BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

AVESON GLOBAL LEADERSHIP ACADEMY,

OAH CASE NUMBERS 2018110119 AND 2019010133

ORDER VACATING ORDER TO SHOW CAUSE RE SANCTIONS HEARING

On June 21, 2019, a telephonic status conference was held before Administrative Law Judge Kong, Office of Administrative Hearings. Administrative Law Judge shall be referred to as ALJ. Office of Administrative Hearings shall be referred to as OAH. ALJ Kong called Ms. Billups three times, and left two voicemails at her office telephone number. Attorney Vivian Billups did not appear on Aveson Global Leadership Academy's behalf. The status conference proceeded with Student's counsel, and ALJ Kong set a telephonic order to show cause hearing for July 12, 2019 at 10:00 a.m. regarding sanctioning Ms. Billups for her failure to appear at the status conference. ALJ Kong allowed Ms. Billups to file and serve documents regarding the order to show cause hearing by July 5, 2019; and Student's counsel to file and serve documents responding to Aveson's documents regarding the order to show cause hearing by July 9, 2019.

On June 24, 2019, Ms. Billups filed her response to the order to the show cause hearing accompanied by a declaration under the penalty of perjury. Ms. Billups explained that she waited for ALJ Kong's call on June 21, 2019, but her phone did not ring, and the ALJ Kong's calls went to voicemail. Ms. Billups then called OAH when she heard the ALJ Kong's voicemails and realized she had missed the call for the telephonic status conference and left a voicemail with OAH staff requesting that ALJ Kong call again. OAH staff noted that Ms. Billups left a voicemail at 10:18 a.m.

In the future, Ms. Billups shall be more diligent in calling OAH soon after the appointed time of the telephonic conference, instead of waiting until eighteen minutes after the start time of the conference. ALJ finds that Ms. Billups' explanation as to why she missed the status conference acceptable for purposes of avoiding sanctions. Therefore, the July 12, 2019 10:00 a.m. order to show cause hearing regarding sanctions is now vacated.

IT IS SO ORDERED.

DATED: July 11, 2019

DocuSigned by:
Sabrina Kong
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Sabrina Kong
Administrative Law Judge
Office of Administrative Hearings