment when it defers to a state agency's interpretation of statutes and regulations in a professional disciplinary proceeding, contrary to this Court's ruling in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), which requires courts to exercise independent judgment when interpreting the law.

LIST OF PROCEEDINGS

Supreme Judicial Court for the Commonwealth of Massachusetts

No. FAR-30133

James J. Decoulos v. Board of Registration of Hazardous Waste Site Cleanup Professionals

Final Order: January 16, 2025

Commonwealth of Massachusetts Appeals Court

No. 2023-P-0663

James J. Decoulos v. Board of Registration of Hazardous Waste Site Cleanup Professionals

Final Order: November 13, 2024

Commonwealth of Massachusetts County of Middlesex Superior Court

No. 2019-00663

James J. Decoulos v. James N. Smith, et al., as they are members of the Board of Registration of Hazardous Waste Site Cleanup Professionals and Martin Suuberg, as he is the Commissioner of the Massachusetts Department of Environmental Protection

Final Order: April 25, 2023

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OPINIONS BELOW

The decision of the Massachusetts Appeals Court, dated November 13, 2024, is unpublished. App.2a. The denial of further appellate review by the Massachusetts Supreme Judicial Court was issued on January 16, 2025, and is unpublished. App.1a.

JURISDICTION

The Supreme Judicial Court of Massachusetts denied further appellate review on January 16, 2025. App.1a. On April 10, 2025, Justice Jackson granted Petitioner a sixty-day extension of time to file a petition for a writ of certiorari, extending the filing deadline to June 15, 2025. (No. 24A967). This Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1:

> No State shall . . . deprive any person of life, liberty, or property, without due process of law.

Mass. Gen. Laws ch. 21A, § 16 (establishing the Board of Registration of Hazardous Waste Site Cleanup Professionals.)

Mass. Gen. Laws ch. 30A, § 11(4) (establishing the right of parties in adjudicatory proceedings to obtain evidence held by agencies.)

Mass. Gen. Laws ch. 30A, § 12(3) (establishing the right of parties in adjudicatory proceedings to the issuance of subpoenas for witnesses.)

STATEMENT OF THE CASE

Petitioner James J. Decoulos has been licensed as a Massachusetts Hazardous Waste Site Cleanup Professional (commonly referred to as a Licensed Site Professional or "LSP") since 1995. He has an extensive, unblemished career serving as a civil professional engineer since 1990. His expertise includes permitting real estate development projects, designing stormwater management systems, wetlands and waterways permitting, and underground storage tank ("UST") design and compliance. Petitioner has served as a technical consultant for the U.S. Environmental Protection Agency on UST matters, represented the New York State Department of Environmental Conservation and the United States Postal Service, and managed the Massachusetts Bay Transportation Authority's program for assessing and managing 158 USTs at 30 different facilities.

This case arises from disciplinary proceedings that began in December 2005 when a former client filed a complaint with the Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals (the "Board"). The complaint was filed after Petitioner notified the client that he would seek relief in Plymouth

Superior Court for breach of contract and unjust enrichment because the client owed Petitioner and his contractor $79,110.38 in fees.

A. Timeline of Extraordinary Delay

The timeline of the case demonstrates extraordinary delay at every stage:

- December 13, 2005
  A former client files a complaint with the Board seeking disciplinary action against Petitioner.
- January 8, 2010
  More than four years after the complaint, the Board issues an order to show cause initiating formal disciplinary proceedings.
- January 26 – February 10, 2011:
  The adjudicatory hearing is conducted.
- September 7, 2012:
  The Presiding Officer issues a Recommended Decision.
- January 16, 2019:
  Over thirteen years after the initial complaint, the Board issues its Final Order suspending Petitioner's license for one year.
- April 26, 2023:
  The Massachusetts Superior Court affirms the Board's decision.
- November 13, 2024:
  The Massachusetts Appeals Court affirms the Board's decision.
- January 16, 2025:
  The Massachusetts Supreme Judicial Court denies further appellate review.

The disciplinary process, from initial complaint to final agency action, spanned over thirteen years and one month—an extraordinary delay not contemplated by any statute or regulation.

