

## CONSENT TO SERVICE AND TERMS OF USE FOR THE OAH E-FILING SYSTEM

I, the undersigned, am party to legal proceedings before the Kansas Office of Administrative Hearings (OAH) and I intend to use the OAH electronic filing system (“e-filing system” or “System”) to submit pleadings, motions, evidence and other information regarding my case. I will also use this System to receive notices and orders issued by OAH as well as all filings made by other parties to my case.

To enable these uses of the System, I hereby verify, express my understanding, and agree to the following:

1. The OAH System is the only means by which my case submissions shall be e-filed to this tribunal and this System shall only be accessed by its website portal located at <http://www.oah.ks.gov>.
2. I have an active email address (which I identify below) and sufficient internet access to enable me to: (a) register on this System to activate my use of it; (b) upload to this System my case documents or other permitted types of electronic files that I choose to submit; (c) view all filings for my case that have been uploaded to the System by other parties or by the presiding officer; and, (d) download and/or print from this System all filings regarding my case. I accept my responsibility to maintain my email address – or an email address that I may later substitute after initial registration is complete – and adequate internet access to this System throughout my case proceedings. I accept that I am also responsible for my own printing functionality, uploading functionality to the System, and the production of all uploaded files in an electronic format that this System permits.
3. After I submit this signed consent agreement to OAH, my **case password (also known as a Personal Identification Number, or “PIN”)** and login directions for using the System will be sent by OAH only to the email address that I specify below. I know that my online registration will not be complete until I successfully log in and enter this specific **case password (PIN)** into the System.
4. **Within five calendar days after the date OAH emails this login information to the email address that I specify below, I will complete my online registration on the System as directed.** If I do not complete my online registration in that period: (a) I will be automatically locked out from using the System for my case; (b) OAH, the presiding officer, and every party to my case shall immediately begin serving any case filings to me by using other traditional methods approved by law; (c) I will immediately be required to submit all my case filings to the presiding officer and other case parties by using other traditional methods approved by law; and, (d) I can only obtain later approval to use the System if I submit a written request to the presiding officer which explains my reasons for failing to register and the presiding officer then grants written permission in his/her sole discretion.
5. My act of successfully completing the online registration for this case will signify that I immediately agree to accept as legal service of process from the presiding officer and from any party to this case all subsequent filings that they upload to this System. In other words, no other means for serving legal process to me will be required and I waive my right to contest the adequacy of service for any filings made in this System for this case. Similarly, any filing that I upload to this System will satisfy my duty to serve legal process upon the presiding officer and upon any other party that has also submitted their consent to these terms of use. If another party has not consented to the e-filing system, then my e-filings will still be proper legal service to the presiding officer, but I must also send a copy of my filings to that other party by using other traditional methods approved by law.
6. The only way that I can electronically file anything in my case or use the System to seek some response from the presiding officer is by uploading to my case an electronic document that includes an explanation of my point. I acknowledge that only these electronic file formats shall be uploaded as documents to my case: Word (\*.doc); WordPerfect (\*.wpd); and, Portable Document Format (\*.pdf). Additionally, if I choose to upload sound, video or photographic files for evidence in my case, I acknowledge that only the following electronic file formats, identified by these filename extensions, shall be uploaded for that purpose: \*.png, \*.gif, \*.jpg, \*.mp3, and \*.mp4. It is my responsibility alone to produce and submit all my e-filings in one or more of these permitted electronic formats. All documents filed electronically must be legible and be capable of being printed as paper documents without change or loss of content or appearance.
7. Any and all successfully uploaded filings in the System for this case constitute an “electronic signature”, as defined by K.S.A. 16-1602(i), of the party on whose behalf it is uploaded. In other words, anything filed in this case by means of my registered System party account shall be deemed done with my approval.
8. Whenever any filing is uploaded to my case in the System by the presiding officer or another party, I understand that the System will send an alert notice to the email address I provide below. No details of the filings will be included in such alerts, but I acknowledge and accept that the alerts are sufficient notice to me that I am responsible for logging in to my registered System account to view each filing’s details. Furthermore, I understand that I have full access to my System account to review recent filings at any time even though I may not have seen any emailed alert notice that corresponds to them. I agree that an uploaded filing alone represents its legal service of process upon me and any duly authorized representative I may have and that the additional email alerts provide extra notice that exceeds the legal minimum notice requirement.
9. OAH and the presiding officer each has the unilateral right to terminate my use of this System if, in the sole determination of OAH or the presiding officer, I have misused or abused this System. If my use of the System is terminated, I understand that I must immediately begin to

submit any filings by other traditional means approved by law. System misuse or abuse includes circumstances in which OAH or the presiding officer determines that any information provided during the account registration process by me or on my behalf is false or fraudulent. Other examples that may be deemed misuse or abuse of the System include excessive filings of questionable merit or relevancy, unhelpful fragmentation of information into multiple filings, or my unlawful dissemination of protected case information to non-parties. OAH may preclude me from using the System in future cases based upon any misuse or abuse of the System that I may commit or facilitate in this case.

10. OAH may delay, limit, or deny access to the System due to power or network disruptions, other unforeseen disruptive events that may occur, or for routine maintenance and repairs.
11. All filings in my case will be time-stamped by the System at the moment of their upload and the time recorded by the System will be controlling for purposes of compliance with case deadlines – unless the filing was previously submitted by other traditional methods approved by law. I am aware that if I believe the System has made an error through no fault of my own, I can seek OAH assistance pursuant to K.A.R. 133-1-4.
12. After an Initial Order issued in my case becomes effective, if I or any opposing party chooses to challenge that ruling, I hereby consent to all these same Terms of Use in using this System for filing, accepting, or responding to service of petitions for review, petitions for reconsideration, petitions for stay of effectiveness, and all relevant and legally authorized filings regarding these petitions, but my consent shall be confined to such proceedings that are authorized by the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, and shall not apply to any proceedings that are authorized by the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* In other words, once the period for appealing an Initial Order has lapsed without challenge, or a Final Order or a denial of reconsideration thereof is issued in this case, this e-filing system shall no longer be used for this case, my **case password (PIN)** will be deactivated, and the System will no longer be an agreed means for the parties to serve legal process upon one another for this case.
13. I am free to share my **case password (PIN)** with my attorney or other legally authorized representative who may use the System to make filings on my behalf in this case. I will notify OAH immediately whenever I become aware that this System was used to make any unauthorized filings in this case or whenever I become aware that anyone has or had access to case information in this System without the legal authority to view the information. I will do nothing that enables anyone to access case information on this System if such enablement allows anyone to view case information that they have no legal authority to view.
14. **I have been strongly cautioned by OAH to be extremely careful in sharing with others my case password (PIN) for online access.** I accept personal liability for all unauthorized disclosures of protected information that my actions enable. I know that although I, as a party, may have legal right to view protected information that does not excuse me from liability for its unlawful disclosure. The System will record everyone who accesses the System using my password.
15. This agreement shall survive for as long as my case remains pending at OAH, but OAH may consider its experience from my use of the System during this case in deciding whether I may use this System again in the future.

**Therefore**, by my signature and email address presented below, I hereby agree to honor and abide by all of the foregoing terms as conditions upon my use of the OAH e-filing system:

\_\_\_\_\_ [Signature] \_\_\_\_\_ [Date]

\_\_\_\_\_ [Printed Name] (\_\_\_\_\_) \_\_\_\_\_ [Phone]

\_\_\_\_\_ [Email address]

\_\_\_\_\_ [OAH Docket #, if known]