

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF SCHOOL ADMINISTRATORS

In the Matter of the School Administrative  
Licenses of Daniel S. Anderson

**FINDINGS OF FACT,  
CONCLUSIONS,  
AND RECOMMENDATION**

This matter came on for a Prehearing Conference before Administrative Law Judge Beverly Jones Heydinger (ALJ) on April 6, 2011, at the Office of Administrative Hearings. Bernard E. Johnson, Assistant Attorney General, appeared for the Board of School Administrators, Ethics Committee (Board). Roger J. Aronson, Attorney at Law, made a limited appearance on behalf of Daniel S. Anderson. The record closed on the date of the Prehearing Conference.

A Prehearing Conference was previously held on March 15, 2011, pursuant to Notice and Order for Hearing and Prehearing Conference issued on February 9, 2011. At that time, Mr. Aronson appeared on behalf of Mr. Anderson and notified the ALJ that he had been unsuccessful in attempting to communicate with his client, despite several efforts to do so. Mr. Aronson and Assistant Attorney General Johnson have reached a tentative settlement of this matter and a copy of the proposed settlement has been forwarded to Mr. Anderson, but Mr. Anderson has not responded to Mr. Aronson, either accepting or rejecting the proposed settlement.

With the agreement of counsel, the ALJ issued a Prehearing Order on March 16, 2011, directing Mr. Anderson to appear for a Prehearing Conference on April 6, 2011. Mr. Aronson forwarded the Prehearing Order to his client, and made several additional attempts to contact him. None of the correspondence to Mr. Anderson has been returned as undelivered, and Mr. Anderson has not responded to Mr. Aronson.

**STATEMENT OF ISSUES**

1. Did Mr. Anderson's claim for sick leave days when he was on vacation and not ill, and his claim of duty days when he did not work the required number of hours constitute immoral conduct in violation of Minn. Stat. § 122A.20, subd. 1 (a)(1)?<sup>1</sup>

2. Did Mr. Anderson's claim for sick leave days when he was on vacation and not ill, and his claim of duty days when he did not work the required number of

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<sup>1</sup> Minnesota Statutes are cited to the 2010 Edition.

hours constitute gross inefficiency or willful neglect of duty in violation of Minn. Stat. § 122A.20, subd. 1 (a)(3)?

3. Did Mr. Anderson's claim for sick leave days when he was on vacation and not ill, and his claim of duty days when he did not work the required number of hours constitute dishonesty, fraud, and misrepresentation in violation of Minn. R. 3512.5200, subp. 2 (K)?<sup>2</sup>

4. Did Mr. Anderson's conduct warrant disciplinary action against his school administrative licenses?

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

### **FINDINGS OF FACT**

1. On February 9, 2011, the Notice and Order for and Hearing and Prehearing Conference in this matter was served by first class mail upon Roger J. Aronson, Daniel S. Anderson's counsel of record.

2. Mr. Anderson's counsel appeared on his behalf at a Prehearing Conference on March 15, 2011, and notified the ALJ that his client had notice of the Prehearing Conference but had not responded to counsel's attempts to discuss the matter with him.

3. Mr. Aronson provided Mr. Anderson with a copy of the Prehearing Order dated March 16, 2011, notifying Mr. Anderson that he was required to personally appear at the Prehearing Conference on April 6, 2011, or return a signed settlement agreement to his attorney by that date, and that if he failed to do so, the ALJ could find that Mr. Anderson was in default, that the Board's allegations contained in the Notice and Order for Hearing and Prehearing Conference may be accepted as true, and that the Board could impose disciplinary action against him.

4. Numerous efforts by Mr. Aronson to contact Mr. Anderson at his address, 12406 Highway 32 South, Hawley, Minnesota 56549, and by telephone have been unsuccessful.

5. On April 6, 2011, Mr. Anderson failed to appear at the Prehearing Conference, did not obtain the ALJ's prior approval to be absent from the prehearing conference, and did not file a signed settlement agreement.

6. Mr. Anderson received proper notice that if he failed to appear at the Prehearing Conference the allegations against him could be taken as true, and a default order could be issued. He was informed that such an order could result in disciplinary action by the Board of School Administrators.

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<sup>2</sup> Rules are cited to the 2009 Edition.

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

8. Pursuant to Minn. Rules part 1400.6000, the allegations contained in the Notice and Order for Hearing and Prehearing Conference 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 Board of School Administrators and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 122A.20, subd. 1, and 14.50.

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

3. The facts set out in the Notice and Order for Hearing and Prehearing Conference constitute violations of Minn. Stat. § 122A.20, subd. 1 (a)(1) and (3) and Minn. R. 3512.5200, subp. 2 (K).

4. Minn. Stat. § 122A.20, subd. 1, provides that disciplinary action may be taken for the such violations

5. Mr. Anderson's conduct constitutes grounds for the Board to take disciplinary action against him.

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

### **RECOMMENDATION**

IT IS HEREBY RECOMMENDED: that the Board of School Administrators such disciplinary action against Daniel S. Anderson as may be appropriate.

Dated this 11th day of April, 2011.

s/Beverly Jones Heydinger

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BEVERLY JONES HEYDINGER  
Administrative Law Judge

Reported: Default

## **NOTICE**

This report is a recommendation, not a final decision. The Minnesota Board of School Administrators will make the final decision after a review of the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Pursuant to Minn. Stat. § 14.61, the Board shall not make a final decision until this Report has been made available to the parties for at least ten days. The parties may file exceptions to this Report and the Board must consider the exceptions in making a final decision. Parties should contact the Board at 1500 West Highway 36, Roseville, MN 55113, (651) 582-8796, to learn the procedure for filing exceptions or presenting argument.

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**

Mr. Anderson did not appear at the Prehearing Conference to refute the allegations against him, nor did he contact the Board or the Administrative Law Judge to request a continuance of this matter. Mr. Anderson failed to maintain contact with his attorney, despite numerous attempts by his attorney to contact him. The facts alleged by the Board are taken as true. Absent any evidence to the contrary, the facts reasonably support the conclusions

**B.J.H.**