

October 5, 2004

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RE: In the Matter of the Residential Building Contractor License of Log Homes
by Fabio, Inc.: OAH Docket No. 11-1005-16091-2

Dear Counsel:

I have received your letters of September 17, 20, and 30 agreeing that certain changes should be made to the prehearing schedule in this matter in light of the anticipated decision date for the arbitration between the parties. Accordingly, it is Ordered that the First Prehearing Order issued in the above matter on September 17, 2004, be revised as follows:

1. Mediation in this matter must be completed on or before November 30, 2004.
2. By December 10, 2004, the Department shall serve the Licensee with a statement identifying persons expected to be called as expert witnesses at the hearing in this matter. The statement shall describe the subject matter of the expected testimony, state the substance of facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion.
3. By December 22, 2004, the Licensee shall serve the Department with its statement identifying persons expected to be called as expert witnesses at the hearing in this matter. The statement shall include the information set forth in paragraph 1 above.
4. The parties shall exchange proposed exhibit and witness lists by December 30, 2004. The witness lists shall include a brief summary of the expected testimony of each witness.
5. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits.

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6. By January 3, 2005, the parties shall notify the Administrative Law Judge whether they will require the services of a court reporter at the hearing.
7. The hearing in this matter shall commence on January 25, 2005, at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota. The hearing shall continue on January 26-27, 2005, if necessary.
8. At the commencement of the hearing, the parties shall provide the Administrative Law Judge with an exhibit list and a copy of each exhibit they plan to offer into evidence. They shall also ensure that they have an extra copy of each exhibit for witnesses to review. Exhibits shall be pre-marked using Arabic numbers without designation of the party offering the exhibit.

Feel free to contact me if you believe at any time that a prehearing conference would be helpful in this matter.

Sincerely,

/s/ Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge
Telephone: 612/341-7604

cc: Docket Coordinator