

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021030587

ORDER OF RECUSAL

NOVEMBER 19, 2021

On November 15, 2021, the undersigned Administrative Law Judge was assigned to this matter shortly before the 3:00 PM prehearing conference scheduled that day, following a peremptory challenge to another ALJ that was filed with the Office of Administrative Hearings at 2:31 PM. After completing the PHC, the ALJ realized that his spouse is a third-party consultant to Inglewood Unified School District on fiscal matters.

APPLICABLE LAW AND DISCUSSION

An Administrative Law Judge may be disqualified for bias, prejudice, or interest in the proceeding. (Gov. Code, § 11425.40, subd. (a).) Code of Civil Procedure, section 170.1, subdivision (a)(3) provides that a judge "shall be disqualified" if the judge, the judge's spouse, or a minor child living in the household has a financial interest in the

subject matter in a proceeding or in a party to the proceeding. A financial interest in a party is defined as ownership of more than a one percent legal or equitable interest in a party, or a legal or equitable interest in a party of a fair market value in excess of one thousand five hundred dollars (\$1,500), or a relationship as director, advisor or other active participant in the affairs of a party, subject to certain exceptions not applicable here. (Code Civ. Proc., § 170.5.)

Here, the ALJ's spouse's advice to Inglewood on fiscal matters has not included any advice pertaining to this matter, or, more generally, how the district conducts its special education programs or addresses due process claims. The ALJ at the time of the PHC was not conscious of the relationship between Inglewood and the ALJ's spouse, and that relationship had no effect on the way the ALJ conducted the PHC or prepared the order following the PHC. However, under Code of Civil Procedure, sections 170.1 and 170.5, and to avoid any appearance of bias, the ALJ hereby recuses himself from future participation in this matter.

ORDER

ALJ Robert Martin is recused from future participation in this matter, and a new ALJ will be assigned. All dates previously set in this matter are confirmed, subject to determination of the parties' pending joint request to continue the start of the hearing of this matter to November 24, 2021.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert G. Martin". The signature is written in a cursive, flowing style with a prominent initial "R" and a long, sweeping underline.

Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings