

## 9.1 INTRODUCTION

Although the rules of the Office of Administrative Hearings (OAH) vest broad authority in the administrative law judge (ALJ) to order discretionary discovery, a variety of statutory, constitutional, and common-law limitations restrict the scope of matters discoverable. In general, the same limitations on discovery found in a judicial proceeding apply to an administrative contested case. Minnesota Rules part 1400.6700, subpart 2, for example, requires the ALJ to “recognize all privileges recognized at law” in ruling on a motion for expanded discovery. In addition to the generally applicable statutory privileges, conditional privileges and restrictions applicable only to administrative proceedings have developed. The discussion in this chapter of privileges limiting information that is discoverable applies equally to assertions of privilege to limit the introduction of evidence at a hearing.