

Docket Number: 1317

ASSESSMENT SYSTEMS, INC.

Aaron Jay Beyer, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE, BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
~~Valma Boozer, Chief Counsel~~
Judith Pachter Schulder, Assistant Counsel
Joyce McKeever, Chief Counsel

November 28, 1988

Notice in the Nature of an Amended Complaint and filing fee filed.
Amount of Claim: \$520,000.00+.

November 30, 1988

Copy of Notice in Nature of an Amended Complaint forwarded to attorney
for Defendant and Chief Deputy Attorney General.

December 1, 1988

Acceptance of Service of Notice in the Nature of an Amended Complaint
received from attorney for Defendant. Receipt of same acknowledged
by attorney for Defendant November 30, 1988.

CLOSED

Acceptance of Service of Notice in the Nature of an Amended Complaint
received from Chief Deputy Attorney General. Receipt of same
acknowledged by Chief Deputy Attorney General November 30, 1988.

December 3, 1988

Preliminary Objection to the Verified Statement of Claim and Motion
for More Specific Pleading and Proposed Order as well as Respondent's
Memorandum of Law in Support filed by attorney for Defendant. Copy
forwarded to attorney for Plaintiff by attorney for Defendant.

January 26, 1989

Stipulation filed by parties.

February 2, 1989

The Board made the following Order: "AND NOW, this 2nd day of
February, 1989, upon consideration of the Stipulation of counsel
filed on January 26, 1989, the said Stipulation is approved and the
time within which Claimant may file its responding Brief to the
Preliminary Objections and Motion for More Specific Pleading is
extended for twenty (20 Days), through and including February 22,
1989." Copy forwarded to attorney for Plaintiff and attorney for
Defendant.

February 7, 1989

Acceptance of Service of Order dated February 2, 1989 received from
attorney for Defendant (Ms. Schulder). Receipt of same acknowledged
by attorney for Defendant February 3, 1989.

February 10, 1989

Acceptance of Service of Order dated February 2, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 6, 1989.

February 22, 1989

Claimant's Memorandum of Law in Opposition to Respondent's Preliminary Objections in the Nature of a Demurrer and Motion for More Specific Pleading filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 15, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of March, 1989, the request of the Defendant in the nature of a demurrer is **DELETED**. The request of the Defendant in the nature of a request for More Specific Pleadings as it refers to Paragraphs 36, 37, and 39 is hereby **GRANTED**. The Plaintiff is directed to file an Amended Complaint in accordance with Pennsylvania Rules of Civil Procedure. The instrument filed by the Plaintiff on March 28, 1989, will carry the caption notice in the Nature of an Amended Complaint." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 24, 1989

Acceptance of Service of Opinion and Order dated March 15, 1989 received from attorney for Defendant (Judith Pachter Schulder, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant March 17, 1989.

March 24, 1989

Acceptance of Service of Opinion and Order dated March 15, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 17, 1989.

April 4, 1989

Stipulation filed by parties.

April 6, 1989

The following Stipulation approved by Judge Pace: "**AND NOW**, this 31st day of March, 1989, it is hereby stipulated and agreed by and among counsel for claimant and counsel for respondent that the time within which claimant may file its first amended complaint is extended for ten (10) days, through and including April 14, 1989."

April 8, 1989

Copy of Stipulation forwarded to attorney for Plaintiff and attorney for Defendant.

April 11, 1989

Acceptance of Service of Stipulation dated April 6, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 11, 1989.

April 20, 1989

First Amended Verified Statement of Claim received from attorney for Plaintiff.

April 24, 1989

Stipulation filed by parties.

April 24, 1989

The following Stipulation approved by Judge Rice: "AND NOW, this 19th day of April, 1989, it is hereby stipulated and agreed by and among counsel for claimant and counsel for respondent that the time within which claimant may file its First Amended Statement of Claim is extended through and including April 24, 1989. A previous extension was granted to April 14, 1989, by which date the Amended Statement of Claim was filed in error with the Commonwealth Court."

April 27, 1989

Copy of First Amended Verified Statement of Claim and Stipulation forwarded to attorney for Plaintiff and attorney for Defendant.

May 2, 1989

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 2, 1989.

May 3, 1989

Acceptance of Service of Amended Claim received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 29, 1989.

May 9, 1989

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 28, 1989.

May 25, 1989

Respondent's First Set of Interrogatories to Claimant and Respondent's First Request for Production of Documents to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 25, 1989

Respondent's Answer, New Matter and Counterclaim to Claimant's First Amended Verified Statement of Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 23, 1989

Stipulation filed by parties.

June 26, 1989

Preliminary Objections to Answer, New Matter and Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 10, 1989

Respondent's Second Set of Interrogatories to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 12, 1989

Claimant's Answers and Objections to Respondent's First Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 18, 1989

Motion to Compel Responses to Request for Production of Documents and For Sanctions and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 26, 1989

Memorandum of Law in Support of Preliminary Objections to Answer, New Matter and Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 14, 1989

Respondent's Memorandum of Law in Opposition to Preliminary Objections to the Answer, New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 24, 1989

Claimant's Answers and Objections to Respondent's Second Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 31, 1989

Claimant's Memorandum of Law in Support of its Motion to compel Answers to Interrogatories and For Sanctions and Motion to Compel Responses to Requests for Production of Documents and For Sanction filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

Respondent's Memorandum of Law in Support of its Motion to compel Answers to Interrogatories and For Sanctions and Motion to Compel Responses to Request for Production of Documents and for Sanction filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 6, 1989

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 6th day of November, 1989, upon consideration of the Preliminary Objections filed on behalf of the Plaintiff, Assessment Systems, Inc. to the Answer, New Matter and Counterclaim, filed on behalf of the Defendant, Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, it is hereby **ORDERED** that the "Preliminary Objections to Answer in the Nature of a Demurrer", as **ORDERED** that the "Preliminary Objections to Answer in the Nature of a Demurrer", as to paragraphs 13, 19, 21, 23, 25, 35, 36, 37 and 39 are **DENIED**. However, the Board will permit the Commonwealth to file Amended Answers as to paragraphs 13, 19, 23 and 39 if the Commonwealth so desires. As to the Preliminary Objection in the Nature of a Motion to Strike New Matter, relating to paragraph 40 of the Commonwealth's New Matter, it is hereby **ORDERED** that the Motion is **GRANTED** as to the reference to paragraphs 35-69 of the Answer to the Original Statement of Claim filed a Docket No. 1076. ASI need not file a response to paragraphs 35-69 of the Answer to the original Statement of Claim in prior action.

