



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

January 25, 2012

VIA REGULAR MAIL & EMAIL

Michael Jablonski
260 Brighton Road, NE
Atlanta, Georgia 30309
michael.jablonski@comcast.com

RE: Georgia Presidential Preference Primary Hearings

Dear Mr. Jablonski:

I received your letter expressing your concerns with the manner in which the Office of State Administrative Hearings ("OSAH") has handled the candidate challenges involving your client and advising me that you and your client will "suspend" participation in the administrative proceeding. While I regret that you do not feel that the proceedings are appropriate, my referral of this matter to an administrative law judge at OSAH was in keeping with Georgia law, and specifically O.C.G.A. § 21-2-5.

As you are aware, OSAH Rule 616-1-2-.17 cited in your letter only applies to parties to a hearing. As the referring agency, the Secretary of State's Office is not a party to the candidate challenge hearings scheduled for tomorrow. To the extent a request to withdraw the case referral is procedurally available, I do not believe such a request would be judicious given the hearing is set for tomorrow morning.

In following the procedures set forth in the Georgia Election Code, I expect the administrative law judge to report his findings to me after his full consideration of the evidence and law. Upon receipt of the report, I will fully and fairly review the entire record and initial decision of the administrative law judge. Anything you and your client place in the record in response to the challenge will be beneficial to my review of the initial decision; however, if you and your client choose to suspend your participation in the OSAH proceedings, please understand that you do so at your own peril.

I certainly appreciate you contacting me about your concerns, and thank you for your attention to this matter.

Sincerely,

Brian P. Kemp

cc: Hon. Michael Malihi (c/o Kim Beal - kbeal@osah.ga.gov)
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