BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SANTA ROSA CITY SCHOOLS.	OAH Case No. 2018020255 ORDER DENYING PEREMPTORY CHALLENGE

On March 29, 2018, Student filed a notice of peremptory challenge to Administrative Law Judge Cynthia Fritz. On March 29, 2018, the Office of Administrative Hearings granted Student's motion and notified the parties the matter was reassigned to Administrative Law Judge Theresa Ravandi. On March 30, 2018, at 12:30 p.m., Santa Rosa filed a notice of peremptory challenge to Administrative Law Judge Theresa Ravandi in the above captioned matter. Santa Rosa's peremptory challenge is 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 the Hearing is to be held at a site other than an OAH regional office, the peremptory challenge of the assigned ALJ shall be made by noon on Friday prior to the week in which the Hearing is to commence. (Cal. Code Regs., tit. 1, § 1034, subd. (d).)

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Santa Rosa received notice that ALJ Ravandi was assigned to the matter by close of business on March 29, 2018. The hearing in this matter is scheduled for a site other than an OAH regional office. March 30, 2018, is the Friday before the week in which the hearing in this matter is to commence. Accordingly, Santa Rosa's peremptory challenge was due by noon on March 30, 2018, and was submitted after that time. Accordingly, Santa Rosa's peremptory challenge is untimely and DENIED.

IT IS SO ORDERED.

DATE: March 30, 2018

DocuSigned by:
Joy Redmon
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JOY REDMON
Presiding Administrative Law Judge
Office of Administrative Hearings