BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2019010968
v.	ORDER TO SHOW CAUSE WHY FACTS SHOULD NOT BE CERTIFIED FOR CONTEMPT SANCTION
KERN HIGH SCHOOL DISTRICT.	

On February 16, 2019, a telephonic prehearing conference was held in this matter. Attorney Nicole Hodge Amey appeared on behalf of Student. Prior to the scheduled start time for the prehearing conference, Ms. Amey timely filed a peremptory challenge in this matter challenging Administrative Law Judge Rebecca Freie. The challenge was granted. The prehearing conference was convened by ALJ Rita Defilippis.

At the outset of the prehearing conference, Ms. Amey expressed her concern that she had filed a peremptory challenge against ALJ Defiillipis. Ms. Amey was informed that she had specifically challenged ALJ Freie, and that her challenge had already been granted. When Ms. Amey objected, ALJ Defilippis reminded Ms. Amey she could file a motion for reconsideration should she choose, but that the prehearing conference would be going forward as scheduled. The prehearing conference was for the expedited issues filed in this matter, which had very short timelines under which the hearing must begin.

Ms. Amey became belligerent and called ALJ Defillipis a racist. Ms. Amey was warned about her language and asked to stop talking over the ALJ several times. Ms. Amey persisted.

Government Code Section 11455.10 states that a person is subject to the contempt sanction in an adjudicative proceeding before an agency for obstruction or interruption of the due course of the proceeding during a hearing by disorderly, contemptuous, or insolent behavior toward the presiding officer while conducting the proceeding.

ORDER TO SHOW CAUSE

1. Ms. Amey is ordered to show cause in writing why she should not be subject to a referral for a contempt sanction. **Ms. Amey is ordered to file a written response with OAH by not later than 5:00 p.m. on February 26, 2019.**

2. Any factual assertions in Ms. Amey's response shall be supported by a declaration under penalty of perjury.

3. Should Ms. Amey fail, without excuse, to timely file a response as ordered above, showing adequate cause, OAH may certify the facts in this case for a contempt sanction.

DATE: February 21, 2019

DocuSigned by:
Margaret Gibson
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MARGARET GIBSON
Division Presiding Administrative Law Judge
Office of Administrative Hearings