B. Substantive Background

The disciplinary proceedings concerned Petitioner's work at two sites: a retail gas station in Carver, Massachusetts and another in Randolph, Massachusetts. The work in question was performed between 2002 and 2005, meaning that a final agency decision was rendered fourteen years after the professional work had been completed.

The central technical issue in the case involved Light Non-Aqueous Phase Liquids ("LNAPL")— petroleum product that leaks into the ground from a failed UST system and pools underground. During the 2002-2005 period when Petitioner was working on these sites, the science related to LNAPL assessment and remediation was in its infancy. As John Fitzgerald, one of the leaders of the Massachusetts Department of Environmental Protection (the "Department") stated, "if one looks carefully in the MCP [Massachusetts Contingency Plan], NAPL is a bit of sticky wicket." At the time, LNAPL was not defined by the Department, and it offered no guidance or policy on how LNAPL should be recovered.

Petitioner proposed excavating and disposing of LNAPL-contaminated soil and passively collecting accumulated oil in the subsurface. The Department rejected this approach, demanding expensive and less effective active LNAPL recovery and groundwater treat-

ment.[1] Over time, however, the science evolved, and by February 2016, the Department issued a policy entitled "Light Nonaqueous Phase Liquids and the MCP: Guidance for Site Assessment and Closure," which aligned with the approach Petitioner had originally proposed.

C. Procedural Deficiencies

Throughout the administrative adjudication, Petitioner was systematically denied basic procedural protections:

1. SELECTION OF THE HEARING OFFICER: Robert Luhrs, a Board member who later appeared as a witness against Petitioner, participated in selecting Timothy M. Jones as the Presiding Officer for the case, creating structural bias.

2. DENIAL OF WITNESSES: Despite the clear mandate of G.L. c. 30A, § 12(3) that "any party to an adjudicatory proceeding shall be entitled as of right to the issue of subpoenas in the name of the agency conducting the proceeding," Petitioner was denied the right to subpoena crucial Department witnesses, including:

- Jonathan Hobill, the ultimate decision-maker for Department approvals related to the case;
- Frederick Civian, the Commonwealth's stormwater coordinator with expertise in both stormwater and hazardous waste management;

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[1] Based on the ineffective demands of the Department, more than 1.1 million dollars of public funds have been expended and cleanup has not been completed. Petitioner's estimated cost of reaching a final cleanup was less than ten percent of this amount and would have been completed within a few years.

- Thomas Potter, who had conducted field audits; and
- Millie Garcia-Serrano, sectional chief of the Department's regional office.

3. DENIAL OF EVIDENCE: Petitioner was denied access to email communications between Department employees that were crucial to his defense. When he sought these communications through discovery, they were withheld and sealed by the Presiding Officer. Only years later, on March 5, 2021, did the Superior Court order that these communications be unsealed and made part of the record.

4. FAILURE TO JOIN THE DEPARTMENT: Despite the central role of Department decisions and the control of evidence, the Presiding Officer denied Petitioner's motion to join the Department as a necessary and indispensable party.

The severity of these procedural deficiencies prompted Massachusetts Superior Court Justice Thomas R. Murtagh to note, when denying a preliminary injunction in a related matter, that he found it "troublesome . . . that DEP witnesses may be unavailable to plaintiff to defend against positions supported by other DEP employees." *See* App.54a.

D. Judicial Review

Petitioner sought judicial review in the Massachusetts Superior Court, which affirmed the Board's decision on April 26, 2023. The Massachusetts Appeals Court affirmed, and the Supreme Judicial Court of Massachusetts denied further appellate review on January 16, 2025.

Throughout the judicial review process, the Massachusetts courts explicitly deferred to the Board's interpretations of both the LSP statute and its implementing regulations, despite the intervening decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), which rejected such deference. On July 22, 2024, Petitioner notified the Appeals Court of the pertinence of *Loper Bright*.

REASONS FOR GRANTING THE PETITION

I. This Case Presents an Ideal Vehicle to Clarify that *Loper Bright's* Rejection of Judicial Deference Applies to State Court Review of State Agency Action

A. *Loper Bright* Establishes That Courts Must Exercise Independent Judgment When Interpreting the Law

In *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), this Court rejected the judicial deference framework established in *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), holding that courts must exercise their independent judgment when interpreting statutes and regulations in federal administrative law cases. The Court recognized that the judicial duty to interpret the law extends to the administrative context and cannot be abdicated through deference. 603 U.S. at 388-90.

