

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE BOARD OF ACCOUNTANCY

In the Matter of  
Matthew J. Nachtman

**PREHEARING ORDER**

A prehearing conference was held by telephone on March 14, 2011. Michele M. Owen, Assistant Attorney General, appeared on behalf of the Board of Accountancy, Complaint Investigation Committee. Matthew J. Nachtman appeared on his own behalf without counsel.

The Complaint Investigation Committee has provided Mr. Nachtman with information concerning its proposed action and the basis upon which it assessed the fee and penalty. Mr. Nachtman believes that the amounts are too high and the parties agreed to confer to determine whether the matter can be settled. However, in the event that the matter cannot be resolved, it was set for hearing.

IT IS HEREBY ORDERED:

1. This matter is scheduled for hearing on **May 23, 2011**, commencing at **9:30 a.m.**, at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota.
2. The parties shall exchange proposed written exhibits and witness lists, and file an index of exhibits and a copy of the witness list with this office by **May 16, 2011**. See Minn. R. 1400.6950. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any written exhibit shall notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived.
3. In the event that Mr. Nachtman intends to offer testimony by affidavit, a copy of that affidavit must be served upon the Complaint Investigation Committee's counsel by **May 9, 2011**. The Complaint Investigation Committee retains the right to object to the affidavit or to cross-examine the affiant by telephone.
4. Hearings are ordinarily digitally recorded. In the event that any party requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **May 16, 2011**. See Minn. R. 1400.7400, subp. 2.

5. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form, and additional information to prepare for hearing, is available at [www.oah.state.mn.us](http://www.oah.state.mn.us).

6. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

Dated this 16th day of March 2011.

s/Beverly Jones Heydinger  
BEVERLY JONES HEYDINGER  
Administrative Law Judge