

BEFORE THE MINNESOTA

BOARD OF EXECUTIVES FOR LONG-TERM SERVICES AND SUPPORTS

In the Matter of
Josephine Gurley, LALD
License No. 3196

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Josephine Gurley, LALD (“Licensee”), and the Minnesota Board of Executives for Long-Term Services and Supports (“Board”) Standards of Practice Committee (“Committee”) as follows:

I.

JURISDICTION

1. The Board is authorized pursuant to Minnesota Statutes chapter 144A to license and regulate assisted living directors and to take disciplinary action as appropriate.
2. Licensee holds a license from the Board to practice as an assisted living director in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

REPRESENTATION

3. Licensee is represented by Melissa Heinlein, Esq., Heinlein Law, PLLC, in Minneapolis, Minnesota. The Committee is represented by Alex Mountain, Assistant Attorney General.

III.
FACTS

1. The Board granted Licensee an assisted living director license on September 28, 2021.
2. On Licensee's initial application for LALD licensure, dated May 26, 2021, Licensee failed to disclose that she had a Minnesota nursing license and a 2009 Stipulation and Consent Order from the Minnesota Board of Nursing.
3. On Licensee's renewal application for her LALD licensure, dated October 31 2024, Licensee did not disclose that she was under investigation or that a complaint has been filed against her with the Minnesota Board of Nursing.

IV.
REGULATIONS

4. The Board views Licensee's conduct as inappropriate in such a way as to require Board action under Minnesota Rules 6400.7095, subpart 1.M. (provided misleading omission in a renewal application). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in this Stipulation and Consent Order.

V.
REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee consents that until further order of the Board, the Board may make and enter an order as follows:
6. The Board **REPRIMANDS** Licensee for the conduct described above.

7. Licensee shall pay to the Board a **CIVIL PENALTY** of \$250 within three months of the date this Stipulation and Consent Order is adopted by the Board. Licensee shall mail their payment to the Board of Executives for Long-Term Services and Supports, c/o Stephen Jobe, Executive Director, 335 Randolph Avenue, Suite 210-B, St. Paul, MN 55102.

VI.

CONSEQUENCES FOR NONCOMPLIANCE

8. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the

Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes sections 214.077 or 148.755, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

9. Licensee is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

10. In the event Licensee resides or practices outside the State of Minnesota, Licensee must promptly notify the Board in writing of the location of their residence and all work sites.

11. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Licensee agrees that should the Board reject this Stipulation, and if this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

12. Licensee waives any further hearings on this matter before the Board to which Licensee may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

13. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Office of the Minnesota Attorney General, the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Licensee relative to the action taken or authorized against Licensee's license to practice as a licensed assisted living director under this stipulation.

14. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court. Licensee hereby acknowledges that they have read and understand this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

VIII.

DATA PRACTICES NOTICES

15. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and entities consistent with Board policy.

CONSENT:

LICENSEE

FOR THE STANDARDS OF
PRACTICE COMMITTEE

Josephine Gurley 09/08/2025

JOSEPHINE GURLEY, LALD

Katie Davis

BOARD MEMBER

Dated: _____

Dated: 9-9-2025

ORDER

Upon consideration of the Stipulation and all the files, records, and proceedings herein, the terms of the Stipulation are approved and adopted, and the recommended remedy set forth in the Stipulation is hereby issued as an Order of this Board effective this 22 day of October, 2025.

MINNESOTA BOARD
OF EXECUTIVES FOR LONG-TERM
SERVICES AND SUPPORTS

Stephen Jobe

STEPHEN JOBE
Executive Director