

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF HEALTH

In the Matter of Magnate City Market
WIC Vendor No. W7645

ORDER

The Minnesota Department of Health began this contested case proceeding by issuing a Notice of and Order for Hearing on May 27, 1998. The Notice scheduled a hearing in this matter before the undersigned Administrative Law Judge at 9:30 a.m. on Wednesday, June 10, 1998, at the Department's offices at 1645 Energy Park Drive, St. Paul, Minnesota. Magnate City Market has not been represented by an attorney, but rather has been represented by its owner, Hamed Kalifa. Shortly before the hearing began on the morning of June 10th, the Department notified the Administrative Law Judge that it had been in communication with Mr. Kalifa, who had advised that he had injured his back earlier that morning and was therefore unable to attend the hearing. In effect, Magnate City Market requested a continuance of the hearing because its representative had sustained an injury that morning.

The Administrative Law Judge concludes that the hearing in this matter should be continued to a later date to allow time for Magnate City Market to secure appropriate representation at the hearing. But federal law requires that the hearing be conducted on or before July 3, 1998, and the only hearing date available to both the Department and the Administrative Law Judge between now and then is Friday, June 19, 1998. If Mr. Kalifa chooses to continue representing Magnate City Market in this matter, some accommodations can likely be made to minimize any discomfort his back problem might cause him during the hearing.

In view of the foregoing,

IT IS HEREBY ORDERED:

1. That the parties appear at 9:30 a.m. on Friday, June 19, 1998, at a place to be designated later by the Minnesota Department of Health;
2. That according to Minnesota Rules pt. 1400.6000 (1995), a failure by Magnate City Market to have a representative appear at the June 19, 1998, hearing shall constitute a default, permitting the undersigned Administrative Law Judge to take

the allegations and the issues set out in the Notices of and Orders for Hearing as true and deemed proved without further evidence.

Dated this 10th day of June, 1998.

BRUCE H. JOHNSON
Administrative Law Judge