The Preliminary Objections to New Matter in the Nature of a Demurrer and the Preliminary Objections to Counterclaim in the Nature of a Demurrer are hereby **DENIED** for the reasons set forth in the foregoing Opinion. Upon consideration of the Motion to Compel Answers to Interrogatories and for Sanctions and Motion to Compel Responses to Request for Production of Documents and for Sanctions, it is hereby **ORDERED** that the Motions are **GRANTED**. The Commonwealth shall have thirty (30) days from the date of this Order in which to respond to the discovery requests filed on behalf of the Plaintiff. The request for sanctions is **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 17, 1989

Acceptance of service of Opinion and Order dated November 6, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff of November 9, 1989.

November 22, 1989

Acceptance of service of Opinion and Order dated November 6, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 10, 1989.

November 22, 1989

Amended Answer to First Amended Verified Statement of Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 27, 1989

Claimant's Reply to New Matter and Reply to Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 8, 1989

Answer to Claimant's New Matter to Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 11, 1989

Claimant's Supplemental Responses to Respondent's First Set of Interrogatories; and Claimant's Supplemental Responses to Respondent's First Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 1, 1990

Claimant's First Request for Production of Documents Addressed to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 1, 1990

Hearing scheduled for July 10, 11, 12 and 13, 1990 and July 17, 19 and 20, 1990, if necessary, in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

March 30, 1990

Respondent's Answer to Claimant's First Interrogatories Addressed to Respondent as well as Respondent's Response to Claimant's First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 1, 1990

Settlement Agreement filed by attorney for Defendant, executed by parties.

July 2, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 2nd day of July, 1990, premised on the record, the pleadings filed, and the need for an in-depth determination, it is hereby **ORDERED** and **DECREED** that the hearing scheduled for July 10, 12 and 13, 1990 is canceled and an exploratory hearing be held before the Board of Claims in Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. on Wednesday, July 11, 1990." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 11, 1990

Acceptance of Service of Opinion and Order dated July 2, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 5, 1990.

July 12, 1990

Exploratory hearing held in Board's Courtroom No. 1, 707 Transportation & Safety Building commencing at 10:00 a.m. Case settled.

July 16, 1990

Acceptance of Service of Opinion and Order dated July 2, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 11, 1990.

July 30, 1990

Testimony of Hearing held July 11, 1990 filed.

August 1, 1990

Copy of testimony of hearing held July 11, 1990 forwarded to attorney for Defendant.

September 17, 1990

CLOSED

The Board rendered an Opinion and made the following Order: "AND NOW, this 17th day of September, 1990, it is **ORDERED** and **DECREED** that Plaintiff, Assessment Systems, Inc., and the Defendant, Commonwealth of Pennsylvania Department of State, Bureau of Professional and Occupational Affairs, do hereby remise, release and acquit and forever discharge each other from all claims and counterclaims averred in the aforesaid actions Docket No. 1076 and 1317. It is further **ORDERED** and **DECREED** that the settlement shall act as release of future claims, if any, arising from the aforesaid actions Docketed Numbers 1076 and 1317 whether such claims are currently known, unknown, foreseen or unforeseen. Counsel for the Plaintiff is **DIRECTED** to file with the Board of Claims, a Praeceptum indicating that all terms of the settlement have been complied with, when same has been completed and requesting that the case be marked and terminated and closed with prejudice. Each party to bear its own costs."

September 18, 1990

Copy of Opinion and Order dated September 17, 1990 forwarded to attorney for Plaintiff and attorney for Defendant.

September 20, 1990

Acceptance of Service of Opinion and Order dated September 17, 1990 received from attorney for Defendant (Joyce McKeever, Chief Counsel).

Receipt of same acknowledged by attorney for Defendant September 20, 1990.

September 28, 1990

Acceptance of Service of Opinion and Order dated September 17, 1990 received from attorney for Defendant (Joyce McKeever, Chief Counsel).

Receipt of same acknowledged by attorney for Defendant September 20, 1990.

October 1, 1990

Acceptance of Service of Opinion and Order dated September 17, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 24, 1990.

October 1, 1990

Acceptance of Service of Opinion and Order dated September 17, 1990 received from attorney for Defendant (Steve Wenberg, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant September 19, 1990.

November 2, 1990

Letter/Praecipe filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 29, 1990

The Board made the following Order: **"AND NOW**, this 29th day of November, 1990, upon receipt of letter advising that payment has been received, executed by Aaron Jay Beyer, Esquire, representing Plaintiff, same of which is docketed with the Board under date of November 26, 1990, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney Plaintiff and attorney for Defendant.

December 4, 1990

Acceptance of Service of Order dated November 29, 1990 received from attorney for Defendant (Judith Pachter/Schulder, Assistant Counsel).

Receipt of same acknowledged by attorney for Defendant November 30, 1990.

December 18, 1990

CLOSED

Acceptance of Service of Order dated November 29, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 4, 1990.

CLOSED