

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF TEACHING
ON BEHALF OF
THE BOARD OF TRUSTEES
OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES

In the Matter of the Denial
of the Licensure Application
of Raymond Bakke

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION

The above-captioned matter is before the undersigned Administrative Law Judge pursuant to the Notice of and Order for hearing, dated January 2, 1996. The hearing was conducted on Monday, February 12, 1996, at the lower level conference room, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota. The record closed at the conclusion of the hearing.

Raymond Bakke, Licensee, did not appear at the hearing and there were no appearances on his behalf. The matter proceeded as a default hearing. The Executive Secretary of the Board was represented in this matter by Bernard E. Johnson, Assistant Attorney General, Suite 1200, NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130.

This Report is a recommendation only, not a final order. The Board of Teaching, acting on behalf of the Board of Trustees of the Minnesota State Colleges and Universities, will make the final decision in this matter after a review of the record which may adopt, reject or modify the Findings of Fact, Conclusions of Law and Recommendation made herein. Pursuant to 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 this proceeding for at least ten (10) days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. The parties should contact the Executive Secretary of the Board of Teaching, Judith A. Wain, acting on behalf of the Board of Trustees of the Minnesota State Colleges and Universities, 608 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, to ascertain the procedures for filing exceptions or presenting arguments.

STATEMENT OF THE ISSUE

The primary issue to be determined in this matter is whether or not the Licensee, Raymond Bakke, has failed to meet the post-secondary vocational licensure

requirements for a license in Mechanical Drafting Instruction pursuant to Minn.R. 3515.9921, thereby justifying the denial of his application for vocational licensure pursuant to Minn. Stat. § 125.09, subd. 1(4).

Based upon a review of the entire record in this matter, including all proceedings and submissions of the parties, herein, the undersigned Administrative Law Judge makes the following:

FINDINGS OF FACT

1. In March of 1995, on or about March 28, 1995, Raymond Bakke filed an application for the issuance of a post-secondary vocational license for Mechanical Drafting Instructor with the Technical College Board. Mr. Bakke sought licensure in several fields, including Mechanical Drafting - 161301(S) and Production Machinist - 172303 (C). (Ex. 1.) The above-described Mechanical Drafting license qualifies an individual to teach mechanical drafting full-time in a post-secondary institution.

2. On his application, Mr. Bakke listed and documented the following educational/training background: (1) FMC Machinist Apprenticeship, resulting in journeyman machinist status; (2) Alexandria Technical School, resulting in a diploma for completion of an 18-month, 2000 hours machine shop course; and (3) St. Cloud State University, resulting in a B.S. degree in vocational education. (Ex. 1.) Mr. Bakke does not have a B.S. degree in Mechanical Drafting or Mechanical Engineering.

3. On his application, Mr. Bakke stated that he had full-time employment experience at FMC Corporation as a manufacturing engineer, numerical control programmer, process engineer, tool designer, and machinist apprentice (Ex. 1), and provided verification of that employment experience (Ex. 2).

4. On his resume, Mr. Bakke states as his objective that he seeks a teaching position in manufacturing engineering, mechanical design, or machine technology. (Ex. 3.)

5. The Credential Standards and Licensure Unit of the Minnesota Technical College System subsequently determined that Mr. Bakke's paper credentials submitted with his licensure application failed to substantiate that his experience meets the Minnesota rule requirements for licensure for Mechanical Drafting - 161301 and Production Machinist - 172303. (Note: Mr. Bakke's application for Production Machinist licensure was granted subsequently and, therefore, is not discussed further, herein.)

6. Mr. Bakke has been granted licensure to teach mechanical drafting part-time/continuous and as a substitute teacher. The criteria for part-time/continuous and substitute licensure of mechanical drafting is less stringent than for full-time licensure because part-time/continuous and substitute instructors are subject to greater supervision.

7. By an application dated April 25, 1995, Mr. Bakke applied for committee review of his application in accordance with Minn.R. 3315.4100 to 3515.4400. (Ex. 4.)

8. The committee review of Mr. Bakke's application was conducted on June 20, 1995. The committee was composed of two instructors and an individual from the industry sector. The two instructors on the committee were Jeffrey Jahnke, NE Metro Technical College, licensed since 1985 in Mechanical Drafting, with 12 years of mechanical drafting/drafting experience at G.E. Medical Systems, and Dale Buchholz, Faribault Technical College, licensed since 1978 in Mechanical Drafting, with 6 years of mechanical drafting experience at Minnesota Valley Engineering. The committee member from industry was Ray Gravlin, Medtronic, Inc., with 13 years of mechanical drafting and CAD experience. (Ex. 5.)

9. The committee review process is designed to provide an applicant with the opportunity to demonstrate that alternative experiences have provided a working knowledge of the occupation which the applicant seeks to teach, equivalent to the knowledge intended to result from the experience required under the governing rule.

10. The committee determined that Mr. Bakke lacked the following licensure criteria for Mechanical Drafting - 161301 licensure: (1) Education and Occupational Experience - two years of post-secondary education in mechanical drafting or mechanical engineering; and (2) Recent Occupational Experience - 2000 hours of occupational experience within the five year period preceding the application for licensure. (Exs. 6 & 8.)

11. The committee members determined, based on their discussion with Mr. Bakke, that he did not demonstrate a working knowledge of mechanical drafting commensurate with the stated rule requirements and that his experience lacked the depth and breadth to meet those requirements. Specifically, the committee determined that Mr. Bakke lacked production drawing experience, necessary to teach production, as well as higher level mechanical drafting math skills, necessary to teach design. The committee members described Mr. Bakke as "in between" the drafter and the engineer in his background and skills and as more of a "drawing user" than a "drawing maker or designer." The committee noted that drawing maker and designer skills are necessary to teach mechanical drafting. The committee also noted that Mr. Bakke's B.S. degree is in general vocational education, and is not specific to mechanical drafting or mechanical engineering. (Ex. 8.)

12. By a letter dated July 17, 1995, from Georgia Pomroy, then a Vocational Licensing Specialist with the Board of Trustees of the Minnesota State Colleges and Universities, to Mr. Bakke, Mr. Bakke was notified of the committee's recommendation to his application for licensure as a mechanical drafting instructor. (Ex. 10.) Enclosed with the letter was a copy of the committee's review report (Ex. 8) and committee review

signatures, verifying the accuracy of the report's recommendation and supporting rationale (Ex. 9).

13. By a separate notice dated July 17, 1995, from Pamela Huwe, Licensing Office of the Board of Trustees of the Minnesota State Colleges and Universities, to Raymond Bakke, Mr. Bakke was provided with notice of the appeal process in this matter, specifying that arrangements to hear appeals had been made with the Board of Teaching. (Ex. 11.)

14. By a letter from Mr. Bakke, dated August 15, 1995, to Pamela Huwe, Mr. Bakke requested an appeal of the committee's recommendation to deny his application to be licensed as a mechanical drafting instructor. (Ex. 12.)

15. By a letter dated August 31, 1995, from Judith Wain, Executive Secretary of the Board of Teaching, to Raymond Bakke, Mr. Bakke was notified that the Board had received his request for an appeal and had forwarded that request to the Minnesota Office of the Attorney General to schedule a contested case hearing. (Ex. 13.)

16. Mr. Bakke lacks two years of post-secondary education in mechanical drafting or mechanical engineering. (Exs. 1 & 3.)

17. Mr. Bakke lacks 2,000 hours of paid occupational experience in mechanical drafting during the five year period immediately preceding the date of his application for licensure to teach mechanical drafting full-time. (Exs. 1, 2 and 3.)

18. On July 1, 1995, the State Board of Technical Colleges was abolished and became part of the Board of Minnesota State Colleges and Universities.

19. By an Agreement entered into between the State Board of Technical Colleges and the Board of Teaching, covering the period from July 1, 1994, through June 30, 1995, the Board of Teaching agreed to handle all appeals resulting from the denial of licensure by the State Board of Technical Colleges. (Ex. 16.)

20. The Board of Teaching agreed to handle Mr. Bakke's appeal of the denial of his application for post-secondary vocational licensure, as Mr. Bakke's application for licensure was filed before July 1, 1995, and because the majority of the appeal process took place before the abolishment of the State Board of Technical Colleges, in accordance with the Agreement entered into between the Board of Teaching and the State Board of Technical Colleges.
(Ex. 16.)

21. On May 16, 1995, in Board Policy No. 3.9, the Minnesota Higher Education Board, which was responsible for the review, grant, or denial of licensure of technical college faculty, adopted the procedures of Minn.R. 3515.0100 - 3515.9942 that were in effect on the date of adoption. (Ex. 15.)

22. The Minnesota Higher Education Board has been renamed and is now known as the Board of Trustees of the Minnesota State Colleges and Universities.

23. Mr. Bakke did not appear at the scheduled contested hearing on February 12, 1996. By a letter received by the Office of Administrative Hearings on February 12, 1996, post-marked February 9, 1996, Mr. Bakke stated that he would not be appearing for the hearing and asserted that the "allegations" used to deny his application "still remain untrue," asserting that the position of detail draft-person is "now becoming a thing of the past" as engineers use CAD/CAM (Computer Aided Drafting and Manufacturing) processes more. Mr. Bakke also noted that he has accepted a position that uses his previous years of experience to design and check engineering drawings for production ability and to provide leadership in the manufacturing of parts to ensure quality.

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

CONCLUSIONS

1. The Board of Teaching, acting on behalf of the Board of Trustees of the Minnesota State Colleges and Universities, and the Administrative Law Judge have jurisdiction in this matter and authority to take the proposed action pursuant to Minn. Stat. § 125.09, subd. 1(4); Minn. Stat. § 214.10; Educational Policy 3.9 of the Board of Trustees of the Minnesota State Colleges and Universities (adopting Minn.R. 3515.0100 to 3515.9942), Minn. Stat. § 136F.49, Minn. Stat. § 14.57 through 14.62, and Minn.R. 1400.5100 - 1400.8500.

