

June 4, 1999

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RE: In the Matter of the Real Estate Appraiser's License of  
Fidelis E. Agaga, License No. 20143640; OAH Docket No. 8-1004-  
12106-2

Dear Counsel:

The purpose of this letter/Order is to reiterate the determinations made at the Motion hearing held at this Office on June 3, 1999. Those determinations are as follows:

#### **APPRAISALS**

- A. Respondent shall assist the Department in locating the five appraisals Respondent admits he made.
- B. When the signed appraisals are located and identified, the Department may request the issuance of subpoenas to obtain the original signed copies of those appraisals.

#### **HANDWRITING SAMPLES**

- A. Within seven (7) days after the Department receives and examines the subpoenaed appraisals it must decide whether it intends to pursue the charges pending against Respondent and notify me and Mr. Reed of its intention. If the Department elects to proceed, the Respondent must, within seven (7) days, file any objections it has to requiring Respondent to appear and provide necessary handwriting samples to the Department's expert. If Respondent believes that the Department is required to have its expert examine the handwriting samples of other persons, it must brief its entitlement to such a relief.
- B. Within seven (7) days after the Respondent files its legal arguments under Paragraph A the Department must respond if it has any objections.

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### **DISCOVERY**

The Department shall, within ten (10) days, supplement its answers to the discovery covered by the Respondent's pending Motion to Compel. By the same deadline, the Department shall separately submit all documents withheld from the Respondent on the asserted grounds that they are covered by the Minnesota Government Data Practices Act. The Department shall also provide a privileged exhibit log listing and describing any documents it claims are privileged and the privilege relied upon. In addition, the Department must file a proposed Protective Order pertaining to any *not public data* that may be released to the Respondent.

### **SANCTIONS**

- A. The Department's pending Motion for Sanctions against Respondent has been withdrawn and no sanctions will be imposed at this time.
- B. Any party that fails to comply with the requirements contained in this letter/Order is subject to the imposition of sanctions under Minn. R. 1400.6700, subp. 3.

### **CALIFORNIA DEPOSITION**

The Respondent shall be given an opportunity to examine the California deposition taken by the Department and to take notes from that examination. The Department is not required to provide the Respondent with a copy of the transcript.

### **WITNESSES AND EXHIBITS**

If the parties have not done so already, they must exchange witness and exhibit lists fourteen (14) days prior to the hearing. The exhibits must be accompanied by an index and any exhibit more than three (3) pages in length shall be paginated.

The hearing will be tape recorded. A transcript can be prepared from the tapes. In the event that either party wants the services of a court reporter or wants a transcript, I should be notified at least three weeks prior to the hearing. The party requesting either service will be billed for the cost of providing it.

Yours very truly,

JON L. LUNDE  
Administrative Law Judge  
Telephone: 612/341-7645

JLL:mki