

Cefalo, James

From: Cefalo, James
Sent: Friday, April 12, 2019 11:27 AM
To: 'Shelly Spradlin'
Cc: 'J Fannesbeck'; Rob Harris
Subject: Petition for Reconsideration

Ms. Spradlin,

I just received your letter dated April 10, 2019. The document does not include a caption or a title. I assume you intended it to be a Petition for Reconsideration because it was mailed to me. A Petition for Reconsideration is a "pleading" in a contested case. The Department's Rules of Procedure describe how pleadings should be formatted and served:

301. FORM OF PLEADINGS (RULE 301).

01. Pleadings. All pleadings, except those on agency forms, submitted by a party and intended to be part of an agency record should:

- a. Be submitted on white eight and one-half inch (8 1/2") by eleven inch (11") paper copied on one (1) side only;
- b. State the case caption, case number, if applicable, and title of the document;
- c. Include on the upper left corner of the first page the name(s), mailing and street address(es), and telephone and FAX number(s) of the person(s) filing the document or the person(s) to whom questions about the document can be directed; and
- d. Have at least one inch (1") left and top margins.

02. Form. Documents complying with this rule will be in the following form:

Name of Representative
Mailing Address of Representative
Street Address of Representative (if different)
Telephone Number of Representative
FAX Number of Representative (if there is one)
Attorney/Representative for (Name of Party)

BEFORE THE AGENCY
(Title of Proceeding)) CASE NO.
)
) (TITLE OF DOCUMENT)

302. SERVICE ON PARTIES AND OTHER PERSONS (RULE 302).

All documents intended to be part of the agency record for decision must be served upon the representatives of each party of record concurrently with filing the original with the officer designated by the agency to receive filings in the case.

303. PROOF OF SERVICE (RULE 303).

Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate

304. DEFECTIVE, INSUFFICIENT OR LATE PLEADINGS (RULE 304).

Defective, insufficient or late pleadings may be returned or dismissed.

In its current form, your letter is insufficient. Please revise the document as needed to meet the requirements of Rules 301-303. Most importantly, I don't know whether Mr. Harris or Mr. Fonnesebeck were served a copy of your letter. All pleadings must be served upon representatives for all other parties of record. **In this case, email service to the hearing officer and the other parties will be sufficient.** I am notifying you of these issues as soon as possible to allow you time to remedy the problems. By rule, petitions for reconsideration must be filed within 14 days of the service date of the preliminary order. In this case, the Preliminary Order Approving Transfer was issued on April 1, 2019, meaning that petitions for reconsideration are due on or before **April 15, 2019 at 5:00 pm.**

James Cefalo
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IDWR Eastern Region
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