CARTER MOMSEN PC 1 BRIAN S. MOMSEN, ESQ. SBN 154235 ALEXANDER C. RICH, ESQ. SBN 294745 2 305 North Main Street 3 P.O. Box 1709 Ukiah, California 95482 Telephone: (707) 462-6694 4 Facsimile: (707) 462-7839 5 6 Attorneys for Nancy K. Donovan and Stephen J. Peters 7 8 BEFORE THE STATE WATER BOARD RESOURCES CONTROL BOARD 9 10 In the matter of Administrative Civil 11 Liability Complaint and PETITION FOR RECONSIDERATION AND Draft Order Issued Against) STAY OF ADMINISTRATIVE CIVIL 12 Nancy K. Donovan and LIABILITY AND CEASE AND DESIST Stephen J. Peters ORDER [WATER CODE \$1182] 13 14 Pursuant to the terms of California Water Code \$1182 Nancy 15 K. Donovan and Stephen J. Peters hereby petition the State Water 16 Resources Control Board for reconsideration of its November 9, 17 2016 Administrative Civil Liability and Cease and Desist Order in 18 19 the above-referenced matter. As stated in the declaration of Nancy K. Donovan provided 20 herewith, Ms. Donovan was prevented from attending hearing on 21 October 12, 2016 before the Water Board because her husband, Mr. 22

Peters, intentionally prevented her from doing so. Ms. Donovan filed a Notice of Intent to Appear ("NOI") previously on August 23, 2016 which indicated that she planned to call herself as a witness and provide up to 30 minutes of testimony regarding facts specific to the Administrative Civil Liability Complaint and Draft Cease and Desist Order. This NOI did not indicate that she would call Mr. Peters as a witness.

Mr. Peters, not being an attorney or otherwise experienced with administrative procedures, did not realize that he could not speak at the October 2016 hearing.

Ms. Donovan also is actively treating for cancer and has undergone chemotherapy and currently takes medications daily. Under all these circumstances, including those set forth in the accompanying declaration of Ms. Donovan all of which are incorporated herein, Ms. Donovan and Mr. Peters respectfully request a new hearing, reconsideration of the previously issued Order, and a stay of that Order pending ruling on this Petition and pending any new hearing date and new decision of the Water Board.

Dated: December 6, 2016

Brian S. Momsen, Esq. By/: Attorney for Nancy K. Donovan And Stephen J. Peters

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1	PROOF OF SERVICE BY E-MAIL AND U.S. MAIL
2	I am employed in the County of Mendocino, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 305 N. Main Street, Ukiah, California.
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4	On December 7, 2016, I served the document entitled PETITION FOR RECONSIDERATION on the interested parties by electronic mail at the addresses listed below and by placing true and complete copies thereof, in sealed envelopes with first class postage thereon prepaid in full, in the U.S. mail at Ukiah, California, addressed as follows:
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8	Andrew Tauriainen, Esq. Kenneth Petruzzelli, Esq. John Prager, Esq. STATE WATER RESOURCES CONTROL BOARD 1001 I Street, 16 th Floor Sacramento, CA 95814 <u>kenneth.petruzzelli@waterboards.ca.gov</u> John.Prager@waterboards.ca.gov California Department of Fish and Wildlife, Northern Region Jane Arnold 619 Second Street Eureka, CA 95501 Jane.Arnold@wildlife.ca.gov I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on December F , 2016, at Ukiah, California.
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