IMPARTIAL DUE PROCESS HEARING

BEFORE THE HEARING OFFICER APPOINTED BY THE STATE SUPERINTENDENT OF PUBLIC SCHOOLS

STATE OF NEVADA

In the Matter of)
STUDENT ¹ , by and through Parent,) DECISION OF THE HEARING) OFFICER
Petitioner,) Date: 3/14/2025
v. SCHOOL DISTRICT,)) Hearing Officer: David A. Stephens)
Respondent.)

INTRODUCTION

This matter comes before the undersigned hearing officer on Petitioner's Notice of Due Process Complaint filed on October 29, 2024, (hereinafter "Complaint"), HO 1.² I was appointed as the hearing officer on November 4, 2024. HO 2. Respondent's Response to the Complaint was filed on or about November 12, 2024. HO 3. A resolution meeting was held. The parties, however, were not able to reach an agreement.

The Petitioner was in proper person. The School District was represented an attorney.

¹ Personally identifiable information is attached as Appendix A to this decision and must be removed prior to public distribution.

² The Hearing Officer Exhibits will be referred to as HO followed by an exhibit number; Petitioner's Exhibits will be referred to as P followed by an exhibit number and Respondent's Exhibits will be referred to as R followed by an exhibit number. When citing any exhibit the second number will refer to the Bates page number within the referenced exhibit.

PRELIMINARY MATTERS

This case arises out of a due process complaint filed by the Student on October 29, 2024. HO 1. The Hearing Officer was appointed on November 4, 2024. HO 2.

At the Status Conference the parties indicated that the hearing would take two days. On December 17, 2024, the School District moved to extend the decision deadline. The Petitioner did not oppose that motion. Based upon the Respondent's motion and a finding of good cause, the hearing officer entered an order on December 17, 2024, extending the decision deadline to March 14, 2025. HO 4.

A Pre-hearing Conference in the matter was scheduled for, and held, on February 4, 2025. At the February 4, 2025, Pre-hearing Conference the issues were outlined and decided by the parties in addition to other matters set forth in the Pre-hearing Report and Order. The Pre-hearing Conference Report and Order was issued by the Hearing Officer on February 4, 2025. HO 5.

The hearing was held on March 5 and March 6, 2025. The Hearing was held by video conference. It was a closed hearing.

The following individuals testified during the hearing; Speech Language Pathologist of School, ("Speech Specialist"), Principal of School ("Principal"), General Education Teacher, ("GE Teacher"), Special Education Teacher, ("Special Education Teacher"), and Student's Parent, ("Parent").³

Hearing Officer exhibits HO-1 through HO-5 were admitted into evidence. Petitioner offered into evidence exhibits P-1 through P-17 into evidence and exhibits P-1, P-3, P-4, P-7, p-

³ See Appendix B for the identifying information regarding these witnesses.

8, P-9, P-11, P-12, P-13, (the last two pages), P-14, P-15, (the last page), P-16, and P-17 were admitted. Respondent's Exhibits R-1, R-2, R-3, R-4, R-7, R-8, R-9, R-10, R-12, R-13, R-16, and R-17 were admitted into evidence.⁴

The decision is due on March 14, 2025, and has been issued within the required timeline pursuant to 34 C.F.R. §§ 300.515(a)(1) and (2) and within a properly extended timeline pursuant to 34 C.F.R. § 300.515(c)(1).

JURISDICTION

The due process hearing was held, and a decision in this matter is being rendered, pursuant to the Individuals with Disabilities Education Act (hereinafter, "IDEA"), 20 U.S.C. §1400 et seq.,⁵ and its implementing regulations, 34 C.F.R. §300 et seq., the Nevada Revised Statutes (NRS), chapter 388 and the Nevada Administrative Code (NAC) chapter 388.

The basis for jurisdiction of this matter is 20 USC §1415, 34 CFR §§ 300.508, 509, 510, and 511, NRS 385.080 and 388.520, and NAC 388.310.

ISSUES

The issues to be determined are as follows:

⁴ A more detailed list of Exhibits is attached as Appendix C to this Decision.

