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Subject: Proposed rec. on adjudication materials on agency web sites

I thoroughly agree with the proposed recommendation to be considered at the June plenary session on posting adjudication materials on agency web sites. However, I suggest that the recommendation be more clear on exactly which adjudicatory schemes it applies to. Footnote 2 of the recommendation refers to Types A, B, and C adjudication, categories essential to ACUS Rec. 2016-4 and to my ACUS study supporting that recommendation. However, this recommendation on agency web sites should explicitly state in the text, rather than a footnote, that it applies to both Types A and B adjudication, but not to Type C. Also, in footnote 2, I object to the statement that "Type B proceedings are, along with what the preamble terms "Type C adjudication" (proceedings not subject to legally required evidentiary hearings), commonly referred to as "informal adjudication." Recommendation 2016-4 and my study emphatically criticize the term "informal adjudication" as it is often applied to Type B adjudication. Most Type B adjudication is not at all informal and it is often more formal than many Type A adjudications. The term "informal adjudication" should be reserved exclusively for Type C adjudication. Perhaps this can be corrected in the final draft of the Recommendation by saying "commonly but incorrectly referred to as informal adjudication" or words to that effect. Thanks for your attention to my comment.