BEFORE THE IOWA PLUMBING AND MECHANICAL SYSTEMS BOARD

IN THE MATTER OF:	)	DIA No. 12PMB003
	)	Docket No. PM2012005
DAVID BEENKEN,	)	
	)	**ORDER DENYING**
Respondent.	)	**REQUEST FOR**
	)	**CONTINUANCE**

Hearing in this matter is currently scheduled to take place on December 5, 2012 at 9:00 AM. On November 28, 2012, Respondent David Beenken faxed a letter to the Board requesting that documents be sent to attorney George Appleby. Beenken wrote, "Also I will have to reschedule [f]rom Dec. 5, 2012 to another date as for I will have a[n] attorney present." No further information is provided regarding the reason for the request to reschedule the hearing. To date, George Appleby has not filed an appearance on behalf of Respondent in this matter.

The hearing in this case was originally scheduled to take place on July 25, 2012. It was continued at the Respondent's request, as he asserted he had not received the investigative file. The hearing was rescheduled for September 19, 2012. The Board cancelled its meeting in September, so the hearing was then reset for December 5, 2012. The Respondent has had ample opportunity to retain an attorney in this matter. The fact that he has waited until the eleventh hour to do so does not justify the request for continuance. Additionally, it is not even clear from the Appellant's request that he has retained Mr. Appleby. The Respondent does not state that Mr. Appleby is representing him; rather, he simply asks that documents be sent to Mr. Appleby. Additionally, there is no information presented regarding why the continuance is necessary. Respondent does not assert that Mr. Appleby has any conflict with the hearing date or that he needs additional time to prepare the case. Under these circumstances, a continuance is not warranted.

ORDER

Respondent David Beenken's motion to continue the hearing is denied. The hearing will take place as originally scheduled on December 5, 2012 at 9:00 AM. Failure to appear at the hearing may result in entry of a default judgment. If the Respondent has retained an attorney and that attorney wishes to make a motion for continuance, articulating with specificity the reason the continuance is necessary, such a motion will be considered.

Dated this 30th day of November, 2012.

Laura E. Lockard
Administrative Law Judge

cc: David Beenken, Respondent (BY FIRST CLASS MAIL)
September Lau, AAG (BY ELECTRONIC MAIL)
Cindy Houlson, Dept of Public Health (BY ELECTRONIC MAIL)