

1.2 On November 25, 1996, the Respondent filed a Petition for Reconsideration, challenging some of the Findings of Fact and Conclusions of Law made by the Brief Adjudicative Proceeding (BAP) Presiding Officer and by the Reviewing Presiding Officer, and seeking modification of the Final Order.

1.3 On December 9, 1996, the Office of Professional Standards directed the Division to file a response to the Respondent's Motion for Reconsideration by December 20, 1996.

1.4 On December 20, 1996, the Division filed its Response to Respondent's Petition for Reconsideration.

II. CONTENTIONS OF THE PARTIES

2.1 The Respondent seeks reconsideration of the Findings of Fact, Conclusions of Law and Final Order. He challenges the evidentiary bases of some of the Findings of Fact, and the legal bases of some of the Conclusions of Law.

2.2 The Division responds that there is sufficient evidentiary and legal bases for the Findings of Fact and Conclusions of Law, and urges that the Final Order be adhered to.

III. CONCLUSIONS OF LAW

3.1 The Respondent's Motion for Reconsideration was timely filed. RCW 34.05.461(3), RCW 34.05.470 and WAC 246-10-704.

3.2 The Presiding Officer concludes that the Respondent has not demonstrated errors of law or fact such that the Findings of Fact or Conclusions of Law contained in the Final Order should be modified. The matters raised by the Respondent in the Petition for Reconsideration are either outside the record of this

proceeding, are contradicted by the record of this proceeding, or are irrelevant to the threshold question of whether the Respondent has satisfied WAC 246-290-190(1).

IV. DECISION AND ORDER

Based on the above Findings of Fact, Contentions of the Parties and Conclusions of Law, the Presiding Officer hereby issues the following ORDERS:

4.1 The Respondent's Petition for Reconsideration is DENIED.

4.2 Proceedings for judicial review may be instituted by filing a petition in the Superior Court in accord with the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after service of this Order, as provided in RCW 34.05.470(3) and RCW 34.05.542.

DATED THIS _____ DAY OF JANUARY, 1997.

ERIC B. SCHMIDT, Senior Health Law Judge
Presiding Officer

DECLARATION OF SERVICE BY MAIL

I declare that today I served a copy of this document upon the following parties of record: **JIM SACKETT, LILIA LOPEZ** by mailing a copy properly addressed with postage prepaid.

DATED AT OLYMPIA, WASHINGTON THIS ____ DAY OF JANUARY, 1997.

Office of Professional Standards

cc: **DAVE CLARK**