BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: BONSALL UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016080681
PARENT ON BEHALF OF STUDENT, v. BONSALL UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016070664 ORDER GRANTING PEREMPTORY CHALLENGE

On January 6, 2017, Bonsall Unified School District filed notice of peremptory challenge to Administrative Law Judge Paul Kamoroff in the above captioned matter. District's peremptory challenge was made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

District's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

ORDER

1. District's challenge of ALJ Kamoroff is granted. The parties will be notified at a later time as to the Administrative Law Judge assigned to hear this matter.

2. The previously set prehearing conference and hearing dates are continued. The prehearing conference is now scheduled for 3:00 p.m., on January 18, 2017, and the hearing shall commence at 9:30 a.m., on January 24, 2017. The parties can discuss the need for additional hearing dates at the prehearing conference.

DATE: January 6, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings