

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 SECOND
REQUEST FOR RECONSIDERATION
OF DECEMBER 10, 2014 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, 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 (District) filed an opposition on January 13, 2015. The undersigned ALJ denied the motion in an order issued on January 14, 2014. Ms. Amey filed a second request for reconsideration of the sanctions order, in the form of her declaration under penalty of perjury, on January 21, 2015. OAH did not receive a response from District. For the reasons discussed below, the motion is denied.

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

Here, Ms. Amey has offered no new facts, circumstances or law justifying reconsideration after the first order denying reconsideration was issued. This motion, like the previous motion for reconsideration, merely embellishes the facts that were known or should have been known to Ms. Amey when she filed the original complaint on October 6, 2014, and when she opposed the original sanctions motion. Although Ms. Amey now contends that Student's mother suspected that District did not accurately record the number of days of actual suspension prior to October 6, 2014, Ms. Amey has offered no credible evidence that Mother's suspicions are true or should not have been discoverable by Ms. Amey. This is particularly true when at all times, Student's Mother can be presumed to have

known the dates her own child attended school. Accordingly, Mother's suspicions are not a sufficient basis to grant reconsideration.

The second motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: February 2, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings