

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT,

and

LONG BEACH UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2022120297
OAH CASE NUMBER 2022100070

ORDER DENYING STUDENT'S PEREMPTORY CHALLENGE

JULY 21, 2023

On July 21, 2023, at 12:02 PM, Student's attorney filed a notice of peremptory challenge to Administrative Law Judge Paul Kamoroff in the above captioned matter. Student'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 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. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Student's peremptory challenge was not timely made and is denied pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivisions (e) and (f), as Student's challenge needed to be made by noon on the Friday before the start of the hearing. OAH assigned ALJ Kamoroff to this matter on July 19, 2023, and informed Student's attorney that day, who stated that they would file peremptory challenge. Student's attorney provided no reason why the peremptory challenge was not timely filed.

ORDER

1. Student's challenge of ALJ Kamoroff is denied.
2. All dates previously set in this matter will remain on calendar.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Division Chief Administrative Law Judge

Office of Administrative Hearings