

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF TEACHING

In the Matter of the Teaching License of
Scott G. Swanson

FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION

The above-entitled matter came on for a prehearing conference before Administrative Law Judge George A. Beck on Tuesday, April 5, 2005 at 2:30 p.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN. The record closed on the date of the hearing.

Bernard E. Johnson, Special Assistant Attorney General, 445 Minnesota Street, Suite 1800, St. Paul, MN 55103, appeared on behalf of the Minnesota Board of Teaching. There was no appearance by or on behalf of Scott G. Swanson (“the Respondent”).

NOTICE

This report is a recommendation, not a final decision. The Minnesota Board of Teaching will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact Allen E. Hoffman, Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, MN 55113, telephone (651) 582-8739 to learn the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue in this contested case proceeding is whether or not the Respondent’s teaching license should be subject to disciplinary action.

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

FINDINGS OF FACT

1. The Notice of and Order for Hearing in this matter was served upon the Respondent by first class mail at 31008 570th Avenue, Grove City, MN 56243.
2. The Notice sent to the Respondent stated in part:

The Respondent's failure to appear at the prehearing conference or the hearing may result in a finding that the Respondent is in default, that the Board's allegations contained in this Notice and Order may be accepted as true, and its proposed action may be upheld.
3. The Respondent did not file a Notice of Appearance or request a continuance of the prehearing conference.
4. The Respondent failed to appear at the prehearing conference on April 5, 2005, and no one appeared on his behalf.
5. That because the Respondent failed to appear at the prehearing conference in this matter, he is in default in this proceeding.
6. Pursuant to Minn. Rules part 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby 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. That the Minnesota Board of Teaching and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. § § 14.50, 122A.20, and 214.10.
2. That the Board has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law or rule.
3. The Respondent is in default in this proceeding.
4. The Respondent violated Minn. Stat. § 122A.20, subd. 1(a)(1) based upon the facts set out in the Notice of and Order for Hearing.

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

RECOMMENDATION

IT IS HEREBY RECOMMENDED: that disciplinary action to taken against the teaching license of Scott G. Swanson.

Dated this 6th day of April 2005.

S/ George A. Beck

GEORGE A. BECK

Administrative Law Judge

Reported: Default

NOTICE

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.