As Justice Gorsuch emphasized in his concurrence, deference regimes undermine due process by effectively allowing agencies to "judge the scope of their own

lawful powers." *Id.* at 399 (Gorsuch, J., concurring). This concern is equally applicable—if not more acute—in the context of state administrative proceedings affecting constitutionally protected interests like professional licensure.

B. State Courts Face an Unresolved Question of Whether *Loper Bright* Applies to State Court Review of State Agency Action

The question of whether *Loper Bright*'s rejection of administrative deference applies to state court review of state agency action presents an important federal question that has not yet been resolved. State courts across the country have long applied various deference doctrines to state agency interpretations of law, similar to the now-overruled *Chevron* framework. *See, e.g., Munch v. Munchkin Child Dev. Center*, 556 N.W.2d 569, 572 (Mich. Ct. App. 1996) (applying deference to agency interpretation); *Gleason v. New Jersey Dep't of Educ.*, 756 A.2d 1047, 1049-50 (N.J. Super. Ct. App. Div. 2000) (same).

i. State Court Responses to *Loper Bright* Demonstrate the Need for This Court's Guidance

Since *Loper Bright* was decided, state courts have responded in markedly different ways, creating precisely the kind of inconsistency that warrants this Court's intervention. Some states had already rejected Chevron-like deference before *Loper Bright*, while others continue to apply deferential standards despite the federal precedent.

ii. States That Rejected Deference Before *Loper Bright*

Since 1999, the Kansas, Utah, Mississippi, Arkansas, Michigan, Ohio and Delaware Supreme Courts have each taken a sledgehammer to their state deferential standards.[2] *See Public Water Supply Co. v. DiPasquale*, 735 A.2d 378 (Del. 1999); and, *TWISM Enterprises, L.L.C. v. State Board of Registration for Professional Engineers & Surveyors*, 172 Ohio St. 3d 225 (Ohio 2022).

iii. State Court Decisions Citing *Loper Bright*

State courts have now begun addressing *Loper Bright*'s relevance to state administrative law, with dramatically different conclusions:

Michigan: The Michigan Court of Appeals explicitly rejected the relevance of *Loper Bright* to state law disputes, stating: "*Loper Bright* is a federal case dealing with federal law and has no particular relevance to this state-law dispute. Indeed, Michigan has long understood that separation-of-powers concerns imply that courts do not defer to an administrative agency's interpretation of law." *DTE Energy Inc. v. Mich. Occupational Safety & Health Admin.*, 367604 (Mich. App. Nov 18, 2024) (emphasis added).

GEORGIA: In contrast, the Georgia Court of Appeals has embraced *Loper Bright* as directly applicable to state law. Presiding Judge Dillard wrote: " . . . I fail to

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[2] *Judicial Deference to Agency Expertise in the States*, by Martha Kinsella and Benjamin Lerude, STATE COURT REPORT, October 26, 2023

see how the nature and structure of judicial power and the separation of powers in Georgia differs in any material respect from that exercised by our federal counterparts. I say this to emphasize the nationwide, systemic importance of the Supreme Court of the United States overruling *Chevron* this past term in *Loper Bright Enterprises*." *Board of Commissioners of Brantley County. v. Brantley County Development Partners*, 905 S.E.2d 685, 704 (Ga. App. 2024).

VERMONT: The Vermont Supreme Court took a middle approach, recognizing the change brought by *Loper Bright* but declining to decide its impact on Vermont jurisprudence by distinguishing the holding from the matter before it. *In re 30 V.S.A. Sec. 30 & 209*, 327 A.3d 789, footnote 6 (Vt. 2024).

INDIANA: The Indiana Supreme Court adopted a cautious approach, recognizing its precedential reliance on Chevron-like deference while noting that administrative agencies should stay within their "legal guardrails" and apply existing precedent until changed by legislative enactment. *Indiana Office of Utility Consumer Couns. v. Duke Energy Indiana*, 248 N.E.3d 1205, 1219 (Ind. 2024). Notably, Indiana's legislature changed its deference to administrative agencies for any decisions made after June 30, 2024, which aligns with *Loper Bright* principles. Indiana House Enrolled Act 1003.

iv. The State Legislative Movement Demonstrates *Loper Bright's* Constitutional Foundations

The state-level response to *Loper Bright* has not been limited to judicial decisions. A coordinated legislative movement both preceded and followed this Court's

decision, demonstrating that the constitutional principles underlying *Loper Bright* extend beyond federal administrative law.