⁵ In 2004, Congress reauthorized the Individuals with Disabilities Education Act as the Individuals with Disabilities Education Improvement Act. See Pub. L. No. 108-446, 118 Stat. 2647 (Dec. 3, 2004), effective July 1, 2005. The amendments provide that the short title of the reauthorized and amended provisions remains the Individuals with Disabilities Education Act. See Pub. L. Chapter 388, and the Nevada Administrative Code (NAC), Chapter 388.

- A. Whether the IEP dated October 22, 2024, or any subsequent revisions of that IEP, placed the Student in the least restrictive environment for the Student under the IDEA, and if not, did this failure deny the Student FAPE?
- B. Whether the October 22, 2024, IEP, or any subsequent revisions of that IEP, were reasonably calculated to enable the Student to make progress appropriate to the Student's circumstances and to meet the Student's unique needs with respect to communicating, and learning under the IDEA, and if not, was the Student denied FAPE?
- C. Whether in formulating the October 22, 2024, IEP, or any subsequent revisions of that IEP, the School District denied the opportunity for meaningful parental participation by predetermining the placement of the Student, predetermining the IEP, and ignoring parental concerns as to the Students needs and progress, and if so, did these actions significantly imnoped the Parent's opportunity to participate in the decision -making process regarding the provision of a FAPE to the Parent's child denying the student a FAPE?
- D. Whether following the October 22, 2024, IEP, or any subsequent revisions of that IEP, the School District violated the stay put provisions of the IDEA and regulations, and Nevada Revised Statutes and regulations, if so, did these actions deny the Student FAPE?

FINDINGS OF FACT

- 1. Glossary of terms:
- a. IDEA means the Individuals With Disabilities Education Act, codified as 20 USC⁶ §§1400, et seq.;
 - b. IEP means an Individualized Education Program under the IDEA;

⁶ USC refers to the United States Code.

- c. IEP Team means the team of persons who meet to formulate or amend an IEP and is composed of at least the following persons; a representative of the local education agency, in this case the School District, ("LEA"), parents or guardians of the student, the student's special education teacher, and the student's general education teacher. See, 34 CFR 300.28 and 300.321;
- d. MDT means multidisciplinary team which is composed of the IEP team and other qualified professionals which assesses students for disabilities and eligibility for special education; See 34 CFR 300.305, NAC 388.330 and NAC 388.336
- e. A Free Appropriate Public Education, ("FAPE"), means the special education and related services provided to every child with a disability through an IEP, that is reasonably calculated to enable a child to make progress appropriate to that child's unique circumstances, at no cost to the child's family. (See 34 CFR §§300.17 and 300.101).
 - f. "Autism spectrum disorder" ("Autism"), means a condition which:
 - (a) Significantly affects the verbal and nonverbal communication and social skills of a person and is often characterized by repetitive activities and stereotyped movements, resistance to changes in environment or daily routine and responding to sensory experiences in an unusual manner;
 - (b) Is usually apparent before the age of 3 years; and
 - (c) Adversely affects the educational performance of a pupil causing significant delays or irregular patterns in learning, or both.

(See, NAC 388.028).

- 2. The MDT found Student was eligible for special education when he was about three years old, based evaluations that led to findings of disabilities related to autism. (Testimony of Parent, R-8, p.3, see, also NAC 388.387)
- 3. After the evaluation, the Student started school at a general education elementary school and attended an autism special education class. (R-2).
- 4. The Student has continued to attend this same elementary school since being evaluated and found eligible for special education services. (R-2).
 - 5. The Student is currently six years old and is in the first grade.
- 6. A Behavior Intervention Plan, ("BIP"), was prepared for the Student on May 3, 2024 to help improve the Student's behaviors. (R-12).
- 7. While the Student was in kindergarten, an IEP revision meeting was held at the request of the Student's parents, who were seeking more general education time for the Student for first grade. (Testimony of Special Education Teacher).
- 8. The requested revision IEP Meeting was held on May 20, 2024. (R-8). The Parent attended. (Testimony of Parent.
- 9. The May 20, 2024 IEP, (R-8), notes that from the results of the Measure of Academic Progress test, ("MAP") the Student was academically behind most of the Student's peers in the areas of reading, writing and arithmetic. (R-8, pp. 5-8). Although the student was entering first grade, most of his academics were at a kindergarten level. (Testimony of GE Teacher).
- 10. The May 20, 2024 IEP also notes the Student is struggling with behavior skills and motor skills. (R-8, pp. 8-11), and that the behaviors impeded the learning of the Student and other students. (R-8, p. 12, Testimony of GE Teacher).

- 11. In the May 20, 2024, revision IEP Meeting the Parent asked for the Student to have more general education time. (R-8, p. 10, and Testimony of Principal)
- 12. The May 20, 2024 IEP increased the Student's time in general education to 65% of the school day with the remaining 35% being in the autism class. (R-8, p. 21).
- 13. The May 20, 2024 IEP was signed by the Student's parent, (R-8. P. 23), and was implemented at the start of the 2024-2025 school year. (Testimony of Special Education Teacher, R-8, p. 23).
- 14. The May 20, 2024 IEP also provided behavioral supports of verbal redirection when off task, repeating instructions, visual schedules for the Student, a daily behavior chart, a reward token economy, verbal reminders prior to transitions and that the Student's BIP would be followed by staff. (R-8, p. 18).
- 15. At the beginning of the 2024-2025 school year the Student was struggling in general education. The student was hitting others, touching things that were not supposed to be touched, distracted requiring multiple prompts to get back on task, avoiding non-preferred tasks, not joining with the general education class in non-preferred activities and screaming. The Student struggled even with the behavioral supports in place and being followed. (Testimony of Special Education Teacher and GE Teacher, R-17).
- 16. The general education class moves at a faster pace and is more structured where the autism class is less structured and more focused on behavior. (Testimony of Special Education Teacher).
- 17. The general education class had more students and more distractions, which affected the Student's ability to do the school work. Class sizes for general education in this school were 15-20 students in the first grade. (Testimony of GE Teacher). The class size for the autism class

was nine and most of the time there were four students in the class because the students leave special education class to attend general education class. (Testimony of Special Education Teacher).

- 18. The annual IEP Meeting was held on October 22, 2024. (R-9, p. 6).
- 19. The October 22, 2024 annual IEP meeting was attended by the Student's parent. (R-9, p. 6).
- 20. The Student's annual IEP dated October 22, 2024, noted the Student suffered from multiple impairments, and provided measurable goals for the Student. It noted that the Student's behavior interferes with the Student's education and that of others. It provided special education services of reading, writing, math, communication and behavioral skills. (See R-9)
- 21. The end result of the October 22, 2024 IEP Meeting was the student's time in general education was reduced to 33% with the balance of the Student's time being in the autism class. (R-9, p. 31).
- 22. This reduction in time in the general education class was done because the Student had deficits in reading, written communication, math, and social and behavioral skills. The Student needed significant support to develop these skills and would benefit from a smaller class setting and more individualized instruction. (R-9, p. 32, and Testimony of Special Education Teacher).
- 23. The Parent signed the annual IEP dated October 22, 2024. It was then implemented. (R-9, p. 33).
- 24. The Parent who had not attended the October 22, 2024 IEP Meeting was concerned with the reduction in general education time and asked to meet to revise the IEP dated October 22, 2024. (Testimony of Parent and Principal).

- 25. Based on the Parent's request, a revision IEP meeting was held on October 29, 2024. (Testimony of Principal, R-10, p. 1).
- 26. The Parent attended the October 29, 2024 IEP meeting. (Testimony of Parent and Special Education Teacher, R-10, p. 2).
- 27. The Parent maintained that the Student should be in general education class 100% of the day. (R-10, p. 18).
- 28. The Student's parents were, and are, very concerned that the Student not be labeled or come to feel that the Student cannot be educated with other general education students.

 (Testimony of Parent and comments to IEPs, R-10, pp. 13, 17-19).
- 29. Parent believes the Student is not as far behind the Student's general education peers as the school believes. (Testimony of Parent and comments to IEP, R-10, pp. 13, 17-19).
- 30. The GE Teacher was concerned that the Student did not really interact with the general education students when the Student is in the general education class, and the Student was falling behind. (Testimony of GE Teacher).
- 31. The evidence was clear that the Student's presence in the general education classroom was not helping the Student and negatively affected the other students. The GE teacher had to spend extra time with the Student to keep the Student on task. The Student also disrupted the general education classroom and sometimes refused to participate. (Testimony of GE Teacher, R-10. Pp. 4-13, 14-17).
- 32. After a full discussion at the October 29, 2024 IEP Meeting, the IEP Team decided to place the Student in a general education class 33% of the time, with the remainder of the Student's time in the autism class. (Testimony of Special Education Teacher, R-10, p. 28).

