DEPARTMENT OF ADMINISTRATIVE SERVICES

PETITION BY: **W. Charles Smithson, Chair** **General Services Customer Council,** **FOR THE WAIVER OF** **RULE 11—10.1.**	)))))	**PETITION for WAIVER**

COMES NOW, on April 9, 2007, W. Charles Smithson (Petitioner), Chair of the General Services Enterprise Customer Council (Council), and files this Petition for Waiver:[1]

1. This petition is filed pursuant to rule 11—9.5 and for the purpose of requesting the Department of Administrative Services (DAS) to grant a waiver of subrule 11—10.1 that defines "quorum" as meaning "the presence of no less than two-thirds of the members eligible to vote."[2]

2. This petition seeks a waiver and for DAS to use as a definition of "quorum" one half plus one of the members eligible to vote (seven members).

3. As this waiver request reflects an announced DAS rulemaking policy set out in **ARC 5791B**, Petitioner will be filing an abbreviated waiver request.

4. The specific scope and duration of the waiver sought is until rule 11—10.1 is amended as set out in **ARC 5791B**.

5. No undue hardships exist, no legal rights are substantially harmed, and no equal protection of public health, safety, and welfare is at issue as DAS has already announced this policy in a rulemaking and has not even been asked to appear before the Administrative Rules Review Committee.

[1] Petitioner first acknowledges that the Council has not directed, authorized, or approved the filing of this Petition. However, since the nature of this waiver is to address an issue of the inability of the Council to achieve a quorum for conducting business, Petitioner reluctantly files this waiver request.

[2] Petitioner notes that rule 11—10.6(2) also is impacted as that subrule discusses a "quorum" for purposes of voting. However, the rule that actually seems to be problematic is 11—10.1 rather than 11—10.6(2).

WHEREFORE, the Petitioner requests that the Department of Administrative Services grants a waiver of rule 11—10.1 definition of "quorum" and for purposes of future GSE Customer Council meetings uses the definition of "quorum" as found in **ARC 5791B**.

Respectfully submitted,

W. Charles Smithson, Chair
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that this Petition for Waiver was sent by email on April 9, 2007, to:

Patricia Lantz
DAS Counsel

W. Charles Smithson