BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. PANAMA-BUENA VISTA UNION SCHOOL DISTRICT.	OAH CASE NO. 2014100290 ORDER DENYING REQUEST FOR RECONSIDERATION OF SANCTIONS ORDER

On December 10, 2014, the undersigned administrative law judge issued an order imposing cost sanctions against Student's counsel, Nicole Hodge Amey. On January 8, 2015, at 4:59 p.m., Ms. Amey filed a Motion for Reconsideration of the December 10, 2014 sanctions order, supported by her declaration under penalty of perjury. Panama-Buena Vista Union School District filed an opposition on January 13, 2015.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

Government Code section 11521 provides that in the absence of a time limit set by an agency, the power to order reconsideration shall expire 30 days after the delivery or mailing of the decision. Absent a regulation setting a time limit for reconsideration of special education hearing orders, and giving Ms. Amey the broadest latitude by applying Government Code section 11521, Ms. Amey's motion is timely.

However, Ms. Amey has offered no new facts, circumstances or law arising after the sanctions order was issued justifying reconsideration. Instead, she has embellished the facts that were known or should have been known to her when she filed the original complaint on October 6, 2014, and she expanded on the reasoning she unsuccessfully argued in her opposition to Panama's motion for sanctions. That is not a sufficient basis to grant reconsideration.

The motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: January 14, 2015

/S/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings