

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF COMMERCE

In the Matter of the Residential Building
Contractor License of Log Homes by
Fabio, Inc.

FIRST PREHEARING ORDER

A prehearing conference was held by telephone in the above-captioned matter on September 14, 2004, at 1:30 p.m. Jeffrey C. Thompson, Attorney at Law, Howse & Thompson, P.A., 3189 Fernbrook Lane, Plymouth, MN 55447, appeared by telephone on behalf of the Licensee, Log Homes by Fabio, Inc. Christopher M. Kaisershot, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2127, appeared by telephone on behalf of the Department of Commerce.

Based upon discussions with the parties during the prehearing conference, IT IS HEREBY ORDERED as follows:

1. By October 11, 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.
2. By October 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.
3. The parties shall exchange proposed exhibit and witness lists by November 30, 2004. The witness lists shall include a brief summary of the expected testimony of each witness.
4. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits.
5. By December 1, 2004, the parties shall notify the Administrative Law Judge whether they will require the services of a court reporter at the hearing.

6. The hearing in this matter shall commence on December 14, 2004, 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 December 15-16, 2004, if necessary.
7. 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.

Dated: September 17, 2004.

/s/ Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge