

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2009080509

ORDER GRANTING PEREMPTORY  
CHALLENGE

On November 3, 2009, Bruce Bothwell, attorney for Student, filed a notice of peremptory challenge to Administrative Law Judge (ALJ) Stella Owens-Murrell 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 (APA), 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 (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subs. (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.

Student's peremptory challenge to ALJ Stella Owens-Murrell is timely made and is granted

IT IS SO ORDERED

Dated: November 03, 2009

/s/

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ANN F. MACMURRAY  
Presiding Administrative Law Judge  
Office of Administrative Hearings