

Agenda Item No:	1
Title of Presentation:	Request for Reconsideration or Rehearing on Final Order - John Ford
Date of Presentation:	October 15, 2008
Contact Information:	Peter Daugherty, Deputy Chief Private Forest Program 503-945-7482

SUMMARY

The purpose of this agenda item is to consider John Ford's request for reconsideration or rehearing in the matter of the final order for the contested civil penalty involving a forest practices violation by John and Marian Ford, and to make a decision on the request.

BACKGROUND

At the June 4, 2008, Board of Forestry meeting, the Board adopted a final order in the matter of John and Marian Ford's appeal of their civil penalty for failure to replant after harvest (Attachment 1). The final order was served June 19, 2008.

OAR 629-001-0050 requires the Fords to file a petition for reconsideration or rehearing if they wished to request judicial review of the final order. On August 18, 2008, Mr. Ford filed a petition for reconsideration or rehearing (Attachment 2).

ANALYSIS

Pursuant to OAR 137-003-0675, the Board has 60 days in which to issue an order granting or denying Mr. Ford's petition for rehearing, or to rehear the case or reconsider the final order. It may do so at any time within the 60-day period (until October 17, 2008), or let the time lapse, which is considered a denial.

Private Forests staff reviewed the rules and Mr. Ford's petition. The issues he raises regarding a fair hearing have been raised in the past and addressed in both past proceedings and the June 19, 2008, final order. The Board was provided with the hearing record prior to the June 4, 2008, meeting and appropriately adopted the administrative law judge's proposed order as its final order. There is no basis for granting the petition to reconsider the order or rehear the case.

ALTERNATIVES

Upon review of Mr. Ford's petition and related information, the Board can:

1. Issue an order granting Mr. Ford's petition for rehearing or reconsideration of the final order; or
2. Let the 60 day period (until October 17, 2008) lapse, which is considered a denial; or
3. Adopt the draft order in Attachment 3 as the Board's Order for Denial of Petition for Reconsideration or Rehearing.

RECOMMENDATION

Adopt the draft order in Attachment 3 as the Board's Order for Denial of Petition for Reconsideration or Rehearing.

ATTACHMENTS

- (1) June 18, 2008 Final Order
- (2) John Ford's Request for Reconsideration or Rehearing
- (3) Draft Order for Denial of Petition for Reconsideration or Rehearing