

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

Coyote Creek Mining Company, LLC  
Renewal 1 to Permit NACC-1302  
Application

Case No. RC-19-189

Coyote Creek Mining Company, LLC  
Revision 9 to Permit NACC-1302  
Application

Case No. RC-19-190

**ORDER DENYING MOTION TO DISQUALIFY**

The matter before the undersigned administrative law judge (ALJ) is an informal conference for which there is limited written procedure. The reason for an informal conference appears to be for the purpose of hearing concerns regarding a permit renewal before making the actual substantive decision. It is an opportunity for the entities involved to talk things over. An informal conference is not held for substantive purposes. In an informal conference it is unclear whether an ALJ has the authority to disqualify an attorney based on violations of the North Dakota Rules of Professional Conduct. As such, this ALJ is not going to exercise the power to disqualify. Even if this ALJ has the authority, Mr. Mann did not act substantively in the previous proceedings, he acted in a procedural manner in a public hearing and in an informal conference.

After considering the Motion to Disqualify Wade Mann and Crowley Fleck, PLLP; the Response to Motion; and the Reply; the Motion to Disqualify Wade Mann and Crowley Fleck, PLLP is **DENIED**.

Dated at Bismarck, North Dakota, this 31<sup>st</sup> day of October 2019.

State of North Dakota  
Public Service Commission

By: 

Timothy J. Dawson  
Administrative Law Judge  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street – Suite 303  
Bismarck, North Dakota 58503  
Telephone: (701) 328-3200

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the **ORDER DENYING MOTION TO DISQUALIFY** was mailed, inside mail, at the State Capitol, on the 3 day of October 2019, to:

John Hamre  
Public Service Commission  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

and that true and correct copies of the above document was mailed, regular mail, on the 3 day of October 2019, to:

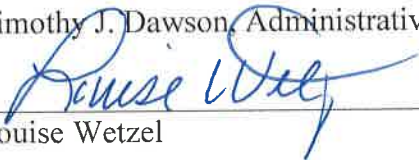
Wade Mann  
Crowley Fleck, PLLP  
PO Box 2798  
Bismarck, ND 58502-2798

JJ England/Derrick Braaten  
Braaten Law Firm  
109 North 4<sup>th</sup> Street – Suite 100  
Bismarck, ND 58501

and that a true correct copy of the above document was mailed, inside mail, at the State Capitol on the 3 day of October 2019, to:

John Schuh  
Public Service Commission  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

OFFICE OF ADMINISTRATIVE HEARINGS  
Timothy J. Dawson, Administrative Law Judge

  
\_\_\_\_\_  
Louise Wetzel