Thomas C. Horne
Attorney General
Firm State Bar No. 14000

Kim S. Anderson/#010584
Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007
Telephone: (602) 364-0402
Fax: (602) 364-0700

Attorneys for the Arizona State Board for Charter Schools

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA

In the Matter of: **NEW DESTINY LEADERSHIP CHARTER SCHOOL**, a nonprofit corporation, in the operation of **NEW DESTINY LEADERSHIP CHARTER SCHOOL,** a charter school.	No. 13F-RV-002-BCS **ARIZONA STATE BOARD FOR CHARTER SCHOOLS' RESPONSE TO REQUEST FOR INFORMAL SETTLEMENT CONFERENCE** (Honorable Brian Tully)

In response to New Destiny Leadership Charter School's ("New Destiny") Request for Informal Settlement Conference ("Request"), the Arizona State Board for Charter Schools ("Board") objects on the basis that New Destiny's Request is untimely.

Arizona Revised Statutes § 41-1092.06(A) requires that a request for an informal settlement conference shall be filed with the agency *no later than twenty days before the hearing*. New Destiny's Request was received by the Board on June 13, 2013 via its receipt of a copy of the Request through the OAH Electronic Motion Submission System. The hearing is

set in this matter for July 2 and 3, 2013. New Destiny's request was filed later than twenty days before the hearing and is, therefore, untimely.

A copy of the Notice of Intent to Revoke Charter and Notice of Hearing in this matter ("Notice") containing information regarding New Destiny's right to request a settlement conference pursuant to A.R.S § 41-1092.06 was first received by New Destiny on March 23, 2013. *See* Notice filed March 18, 2013 and Notice of Service by Certified Mail filed April 18, 2013. New Destiny has had ample opportunity to make a timely request for an informal settlement conference.

New Destiny's untimely request is exacerbated by the unavailability of the Board's representative, its Executive Director, who is on vacation from June 16, 2013 through June 30, 2013.

The Board's Executive Director is, however, willing and available on July 1, 2013 at 9:00 a.m. at the Board's office to meet with counsel and representatives of New Destiny to discuss settlement.

Signed this 18th day of June, 2013.

THOMAS C. HORNE
Attorney General

/s/ Kim S. Anderson
Kim S. Anderson
Assistant Attorney General

COPY of the foregoing Response filed
electronically this 18th day of June, 2013 with:

Office of Administrative Hearings
1400 West Washington Street, Suite 101
Phoenix, Arizona 85007
http://www.azoah.com

COPY of the foregoing Response mailed electronically this 18th day of June, 2013 to:

Leonidas G. Condos
THE CONDOS LAW OFFICE, P.L.C.
Attorney for New Destiny Leadership Charter School
leocondoshome@yahoo.com

DeAnna Rowe
Executive Director
Deanna.Rowe@asbcs.az.gov

By ksa
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