

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS**

Paula M. Haley, Executive Director, Alaska State Commission for Human Rights <i>ex rel.</i>)	
CAROLINE KOCEAN,)	
)	
Complainant,)	
)	
v.)	
)	
PETE B. HIGGINS, DDS, LLC,)	
d/b/a Families First Dental Care)	OAH No. 09-0312-HRC
<u>Respondent.</u>)	ASCHR No. C-05-238

ORDER DENYING REQUEST TO CHANGE JUDGE

The executive director’s June 22, 2009 request to change the administrative law judge under AS 44.64.070(c) (preemptory challenge) is denied. The complaint in this case was filed by Ms. Kocean on December 14, 2005. At that time, AS 44.64.070 was inapplicable to Human Rights Commission cases.¹ Subsequently, the human rights laws were amended to apply AS 44.64.070, among other previously inapplicable statutes, to cases the office of administrative hearings hears for the commissioners, but the law as so amended applies only to complaints filed on or after September 13, 2006.²

Accordingly, this matter remains assigned to the undersigned administrative law judge and the case planning conference remains scheduled for **9:00 a.m., Wednesday, June 24, 2009.**

DATED this 23rd day of June, 2009.

By: Signed _____
Terry L. Thurbon
Chief Administrative Law Judge

The undersigned certifies that on the 23rd day of June, 2009, a true and correct copy of this document was faxed to the following: Linda Johnson, respondent’s counsel; Lauri Owen, executive director’s counsel.

By: Signed _____
Neil Roberts

[This document has been modified to conform to the technical standards for publication.]

¹ AS 18.80.120(b) (LexisNexus 2005), stating that “AS 44.64.060 and AS 44.64.070 do not apply to the hearing” conducted by an administrative law judge of the office of administrative hearings assigned to conduct a hearing for the commission; *accord* 2004 Sess. Laws of Alaska ch. 64, § 36.

² 2006 Sess. Laws of Alaska ch. 63, §§ 5 & 14, respectively, amending AS 18.80.120(b) to make AS 44.64.070 and other statutes applicable to commission cases and providing for the amendments to apply to complaints filed on or after the effective date, which was September 13, 2006.