Before *Loper Bright* (2018-2024), several states proactively eliminated judicial deference:

1. Arizona (2018)
   First state to pass anti-Chevron legislation via H.B. 2238
2. Tennessee (2022)
   Enacted Senate Bill 2285, requiring courts to resolve ambiguities against government agencies
3. Idaho (March 2024)
   Governor Brad Little signed House Bill 626
4. Nebraska (March 2024)
   Governor Jim Pillen signed LB 43
5. Indiana (March 2024)
   Governor Eric Holcomb signed House Bill 1003
6. Wisconsin
   Passed legislative reforms ending judicial deference
7. Utah (March 2024)
   Governor Spencer Cox signed H.B. 470 requiring review of federal regulations previously subject to Chevron

According to the Pacific Legal Foundation's State Deference Map, the following additional states have been classified as "reformed," with no judicial deference:

Arkansas, Delaware, Florida, Kansas, Mississippi, Ohio, Tennessee and Wisconsin. [3]

Other states, such as Colorado, Kentucky, and Missouri, recognize *Loper Bright* as additional legal support for their existing state jurisprudence because they had not adopted Chevron-like deference to administrative agencies.

v. The Need for Uniform Constitutional Standards

Despite this legislative trend, approximately 34 states still maintain some form of judicial deference to administrative agencies, including Massachusetts. The state-level anti-*Chevron* movement represents a significant and coordinated effort that both preceded and now follows *Loper Bright*. With 13 states having already eliminated judicial deference and model legislation readily available, this trend is likely to continue expanding to additional states in 2025 and beyond.

However, six states, including the Commonwealth of Massachusetts, appear stuck in deferring to administrative agencies without any guardrails.[4]

This creates precisely the kind of constitutional inconsistency that demands this Court's attention, as citizens in different states receive fundamentally different levels of due process protection based solely on their geographic location.

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[3] "Do Your Courts Cheat for State Agencies", Pacific Legal Foundation, www.pacificlegal.org/state-deference-map

[4] *Ibid.*

Because *Loper Bright* was decided so recently, state courts have not yet had sufficient opportunity to address its implications for state deference doctrines. This Court should grant review to provide needed guidance on this significant question. State courts will inevitably confront this issue in the coming months and years, and the Court's clarification now would prevent a patchwork of inconsistent approaches across the states.

In this case, the Massachusetts courts explicitly deferred to the Board's interpretations of both the LSP statute and its implementing regulations, despite the intervening decision in *Loper Bright*. The Superior Court's decision stated: "The Board's interpretation of its own regulations is entitled to substantial deference" (App.21a) and the Appeals Court similarly wrote: "We accord substantial deference to an agency's interpretation of its own regulations and will uphold that interpretation when it is reasonable" (App.8a.) These positions present a clear opportunity for this Court to address whether such deference is consistent with the Due Process Clause of the Fourteenth Amendment.

Broad national legislative trends provide strong supporting material for demonstrating that *Loper Bright* reflects a broader national movement rather than an isolated federal court decision, with states recognizing the constitutional principles ultimately vindicated by this Court.

C. The Fourteenth Amendment Requires Independent Judicial Review of Agency Legal Interpretations

The deference shown by the Massachusetts courts to the Board's legal interpretations violates the Four-

teenth Amendment's Due Process Clause. As this Court recognized in *Ohio Valley Water Co. v. Ben Avon Borough*, 253 U.S. 287, 289 (1920), when constitutional rights are at stake, "the State must provide a fair opportunity for submitting that issue to a judicial tribunal for determination upon its own independent judgment as to both law and facts."

This principle has even more force today, as state licensing boards regulate nearly 30% of the American workforce, affecting the livelihoods of over 58 million Americans. *See* Council of State Governments, *National Certified Public Manager Consortium* (2023). When these boards act as prosecutor, judge, and jury—and courts defer to their legal interpretations—due process protections become illusory.