2. The Notice of and Order for Hearing in this matter, dated January 2, 1996, was served properly on the Applicant, Raymond Bakke, by the Board of Teaching, acting on behalf of the Board of Trustees of the Minnesota State Colleges and Universities, and all other procedural requirements in this matter have been met.

3. Pursuant to Minn. Stat. § 16B.37, subd. 4, and Minn. Stat. § 136C.04, subd. 9, and the written Agreement entered into between the Board of Teaching and the State Board of Technical Colleges, now known as the Board of Trustees of the Minnesota State Colleges and Universities, the Board of Teaching is authorized to investigate and process appeals from the denial of licensure by the State Board of Technical Colleges, upon completion of the committee review process, covering the period from July 1, 1994, through June 30, 1995, including the denial of licensure in the present matter. (Ex. 16.)

4. In Board Education Policy No. 3.9, the Minnesota Higher Education Board, now known as the Board of Trustees of the Minnesota State Colleges and Universities, adopted the licensing procedures set forth in Minn.R. 3515.0100 to 3515.9942, effective May 16, 1995, prior to the repeal of Minn.Rule Ch. 3515, effective July 1, 1995; and,

pursuant to Minn. Stat. § 136F.49, the Board of Trustees of the Minnesota State Colleges and Universities may adopt technical college licensing policies.

5. Minn. Stat. § 125.09, subd. 1(4) authorizes the Board of Teaching to deny a license application for failure to meet licensure requirements.

6. A preponderance of the evidence presented supports the conclusion that the Applicant, Raymond Bakke, has failed to meet the educational and occupational experience requirements set forth in Minn.R. 3315.99921 for licensure for full-time mechanical drafting post-secondary instruction in that he failed to demonstrate evidence of: (1) Two years of post-secondary education in mechanical drafting or mechanical engineering; and (2) 2000 hours of occupational experience within the five year period immediately preceding the application for licensure.

7. The above Conclusions are arrived at for the reasons set forth in the Memorandum which follows and which is incorporated herein by reference.

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

RECOMMENDATION

IT IS RESPECTFULLY RECOMMENDED:

That the application of Raymond Bakke for licensure for Mechanical Drafting, License Code No. 161301, be denied.

Dated: _____

Susan R. Weisman
ADMINISTRATIVE LAW JUDGE

Reported: Taped.
(Memorandum attached.)

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the Board is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

MEMORANDUM

This matter proceeded by default, as the Applicant, Mr. Bakke elected not to appear at the scheduled hearing. A preponderance of the evidence presented supports the conclusion that Mr. Bakke lacks the specific educational and employment experience and training required for licensure for full-time mechanical drafting instruction at the post-secondary level. As discussed in the summary of the review committee, the record supports the conclusion that although Mr. Bakke has had significant manufacturing-oriented experience, he lacks sufficient production drawing and other production-oriented experience to qualify for licensure. The record also supports the conclusion that Mr. Bakke lacks sufficient recent occupational experience to meet the stated criteria for licensure.

Based on their discussion with Mr. Bakke and their review of his written application materials, the review committee members were persuaded that Mr. Bakke would not be a good "candidate" to train others in production drawing. With regard to the math skills needed for full-time mechanical drafting licensure, the committee members were persuaded that although Mr. Bakke had a good grasp of core mechanical drafting skills, he lacked a sufficient background in and grasp of higher level math skills, including algebra, trigonometry, statistics and physics, to teach advanced students in the mechanical drafting curriculum. The committee's conclusion that Mr. Bakke is more of a "drawing user" than a "drawing maker" or "drawing designer" in his background and skills, is supported by the record presented. The fact that Mr. Bakke's four year B.S. degree is a general vocational education degree and not a mechanical drafting or mechanical engineering degree also supports the denial of his application. A review of Mr. Bakke's transcript from St. Cloud State University, included as part of Ex. 1, provides further support that Mr. Bakke lacks the requisite two years of post-secondary education in mechanical drafting or mechanical engineering.

The review committee members note that Mr. Bakke exhibits many strengths in his work background, in his experience working with engineers over the years, his experience working with the mechanical design process, his strength in the area of "jigs and fixtures," and his efforts to stay current by reading trade publications and attending seminars. Should Mr. Bakke desire to re-apply for the requested licensure, he has the following options: (1) He may request another review of the same application materials by a new committee with different committee members after the passage of one year from the July 17, 1995, notification of the review committee's recommendation for denial; or (2) he may obtain the relevant training/education found to be lacking by the 1995 review committee members and re-apply after the passage of one year from the July 17, 1995, notification of the review committee's recommendation for denial.

S.R.W.