- 33. The Student's revision IEP dated October 29, 2024, noted the Student suffered from multiple impairments, and provided measurable goals for the Student. It noted that the Student's behavior interferes with the Student's education and that of others. It provided special education services of reading, writing, math, communication and behavioral skills. (See R-10)
- 34. The Parent did not sign the revised IEP dated October 29, 2024 and commenced this due process petition.
 - 35. The Parent filed for due process on October 29, 2024. (HO-1).
- 36. The School District provided services to the Student under the October 22, 2024 IEP until the Student was withdrawn from school by the Parent in November 2024. (Special Education Teacher).
- 37. The Student has the ability to eventually be in general education full time, but the Student is not ready for that at this point in time. (Special Education Teacher.)

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the arguments of counsel and the Hearing Officer's research, the Conclusions of Law of this Hearing Officer are as follows:

- 1. The Hearing Office has jurisdiction over the parties and the subject matter of this Due Process Hearing. The basis for jurisdiction of this matter is 20 USC §1415, 34 CFR §§ 300.508, 509, 510, and 511, NRS 388.310, and NAC 388.310.
- 2. The IDEA requires that states receiving federal education funding provide "free appropriate public education (FAPE) . . . to all children with disabilities residing in the state between the ages of three and twenty-one." 20 USC §1414(a)(1). It also establishes a procedure for creating an IEP which is a written statement of present levels of academic achievement and functional performance and goals in those areas. See 20 USC §1414(d)(1). The IEP must also

include a "statement of special education services and accommodations being provided to the child." 20 USC §1414(d)(1)(A). It also requires measurable goals and periodic progress reports. See, 34 CFR 300.320(a)(2)(i).

- 3. A parent with a child with a disability who alleges a violation of the IDEA may present a due process complaint setting forth the allegations that form the complaint. See 20 USC §1415(b)(6).
- 4. A child with disabilities must be educated in the least restrictive environment, ("LRE"). Under that requirement, States and their local educational agencies must ensure that:

To the maximum extent appropriate, children with disabilities, . . . are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. §1412(a)(5)(A).

Congress imposed the least restrictive environment requirement because it found that children with disabilities were often "excluded entirely from the public school system and from being educated with their peers," even though decades of research and experience have shown that "the education of children with disabilities can be made more effective by . . . ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible." §1400(c)(2)(B), (5)(A).

D. R. v. Redondo Beach Unified School District, 56 F.4th 636, 641 (9th Cir. 2022).

5. To make an LRE determination, *D. R. v. Redondo Beach Unified School District*, 56 F.4th 636, 643 (9th Cir. 2022), states:

We have established a four-factor test to determine whether a school district has complied with the least restrictive environment requirement. See Sacramento City Unified School District v. Rachel H., 14 F.3d 1398, 1404 (9th Cir. 1994). The first and most important factor compares the academic benefits a child receives from placement in the regular classroom with the academic benefits available in a special education classroom. See id. at 1400-01; Poolaw, 67 F.3d at 836. The second factor considers the non-academic benefits a disabled child derives from being educated in a regular classroom, Rachel H., 14 F.3d at 1404, such as "the development of social and communication skills from interaction with nondisabled peers," Oberti v. Board of Education, 995 F.2d 1204, 1216 (3d Cir. 1993); see also Ms. S. v. Vashon Island School District, 337 F.3d 1115, 1137 (9th Cir. 2003), superseded by statute on other grounds, 20 U.S.C. §1414(d)(1)(B). The third factor weighs the potential negative effects a disabled child's presence may have on the education of other children in the classroom. Rachel H., 14 F.3d at 1404. The fourth factor considers the costs to the school district of providing the supplementary aids and services necessary to educate a disabled child in the regular classroom. Id.

- D. R. v. Redondo Beach Unified School District, 56 F.4th 636, 643 (9th Cir. 2022).
- 6. As to the first factor, the evidence shows that the Student was really struggling with the pace of learning and distractions in the general education environment where he was spending 65% of the school day. The Student was also significantly behind the other students in the general education classroom. (Testimony of GE Teacher and Special Education Teacher, R-10, pp. 4-13.

- 14-17). Under the October 22, 2024 IEP (R-9), and the October 9, 24 IEP, (R-10), the Student would still spend 33% of the school day in general education. Thus, the Student was not totally removed from general education, but the time was reduced so the Student could get more individualized teaching time and have fewer distractions in the special education classroom.
- 7. As to the second factor, the Student's parents were, and are, very concerned that the Student not be labeled or come to feel the Student cannot be educated with other general education students. Parent believes the Student is not as far behind the Student's general education peers as the school believes. (Testimony of Parent and comments to IEPs, R-10, pp. 13, 17-19). The GE Teacher as concerned that the Student does not really interact with the general education students.
- 8. As to the third factor, the evidence was clear that the Student's presence in the general education classroom affected the other students. The general education teacher had to spend extra time with the Student to keep the Student on task. The Student also disrupted the general education classroom and sometimes refused to participate. (Testimony of GE Teacher, and R-10, pp. 4-13, 14-17). Even with the behavioral supports the Student was disruptive and not progressing in the general education class. (Testimony of GE Teacher, and R-17).
- 9. As to the fourth factor neither party presented any evidence relative to this factor, so it cannot be part of the determination of the appropriate LRE for the Student.
- 10. Weighing the three factors for which evidence was presented leads to a conclusion that the Student needs to be in general education, but not 65% of the time and that 33% general education is the LRE for the Student pending future IEPs as the Student's placement must be determined annually. 34 C.F.R. 300.116(b)(1).
- 11. A FAPE "consists of educational instruction specially designed to meet the needs of the handicapped child, supported by such services as are necessary to permit the child 'to benefit'

from the instruction." *Board of Education v. Rowley*, 458 S.Ct. 176, 188-189, 102 S.Ct. 3034, 73 L.Ed.2d 690 (1982). An IEP must provide the Student the services "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." *Endrew F. vs. School District*, 137 S.Ct. 988 (2017).

- 12. The instruction offered must be "specially designed" to meet a child's "unique needs" through an "individualized education program," (IEP). 20 USC §§ 1401(29), (14). The IDEA guarantees individually-tailored educational services for children with special educational needs. See 20 USC §§ 1400(d)(1)(A), 1401(29).
- 13. The IDEA provides for a FAPE that must conform to a student's IEP, which is a program detailing the student's abilities, educational goals, and specific services that are designed to achieve those goals within a designated time frame. See 20 USC §§ 1412(a)(4), 1436(d).
 - 14. Amanda J. v. Clark County School District, 267 F.3d 877, 894 (9th Cir. 2001), states: "A FAPE, as required by the IDEA, must be tailored to the unique needs of each individual child. Each child has different needs, different skills, and a different time frame for effective treatment. . . . These programs often must address a wide range of skills, ranging from academic to social to functional living skills, depending on the severity of the particular child's condition."
- 15. Here, the IEPs dated May 20, 2024, October 22, 2024, and October 29, 2024, were reasonably calculated to enable the Student to make progress appropriate to the Student's circumstances and to meet the Student's unique needs with respect to behavior and learning under the IDEA. They provided measurable goals for the Student's educational and behavioral needs.

- 16. Here, the Parent alleged a procedural violation of the IDEA, that the IEP team significantly impeded the parent's opportunity to participate in the decisionmaking process regarding the provision of FAPE to the Student.
- 17. *R.F.* v. Cecil Cnty. Pub. Sch., 919 F.3d 237 (4th Cir. 2019), stated regarding whether a procedural violation results in the denial of FAPE:

However, "[i]n matters alleging a procedural violation", an ALJ "may find that a child did not receive a [FAPE]" if the ALJ determines that a procedural right was violated and that the violation "significantly impeded the parents' opportunity to participate in the decisionmaking process regarding the provision of a [FAPE] to the parents' child." Id. § 1415(f)(3)(E)(ii)(II).

