

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LAKESIDE UNION SCHOOL DISTRICT.

OAH CASE NOS. 2012071004 and  
2012050216

ORDER GRANTING PEREMPTORY  
CHALLENGE

On October 26, 2012, counsel for the Lakeside Union School District filed with the Office of Administrative Hearings (OAH) a peremptory challenge of Administrative Law Judge (ALJ) from having him act as the hearing judge in these consolidated matters.

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 OAH 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, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).) The District's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

ORDER

1. The District's challenge of ALJ Paul Kamoroff is granted.
2. All dates previously set in this matter will remain on calendar.
3. ALJ Susan Ruff is now the assigned hearing judge.

Dated: October 26, 2012

/s/

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TIM NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings