STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

GUST SIAMIS, Charging Party, v. LOS ANGELES UNIFIED SCHOOL DISTRICT, Respondent.	)	Case No. LA-CE-1163 PERB Decision No. 464 December 18, 1984

Appearances: Gust Siamis, on his own behalf; O'Melveny & Myers, by Richard N. Fisher and Joel M. Grossman for the Los Angeles Unified School District.

Before Hesse, Chairperson; Jaeger and Morgenstern, Members.

DECISION

HESSE, Chairperson: Gust Siamis appeals the attached proposed decision of a Public Employment Relations Board administrative law judge granting the respondent's motion to dismiss his charge alleging a violation of section 3543.5(a) of the Educational Employment Relations Act.

We have reviewed the hearing officer's decision in light of the appeal and, finding it free from prejudicial error, adopt it as the decision of the Board itself.

ORDER

The unfair practice charge and complaint in Case No. LA-CE-1163 are DISMISSED WITHOUT LEAVE TO AMEND.

Members Jaeger and Morgenstern joined in this Decision.

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD

GUST SIAMIS, Charging Party, v. LOS ANGELES UNIFIED SCHOOL DISTRICT, Respondent.	)	Unfair Practice Case No. LA-CE-1163 PROPOSED DECISION (3/8/84)

Appearances: Gust Siamis, on behalf of himself; Joel Grossman, Esq. (O'Melveny & Myers), for the Los Angeles Unified School District.

Before Barbara E. Miller, Administrative Law Judge.

I. PROCEDURAL HISTORY

A. The Board's Decision

On May 20, 1983, the Public Employment Relations Board (hereinafter PERB or Board) issued its Decision in Los Angeles Unified School District (5/20/83) PERB Decision No. 311, and remanded the instant case to the General Counsel for further processing consistent with its Decision.[1] In that Decision, the Board reversed the Proposed Decision of the Administrative Law Judge and held that the Unfair Practice Charge filed by

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[1]Decision No. 311 concerned four cases which had been consolidated for the formal hearing. In its decision, the dismissal of the other three cases was sustained. Recently, in Los Angeles Unified School District (2/23/84) PERB Decision No. 311a, the Board denied a request for reconsideration.

Gust Siamis (hereinafter Mr. Siamis or Charging Party) was not barred by the statute of limitations provision set forth in subsection 3541.5(a) of the Educational Employment Relations Act (hereinafter EERA).2

B. The Case on Remand

Subsequent to the issuance of the PERB Decision No. 311, this case was transferred to the Office of Administrative Law and an Informal Conference was scheduled and held on August 19, 1983, before Administrative Law Judge W. Jean Thomas. The parties were unable to resolve their differences and the case was set for formal hearing.

Before commencing the formal hearing, a Pre-hearing Conference was held on September 14, 1983. At that time, the parties set forth their respective positions and were advised of the rules which would govern the conduct of the hearing. The parties were advised and agreed that the issue to be decided was whether Mr. Siamis received an unsatisfactory evaluation and was transferred from the Union Avenue Elementary School because he engaged in protected activity. Mr. Siamis was advised that he might be required to first present evidence that he engaged in protected activity, next that the District knew of that activity, and then, and only then, evidence

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2The EERA is codified beginning at Government Code section 3540, et seq. Unless otherwise indicated, all statutory references are to the Government Code.

regarding the alleged inaccuracies or improprieties in the unsatisfactory evaluation itself. Subsequently, by letter dated September 15, 1983, Mr. Siamis was advised that he would indeed be required to present his evidence in that order.

During the course of the Pre-hearing Conference, the District filed a Motion to Dismiss the case on the grounds that the District, by way of settlement, had offered to provide Mr. Siamis essentially all the relief he would receive if he were to prevail in the evidentiary hearing. The District's Motion to Dismiss was taken under submission.

On the first date set for hearing, September 26, 1983, in order to evaluate whether the District was indeed offering to provide Mr. Siamis with all the affirmative relief he might gain from PERB, he was asked to clarify the remedy he sought. Mr. Siamis made it clear that he wanted the following remedies: (1) removal from his personnel file of any derogatory material relating to the Notice of Unsatisfactory Service; (2) the option of transferring back to the school where he had served prior to receipt of the Notice; and (3) a finding that the District was guilty of discriminating against him.

The District indicated that it would remove all the material from Mr. Siamis' file and that it would post a notice that it would not discriminate against Mr. Siamis or other employees because of their exercise of protected rights. In

other respects, the District would not acquiesce in Mr. Siamis' demands and, accordingly, the Motion to Dismiss was denied.3

The formal hearing was conducted on September 26, 27, and 28, 1983. It was scheduled to reconvene on several dates thereafter. However, as set forth in greater detail in Section II, Findings of Fact Relevant to the Conduct of the Hearing, infra, the case did not proceed as scheduled.

On November 22, 1983, the parties were sent a letter notifying them that after the Administrative Law Judge received the transcript of the proceedings, Mr. Siamis could file a brief or position paper showing cause why the case should not be dismissed; the Respondent would also have an opportunity to submit written support for its position. The Charging Party did not avail himself of the opportunity to show cause why the case should not be dismissed. A letter setting forth Respondent's position was timely filed and received on February 8, 1984, at which time the case was submitted for decision.

II. FINDINGS OF FACT RELEVANT TO THE CONDUCT OF THE HEARING

The formal hearing convened on September 26, 1983. Despite some difficulty with the Charging Party's identification of his

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3Neither the rules of the Board nor its decisions provide guidance regarding under what circumstances, if any, an Administrative Law Judge may accept a settlement and dismiss the charge over the objection of the Charging Party.

exhibits and some dispute regarding the Charging Party's presentation of evidence, the case proceeded, although not always in an orderly fashion. The Charging Party called Dolores Renari, the Principal of Union Avenue Elementary School, and William J. Sharp, the District's former Superintendent in charge of the Office of Staff Relations. The hearing reconvened on September 27 and Mr. Siamis recalled Dolores Renari and also called Robert E. Searle, who had served as the Director of the Teacher Integration Unit for the District in the school year 1978-1979.

On September 28, Mr. Siamis called Sidney A. Thompson to testify regarding events which occurred when he was the Principal of Crenshaw High School in 1974. Mr. Siamis also called Barbara E. LaBranch, who is a Coordinator, Staff Relations, for the District, and Theodore F. Johnson, a teacher at Union Avenue Elementary School when Mr. Siamis received his Notice of Unsatisfactory Service. The hearing did not conclude on September 28, 1983, but at the close of that day it was continued to October 24, 25, and 26.

At the close of the hearing on September 28, 1983, the undersigned issued an Order regarding the October hearing. That verbal order was confirmed by a written Order dated September 29, 1983, which provided as follows:

> 1. The Charging Party will provide a complete package of his exhibits for the witnesses;

2. The Charging Party will have a list of his exhibits or be sufficiently familiar with them so that he can refer to them by their designated numbers during the examination of witnesses;

3. Any subpoenas to be requested by either party will be submitted to the Los Angeles Regional Office of the Public Employment Relations Board no later than 5:00 p.m. on October 12, 1983;

4. Any subpoenas to be served by either party will be served no later than October 17, 1983;

5. If the Respondent intends to move to quash any subpoena, a reasonable effort will be made to notify the undersigned no later than October 20, 1983;

6. The Charging Party will notify the undersigned and the Respondent of the witnesses he intends to call and the order of such witnesses no later than October 20, 1983; and

7. When the hearing commences, the Charging Party must be prepared to examine his witnesses; no delays or continuances for further preparation will be allowed. [Emphasis added.]

On October 13, 1983, the Board itself received a document from Mr. Siamis entitled:

> Appeal of Hearing Officer's (Miller) continuance, 3 day Hearings on Motion(s) (other than the Unfair - as remanded by The Board) and Rulings on Interlocutory Matters; Request for Continuance Date Extension until said Matters are Ruled Upon and Clearly defined in writing prior to re-convening; & Request for Hearing Officer MILLER replacement with other than a Los Angeles based or Smith, designee; and Motions.

After citing his numerous objections to the conduct of the hearing, Mr. Siamis made the following motions:

> Motion 1 Mr. Siamis Motions that Grossman be ordered to attempt to quash any subpoenas 3 days after first filed with PERB, unless improperly served by Siamis.
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> Motion 2 GS moves that H.O. Miller Declare what step . . . the Hearing has now reached so that Siamis can prepare his case & proper witnesses in order.
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> Motion 3 Mr. Joel Grossman be held in contempt for: (a) Failure to comply with PERB 32646 in obtaining surprise dismissal, (b) Failure to give Mr. Siamis advance notice of his intended non-compliance with Siamis pre-trial courtesy letter of 6/4/81 re: LA CE 1163.
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> Motion 4 and Request - that H. Officer Miller be replaced with a Board member, or some designee (not biased to O'Melveny & Myers nor the LAUSD size/"stature") other than a member of the LA Region (sic) Office or a designee of W.P. Smith.
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> Motion 5 That the Reconvening Date of 10/24/83 & subpoena order dates be suspended until the Matters cited herein are resolved, ruled upon, & defined in writing so as to allow the Plaintiff his right to establish proof of guilt as per 32178 and 3543.5 without disruption.

On October 12, 1983, the undersigned communicated with the parties, indicating the disposition of Mr. Siamis' "Appeal." A letter of that date stated:

> To the extent the Appeal is filed pursuant to California Administrative Code, title 8, part III, section 32200, I do not join in the charging party's request that the Board itself rule on matters raised in the Appeal. I cannot join in the request because pursuant to the requirements of section 32200, the issues involved are not ones of law, the issues involved are not controlling in the case and, an immediate

> appeal will not materially advance the resolution of the case.
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> To the extent that the Appeal is construed as a request for disqualification pursuant to California Administrative Code, title 8, part III, section 32155, the request is denied. The request is denied because my continuing to sit as the Administrative Law Judge does not conflict with any of the provisions of section 32155(a)(1)-(4). Moreover, I know of no facts which would otherwise require disqualification and have no reason to believe that the charging party cannot receive fair and impartial consideration of the case now pending. . .
>
> Given the rulings set forth herein, the formal hearing will go forward on October 24, 1983 at 9:00 a.m. and all orders pertaining to the hearing are still in effect.

The hearing did reconvene on October 24, 1983. On that date Mr. Siamis resumed his examination of Dolores Renari, whose testimony had been interrupted to accommodate her schedule and that of other witnesses. Mr. Siamis also called Remedus L. Altar, and he recalled Theodore F. Johnson. On October 25, Dolores Renari was recalled, examined, cross-examined and excused. On that date Evert E. Anderson testified as did Frank I. Kampelman and Lora Drogin. On October 25, in an effort to conclude with the witnesses who had been waiting several hours, the hearing proceeded until approximately 9:00 p.m., at which time it was adjourned until 10:00 a.m. the next day.

On October 26, at 9:50 a.m., Mr. Siamis telephoned the Los Angeles Regional Office of the Public Employment Relations

Board and spoke with Ethel Balkin, a senior legal secretary. Mr. Siamis informed Ms. Balkin that he would not be attending the hearing and that the undersigned was not to contact him by telephone either at his school or at his home and that all communications should be in writing. Mr. Siamis further indicated, however, that he would try to reach the Administrative Law Judge later that day. Mr. Siamis did telephone the office at 10:00 a.m. and spoke with the undersigned. He again indicated that he did not intend to appear, he offered no explanation for his failure to appear, and he declined to answer questions as to whether he was requesting a continuance.

When the phone conversation with Mr. Siamis concluded, the Respondent was present as was Joan Humphrey, the witness Mr. Siamis had requested who was voluntarily produced by the District. The Respondent was advised by the undersigned, on the record, that Mr. Siamis would not attend the hearing, but he would be given one final opportunity to indicate whether he wished to proceed with his case. The Respondent made an oral motion for dismissal, which subsequently was submitted in writing and denied.

After the hearing adjourned, the undersigned sent Mr. Siamis a letter outlining the events of the day and which then stated as follows:

> Notwithstanding your unexplained failure to proceed at the date and time scheduled for

> the hearing, you are being given one final opportunity to indicate if you wish to put on any further evidence in support of your affirmative case. A form upon which you should indicate your intentions is enclosed and must be received in this office not later than 5:00 p.m. on November 2, 1983. If you do not return the form, or if you return the form with the "no" box checked, I will conclude that you have elected not to put on any additional evidence in support of your affirmative case and that you have rested your case.

On November 1, 1983, the Los Angeles Regional Office received from Mr. Siamis the form described above. Mr. Siamis checked the box indicating that he was requesting that the formal hearing be reconvened at the earliest possible date so that he could put on additional evidence in support of his affirmative case, but he qualified that statement with the following:

> While I have several more witnesses to present, in light of what appears to be extreme rigid limitations on witnesses & their testimony, harassment, bias, and an excessive use of technical court language & techniques to create disruption of my case, I will rest my case, UNLESS Mr. Grossman has a case he intends to present. IF SO, then I shall be available, but I must then first be allowed to continue and complete my case prior to his.

After receiving Mr. Siamis' communication, the undersigned contacted Mr. Grossman who indicated that, although he had not received a copy of Mr. Siamis' communication, the Respondent would rest and not put on evidence if Mr. Siamis rested. That conversation was commemorated by a subsequent letter.

Notwithstanding the position of the parties, on November 2, 1983, the undersigned sent a letter to Mr. Siamis, which stated as follows:

> As I understand your communication of October 28, 1983, you have additional evidence and wish to present additional evidence in support of your affirmative case. However, because of your expressed dissatisfaction with the conduct of the hearing, you are prepared to waive the right I have granted you to present additional evidence if the Respondent will waive its right to present rebuttal evidence to the case you have presented thus far. The Respondent has advised me by telephone, to be followed by a letter, that it is prepared to waive its right. Accordingly. based upon your communication, I could find that you have rested your case.
>
> Nevertheless, I am reluctant to make that finding before again reassuring you that I know of no reason why you will not have fair and impartial consideration of your case if you elect to proceed. Therefore, please advise me by telephone or in writing, not later than 5:00 p.m. on November 9, 1983, whether or not you are waiving your right to proceed with the hearing. If you elect to waive that right, I will close the record and advise the parties of the deadlines for the filing of post-hearing briefs. If you elect to exercise the right to proceed, the hearing will be reconvened on November 15, 1983, along lines consistent with the attached Notice.

In order to avoid any further delay in the processing of the instant case, a Notice of Hearing Reconvened and Orders was sent to the parties on November 2, 1983. That Notice provided as follows:

> For purposes of the reconvened hearing, the following rules, in addition to those previously set forth shall apply.

1. The Charging Party must be prepared to call his first witness at 9:00 a.m. when the hearing reconvenes;

2. Any subpoenas to be issued should be submitted to this office so as to allow reasonable time for service on the parties to be subpoenaed and to provide the District with reasonable time to make substitutions, if necessary;

3. Respondent will be informed of the order in which witnesses will be called no later than November 10, 1983, so that the Respondent can make arrangement for those witnesses, who, subject to previous agreements, will appear without being subpoenaed.

4. Absent extraordinary circumstances, no further continuances or delays will be allowed. [Emphasis added.]

Late in the afternoon of November 9, 1983, Mr. Siamis contacted the undersigned and indicated that he wanted to go ahead with the hearing and agreed that he would appear at 9:00 a.m. on November 15, 1983. During the course of the conversation, Mr. Siamis indicated that he wanted to call as his witnesses Dolores Renari, Howard Russell, and himself. Mr. Siamis was advised that he had already called Ms. Renari, that she had been examined, cross-examined and excused. Mr. Siamis indicated that he wished to call her again in light of the testimony of Lora Drogin during the formal hearing conducted on October 25, 1983. Since the testimony given was in response to questions asked by the undersigned, Mr. Siamis was advised that he would be allowed to recall Ms. Renari for

that limited purpose only and that his next witness should be available at 9:30 a.m. on November 15, 1983.

The next day, on November 10, 1983, the District advised the undersigned that Ms. Renari was not available on November 15, and could not be produced for the hearing. When this information was communicated to Mr. Siamis he indicated that he would not attend the hearing. Mr. Siamis was advised that Ms. Renari could be called on another day, if necessary, and that the hearing would proceed at 9:00 a.m. on November 15, 1983. Despite Mr. Siamis' insistence that there would be no hearing without Ms. Renari, that he would not take the witness stand until all her testimony had been concluded, and that the Administrative Law Judge would have to select a different date for the hearing, Mr. Siamis was advised repeatedly during the course of three phone conversations that he was required to appear at 9:00 a.m. on November 15, 1983.

On November 15, Mr. Siamis failed to attend the hearing. The Respondent appeared and moved to dismiss the case for the Charging Party's failure to proceed. The Respondent was advised that the Administrative Law Judge would consider whether or not to reach the merits of the case and notify the parties. Dates were established for the filing of post-hearing briefs and the hearing was adjourned.

On November 22, 1983, a letter was sent to Mr. Siamis advising him that the undersigned did not intend to reach the

merits of his case and intended to dismiss the case because of his failure to proceed. He was advised, however, that he would be given 40 days after the receipt of the transcript by the Administrative Law Judge to file a brief or position paper showing cause why the case should not be dismissed.

III. CONCLUSIONS OF LAW

In Service Employees International Union, Local 99, AFL-CIO (5/18/81) PERB Decision No. 163, the Board upheld the dismissal of an Unfair Practice Charge under circumstances similar to those presented in the instant case. In that case, the charging party first failed to appear on a scheduled day of hearing because he insisted that the case set for hearing could not be heard until a charge he had subsequently filed was disposed of. Over objections from the respondent union, the Administrative Law Judge refused to dismiss the Complaint. Subsequently, the case was rescheduled for hearing and the Administrative Law Judge cautioned both parties that sanctions would be imposed if either failed to appear. When the charging party failed to appear for the hearing, the union moved to dismiss the case and the motion was granted. Although the present case is not identical to Service Employees International Union, et al., the cases are sufficiently similar to warrant dismissal.

In addition to the Board's Decision, support for granting the Respondent's Motion to Dismiss is found in the Board's

Rules and Regulations. Section 32170, California Administrative Code, title 8, part III, provides that "[t]he Board agent conducting a hearing shall have the powers and duties to: . . . (d) regulate the course and conduct of the hearing . . ." Throughout the course of the hearing of the instant case, the Charging Party tried to usurp the control properly vested in the Administrative Law Judge. In regulating the course and conduct of the hearing, it is often necessary to take witnesses out of order, or to require that the Charging Party first prove certain elements of the offense alleged. Moreover, once a case is set for hearing, neither party can unilaterally determine that the date is inappropriate or that he doesn't like certain procedural rulings and therefore fail to appear. By his unjustified failure to appear on two days of scheduled hearing, Mr. Siamis prevented the presentation of his case in addition to inconveniencing his own witnesses and the District. In exercising the discretion vested in the Administrative Law Judge, in order to regulate the conduct of the hearing, it is determined that dismissal is the appropriate result.

In addition, in both instances when he failed to appear, the Charging Party failed to comply with section 32205 of the Board's Rules and Regulations. That section provides as follows:

> Continuances. A party may file a request for a continuance of the formal hearing no

> later than five days before the hearing. The request shall be in writing, signed by the party or its agent, state the grounds for the request, and state the position of each party regarding the request. An oral request or a request for continuance submitted less than five days prior to the hearing may be made only under unusual circumstances. A request for a continuance shall be granted only under unusual circumstances and if the other party will not be prejudiced thereby.

On October 26 Mr. Siamis did not request a continuance and refused to respond to inquiries from the undersigned as to whether he wanted a continuance. With respect to the hearing scheduled for November 15, even if one construes the Charging Party's verbal protest to the hearing date as a request for a continuance, grounds for a continuance did not exist and the Charging Party was expressly told that a continuance would not be granted.

The Charging Party objected to the hearing date and requested a continuance because Dolores Renari would not be available on the scheduled hearing date. Because she was not available "as ordered by" the Charging Party, Mr. Siamis complained that the hearing might take two days rather than one and he objected to taking the witness stand himself before Ms. Renari had concluded all of her testimony.

The position of the Charging Party was patently unreasonable and did not constitute grounds for a continuance. Ms. Renari had already testified during four days of the hearing and she had been excused. Mr. Siamis was told that he

could recall her for the limited purpose of asking her questions pertaining to some testimony elicited by the Administrative Law Judge from Lora Drogin on the last day of the hearing. For that purpose, Ms. Renari was not essential at that juncture in the Charging Party's case. Moreover, given that Mr. Siamis had already spent five days of hearing in the presentation of his affirmative case, it was reasonable to conclude that the hearing would extend beyond November 15 and the Charging Party would have been able to put on Ms. Renari even if the Respondent had concluded its case.

Finally, by analogy, the California Code of Civil Procedure lends support to the decision to dismiss this case. Section 581 provides:

> An action may be dismissed in the following cases:
>
> . . . .
>
> 3. By the court, when either party fails to appear and the other party appears and asks for the dismissal, . . .
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> 4. By the court, with prejudice to the cause, when upon the trial and before the final submission of the case, the plaintiff abandons it.

In the present case, a court could exercise its discretion and dismiss the action pursuant to either subsection 3 or 4. (See, generally, O'Day v. Superior Court (1941) 18 Cal.2d 540; Campbell v. Security Pacific National Bank (1976) 62 Cal.App.3d 379; Souza v. Capital Co. (1963) 220 Cal.App.2d 744.)

Moreover, in Souza and in Union Bond and Trust Company v. M and M Wood Working Company (1960) 179 Cal.App.2d 673, the Courts of Appeal noted that the power of a trial court to dismiss actions for failure to prosecute is not contingent upon statute but derives from the court's inherent power of control over its proceedings. In a judicial forum or in the PERB's quasi-judicial arena, discretion may properly be exercised to dismiss the instant case.

A Charging Party who seeks to or is forced to represent himself may face difficulties. Indeed, in the instant case those problems were undoubtedly compounded because of the Charging Party's frustration over the initial wrongful dismissal of this case and the disposition of the other cases he had filed against the District and his exclusive representative. Nevertheless, at virtually every stage in the proceedings, attempts were made to accommodate the handicaps of a person representing himself and opposed by experienced legal counsel.

The Charging Party made known his displeasure with the conduct of the hearing and the evidentiary rulings. Had that conduct or those rulings ultimately worked to his prejudice in a Proposed Decision, the Board itself would have been able to address those matters upon the filing of exceptions pursuant to section 32300 of title 8, part III, California Administrative Code. That would have been the appropriate avenue for the

redress of the Charging Party's alleged grievances. Disruption of the duly scheduled procedures and hearing by refusing to appear is not an appropriate self help measure.

As previously noted, the Charging Party also made known his displeasure and moved to disqualify the Administrative Law Judge. By letter and subsequently on the record on October 24, 1983, Mr. Siamis was told that there was no basis for disqualification, but that if he wished to challenge that determination, he could file a request with the Board itself within 10 days pursuant to section 32155(d) of title 8, part III, California Administrative Code.[4] He again elected not to pursue the avenues of redress available to him and thereby committed himself to the continuation of the hearing.

Finally, at the close of the hearing on November 15, 1983, the Charging Party was informed of the undersigned's intention to dismiss the case. The case was not dismissed on the record, although such a ruling would have been consistent with the procedures followed by the Administrative Law Judge and upheld by the Board in Service Employees International Union, supra. The Charging Party was given an opportunity to show cause why his case should not be dismissed. He again failed to avail himself of the opportunity to articulate what reasons, if any, he had to justify his position; he failed to do so.

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[4]See Gonzales Union High School Teachers Association (2/27/84) PERB Decision No. 379.

To allow the Charging Party to proceed with his case, given his refusal to appear on two occasions and given his failure to show cause why this case should not be dismissed would be inconsistent with the Board's Decision and its rules.

IV. CONCLUSION

Based upon the foregoing, it is concluded that the Charging Party has refused to cooperate and satisfy his burden of presenting his case. He has failed to appear and failed to show cause why his case should not be dismissed. His conduct can only be construed as an abandonment of his claim. Accordingly, the Complaint is dismissed.

V. PROPOSED ORDER

Based upon the foregoing findings of fact, conclusions of law and the entire record in the case, it is ordered that the unfair practice charge and companion complaint in the matter filed against Los Angeles Unified School District by Gust Siamis is hereby DISMISSED.

Pursuant to California Administrative Code, title 8, part III, section 32305, this Proposed Decision shall become final on March 28, 1984 unless a party files a timely statement of exceptions. (See California Administrative Code, title 8, part III, section 32300.) Such statement of exceptions and supporting brief must be actually received by the executive assistant to the Board at the headquarters office of the Public Employment Relations Board in Sacramento before the close of

business (5:00 p.m.) on March 28, 1984, or sent by telegraph or certified United States Mail, postmarked no later than the last day for filing in order to be timely filed. (See California Administrative Code, title 8, part III, section 32135.) Any statement of exceptions and supporting brief must be served concurrently with its filing upon each party to this proceeding. (See California Administrative Code, title 8, part III, sections 32300 and 32305.)

DATED: March 8, 1984

Barbara E. Miller
Administrative Law Judge