

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

In the Matter of
John DiSanti

FINDINGS OF FACT,
CONCLUSIONS,
AND ORDER

This matter came on for before Administrative Law Judge Beverly Jones Heydinger on February 9, 2009, at 9:30 a.m., at the Office of Administrative Hearings. Krista Guinn Fink, Associate Legal Counsel, Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, Minnesota 55108, appeared on behalf of the Department of Corrections (Department). John DiSanti ("Respondent") did not appear in person or by counsel. The record closed on the date of the hearing.

STATEMENT OF ISSUES

May the Department collect \$120.00 from the Respondent for correction fees imposed pursuant to Minn. Stat. § 241.272?¹

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On November 20, 2008, the Notice of and Order for Hearing in this matter was served by first class mail upon John DiSanti, MCF-LL, 7527 Fourth Avenue, Lino Lakes, MN 55014, his last known address on file with the Department of Corrections. It notified the Respondent of the hearing scheduled for February 10, 2009. The mailing was not returned to the Department as undeliverable.

2. On February 10, 2009, the Respondent failed to appear at the Hearing, or to notify the Board or the Administrative Law Judge that he was unable to appear.

¹ Minnesota Statutes are cited to the 2008 edition.

3. The Notice of and Order Hearing informed Respondent that if he failed to appear at the hearing without the prior consent of the judge, he would be deemed in default, the allegations against him would be deemed proved, and the Respondent would be required to pay the correctional fees imposed upon him pursuant to Minn. Stat. § 241.272.

4. Because the Respondent failed to appear, he is in default.

5. Pursuant to Minn. Rules part 1400.6000,² the allegations contained in the Notice of and Order for Hearing are taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Administrative Law Judge has jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, and 270A.09.

2. The Department has given proper notice of the hearing in this matter and has fulfilled all relevant procedural requirements of law and rule.

3. The Department has the authority to impose a correctional fee, as set forth in Minn. Stat. § 241.272. The Respondent received services for which a fee may be assessed.

4. The Respondent failed to pay \$120.00 for supervision by a field services agent for a term following his release from incarceration.

5. The Department may proceed with collection of the fee through Revenue Recapture or any available means of civil debt collection.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED: that the Department of Corrections may collect \$120.00 due from Respondent through the setoff collection under Minn. Stat. § 270A.07.

² Minnesota Rules are cited to the 2007 edition.

Pursuant to Minn. Stat. § 270A.09, subd. 3, a copy of this Order shall be served on the parties, the commissioner of revenue, and the attorney general.

Dated this 10th day of March, 2009.

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER
Administrative Law Judge

Reported: Default

NOTICE

Pursuant to Minn. Stat. § 270A.09, subd. 3, this Order constitutes a final decision. Any person aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63 to 14.69.