The reasoning in *Loper Bright* applies with equal force to state agencies through the Fourteenth Amendment. Justice Gorsuch's concurrence specifically noted the due process concerns raised by deference regimes, stating that they contravene the principle that "no man can be a judge in his own case." *Loper Bright*, 603 U.S. at 399 (Gorsuch, J., concurring). This fundamental due process principle applies to the states through the Fourteenth Amendment, as this Court has long recognized. *See Tumey v. Ohio*, 273 U.S. 510, 523 (1927).

This case presents an ideal vehicle for the Court to clarify that the Fourteenth Amendment requires state courts to exercise independent judgment when reviewing state agency interpretations of law, especially when constitutionally protected interests in professional licensure are at stake.

II. The Board's Disciplinary Proceedings Violated Fundamental Due Process Guarantees That This Court Should Clarify Apply to State Professional Licensing Actions

A. The Extraordinary Thirteen-Year Delay Itself Constitutes a Due Process Violation

The Massachusetts Supreme Judicial Court has recognized that unreasonable delays in administrative hearings produce a denial of procedural due process. *Workers' Compensation Rating & Inspection Bureau v. Commissioner of Ins.*, 391 Mass. 238, 269 (1984). Federal courts have similarly held that excessive delay in administrative proceedings can violate due process. The D.C. Circuit has stated that a "reasonable time for an agency decision could encompass 'months, occasionally a year or two, but not several years or a decade.'" *Midwest Gas Users Ass'n v. FERC*, 833 F.2d 341, 359 (D.C. Cir. 1987) (quoting *MCI Telecomms. Corp.* at 340).

In this case, the thirteen-year period from complaint to final agency action is unprecedented and far exceeds any reasonable time frame for administrative adjudication. This delay:

1. Allowed memories to fade, as evidenced by Department employee Mark Jablonski's inability to recall specific actions and events during his testimony at the hearing, and his contradicting his own contemporaneous written observations;
2. Prejudiced Petitioner's defense as witnesses became unavailable or unable to clearly recall events;

3. Placed Petitioner under a cloud of uncertainty for over a decade regarding his professional license and livelihood; and

4. Left Petitioner unable to effectively challenge evolving standards as the science of LNAPL remediation developed during the pendency of his case.

B. Professional Licensure Is a Protected Liberty and Property Interest That Triggers Robust Due Process Protections

This Court has long recognized that professional licensure involves both liberty and property interests protected by the Due Process Clause. *See Bell v. Burson*, 402 U.S. 535, 539 (1971); *Barry v. Barchi*, 443 U.S. 55, 64 (1979). As the Court explained in *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 543 (1985), "the significance of the private interest in retaining employment cannot be gainsaid" because it may be "the only means of livelihood."

For Petitioner, the LSP license represented three decades of professional investment and his primary means of income. The Board's one-year suspension effectively terminated his practice by forcing clients to seek other LSPs for ongoing projects and damaging his professional reputation.

C. The Denial of Subpoena Power, Cross-Examination and Evidence Violated Core Due Process Rights

The right to confront and cross-examine witnesses is a fundamental component of procedural due process. As this Court stated in *Greene v. McElroy*, 360 U.S.

474, 496 (1959), "the right to confront, cross-examine and refute adverse evidence" is one of "relatively immutable principles" that should be present in many types of proceedings.

The Massachusetts Administrative Procedure Act ("MAPA") explicitly provides that "any party to an adjudicatory proceeding shall be entitled as of right to the issue of subpoenas in the name of the agency conducting the proceeding." G.L. c. 30A, § 12(3). *See* App.59a. Yet Petitioner was systematically denied this right. Without the ability to subpoena Department officials whose decisions and actions were central to the case, Petitioner had no meaningful opportunity to challenge the evidence against him.

MAPA also requires that all evidence in possession of the agency " . . . be offered and made a part of the record in the proceeding . . . " G.L. c. 30A, § 11(4). *See* App.56a. Specific email communications were concealed and other evidence was withheld from Petitioner at the adjudicatory proceeding, then sealed by the Presiding Officer. Only eleven years later did the Superior Court order that these communications be unsealed and made part of the record.

