

GENERAL

2. Administrative Agency Decisions Rulings Made Under MAPA

The Court's review of an agency decision is governed by the Montana Administrative Procedure Act, Title 2, Chapter 4, MCA. Under § 2-4-704(2), MCA, a court may reverse or modify the decision of an agency if substantial rights of the appellant have been prejudiced because:

- a. the administrative findings, inferences, conclusions, or decisions are:
 - i. in violation of constitutional or statutory provisions;
 - ii. in excess of the statutory authority of the agency;
 - iii. made upon unlawful procedure;
 - iv. affected by other error of law;
 - v. clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record;
 - vi. arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
- b. findings of fact, upon issues essential to the decision, were not made although requested.

On appeal from a District Court's review of an agency decision, the Court applies the same standard as the district court, determining "whether an agency's findings of fact are clearly erroneous and whether its conclusions of law were correct." [Roos v. Kircher Pub. Sch. Bd. of Trs.](#), 2004 MT 48, ¶ 7, 320 Mont. 128, 86 P.3d 39 (citing [Baldwin v. Bd. of Chiropractors](#), 2003 MT 306, ¶ 10, 318 Mont. 188, 79 P.3d 810). [City of Bozeman v. Mont. Dep't of Nat. Res. & Conservation](#), 2020 MT 214, ___ Mont. ___, ___ P.3d ___.