Under § 1415(f)(3)(E)(ii)(II), an ALJ must answer each of the following in the affirmative to find that a procedural violation of the parental rights provisions of the IDEA constitutes a violation of the IDEA: (1) whether the plaintiffs "alleg[ed] a procedural violation," (2) whether that violation "significantly impeded the parents' opportunity to participate in the decisionmaking process regarding the provision of a [FAPE] to the parents' child," and (3) whether the child "did not receive a [FAPE]" as a result. Id. § 1415(f)(3)(E). Unless an ALJ determines that a given procedural violation denied the child a FAPE, she may only order compliance with the IDEA's procedural requirements and cannot grant other forms of relief, such as private placement or compensatory education. See *Fry v. Napoleon Cnty. Schs.*, — U.S. —, 137 S.Ct. 743, 754 n.6, 197 L.Ed.2d 46 (2017) ("Without finding the denial of a FAPE, a hearing officer may do nothing more than order a school district to comply with the [IDEA's] various procedural requirements.").

- R.F. v. Cecil Cnty. Pub. Sch., 919 F.3d 237, 248 (4th Cir. 2019), see also 34 CFR §300.513(2).
- 18. There is no evidence to support the claim that the school significantly impeded the Parent's opportunity to participate in the decision making process and formulating IEPs for the Student. The parent participated in each IEP Meeting. In the May 20, 2024, revision IEP Meeting the parent wanted more general education time for the Student and the general education time was increased to 65% of the Student's time in school would be in general education. (R-8, p. 10).
- 19. The annual IEP Meeting of October 22, 2024 reduced the Student's general education class time to 33%. This reduction was done because the Student had deficits in reading, written communication, math, and social and behavioral skills. The Student needed significant support to develop these skills and would benefit from a smaller class setting. (R-9, p. 32, and Testimony of Special Education Teacher).
- 20. Even though the Parent had signed the October 22, 2024 IEP, when the Parent objected to the reduction in general education class time and requested a revision IEP, the IEP team promptly held another IEP Meeting on October 29, 2024. While the general education class time did not increase, the Parent's concerns were not ignored.

21. 34 CFR 30.518(a) provides:

Except as provided in § 300.533, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under § 300.507, unless the State or local agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement.

22. With respect to "stay-put" *L.M. v. Capistrano Unified School District*, 538 F.3d 1261, 1270 (9th Cir. 2008), provides:

The IDEA does not define the phrase, "current educational placement." However, courts have generally interpreted the phrase to include: (1) "typically the placement described in the child's most recently implemented IEP," Johnson v. Special Educ. Hearing Office, 287 F.3d 1176, 1180 (9th Cir. 2002); (2) "the operative placement actually functioning at the time . . . when the stay put provision of the IDEA was invoked," Drinker v. Colonial Sch. Dist., 78 F.3d 859, 867 (3d Cir.1996); and (3) "[the placement at the time of] the previously implemented IEP," Thomas v. Cincinnati Bd. of Educ., 918 F.2d 618, 625 (6th Cir.1990). Mackey v. Bd. of Educ., 386 F.3d 158, 163 (2d Cir.2004) (alterations in original).

- 23. Here the most recently implemented IEP was dated October 22, 2024. That is the IEP that the School followed during the pendency of this Due Process matter while the Student was in school.
 - 24. For these reasons there is no violation of "Stay-Put" in this matter.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, it is hereby ordered: IT IS HEREBY ORDERED, as follows:

- 1. The School shall provide services to the Student based on the October 29, 2024 IEP until that IEP is revised by the IEP Team..
 - 2. This Due Process Matter shall be dismissed

NOTICE OF RIGHT TO APPEAL

Any party aggrieved by this Decision has the right to appeal within thirty (30) days of the receipt of this decision pursuant to NAC §388.315. A party to the hearing may file a cross-appeal within ten (10) days after receiving notice of the initial appeal. If there is an appeal, a

state review officer appointed by the Superintendent from a list of officers maintained by the Department shall conduct an impartial review of the hearing pursuant to NAC 388.315. Since this decision is being delivered in both electronic and hard copy, receipt of a copy of this Decision and Order will be determined by either the date of actual delivery or the date of the first attempt to deliver by the U.S. Postal Service.

Dated this 4 day of March, 2025.

David A. Mephens PO Box 33130

Las Vegas, Nevada 89133 Telephone: 702-656-2355 Facsimile: 702-656-2776

Email: dstephens@davidstephenslaw.com

Hearing Officer