The D.C. Circuit Court of Appeals noted that:

> If this were a civil action in a court, or if it were a criminal case, the party would be entitled to production of these reports. The question here is whether production is one of the fundamentals of fair play required in an administrative proceeding. We think it is.

Communist Party of the United States v. Subversive Activities Control Board, 254 F. 2d 314, 327, note 9

(D.C. Cir. 1958). *See also* Roscoe Pound, *The Challenge of the Administrative Process*, 30 A.B.A. J. 121 (1944).

The Board, the Department and the Massachusetts courts ignored their own laws and violated the rights of the Petitioner.

The situation is particularly troubling given that Petitioner's original disciplinary complaint stemmed from a retaliatory action by a former client who owed him over $79,000 and who later requested the complaint be withdrawn—a request the Board refused to honor.

D. The Biased Selection of the Hearing Officer Violated Due Process

The selection of Timothy M. Jones as Presiding Officer by a committee that included Robert Luhrs—who later testified against Petitioner—created an impermissible risk of bias. This Court has recognized that "a fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136 (1955). This requirement applies with equal force to administrative adjudications. *Withrow v. Larkin*, 421 U.S. 35, 46 (1975).

More recently, in *Lucia v. Securities and Exchange Commission*, 585 U.S. 237 (2018), this Court emphasized the constitutional requirements for administrative hearing officers, holding that they must be properly appointed under the Appointments Clause. While *Lucia* addressed federal administrative law judges, its reasoning underscores the importance of properly constituted and unbiased administrative tribunals in every corner of the nation.

III. This Case Involves Exceptional Circumstances Warranting This Court's Review

A. The Extraordinary Duration and Unfairness of the Proceedings Reflect Systemic Due Process Failures

The thirteen-year administrative process in this case is not merely a procedural anomaly but a symptom of deeper systemic failures in administrative justice. As the D.C. Circuit noted in *MCI Telecommunications Corp. v. F.C.C.*, 627 F.2d 322, 341 (D.C. Cir. 1980), "delay in the resolution of administrative proceedings can also deprive regulated entities, their competitors or the public of rights and economic opportunities without the due process the Constitution requires."

The Board in this case acted on a complaint filed in December 2005 regarding professional work performed between 2002 and 2005. The final agency decision came in January 2019, and judicial review was not completed until January 2025—twenty years after some of the work in question was performed. This timeline exceeds even the "several years or a decade" that the D.C. Circuit found unacceptable. *Midwest Gas Users Ass'n v. FERC*, 833 F.2d 341, 359 (D.C. Cir. 1987).

B. This Case Exemplifies How Administrative Deference Enables Due Process Violations

This case illustrates how judicial deference to administrative agencies can compound due process violations by allowing agencies to operate with minimal accountability. The Board in this case:

1. Operated without a statute of limitations, allowing it to initiate and extend proceedings indefinitely;
2. Denied Petitioner access to witnesses and evidence critical to his defense;
3. Allowed a structurally biased process for selecting the hearing officer; and
4. Pursued disciplinary action even after the complainant requested the complaint be withdrawn.

When the Massachusetts courts deferred to the Board's legal interpretations rather than exercising independent judgment as required by *Loper Bright*, they abdicated their constitutional responsibility to ensure due process.

C. The Case Has Significant Implications for Millions of Licensed Professionals

State licensing boards regulate nearly 30% of the American workforce across over 1,100 occupations. The due process issues presented in this case thus have far-reaching implications for millions of Americans whose livelihoods depend on professional licenses.

This case provides the Court with an opportunity to establish clear constitutional standards for:

1. Timeliness in administrative proceedings affecting professional licenses;
2. The right to subpoena witnesses in professional disciplinary hearings;
3. Access to exculpatory evidence in administrative proceedings;

4. Structural separation between prosecutorial and adjudicative functions; and
5. Independent judicial review of agency legal interpretations under *Loper Bright*.

CONCLUSION

This petition presents a rare opportunity for the Court to address both the application of *Loper Bright* to state court review of state agency action and the minimum due process requirements for professional disciplinary proceedings. The case presents these issues in the context of extraordinary procedural deficiencies that demonstrate the real-world consequences when administrative agencies operate without meaningful judicial oversight. For these reasons, the Petitioner respectfully submits the petition for a writ of certiorari be granted.

Respectfully submitted,

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