

1-1400-9235-2

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

In the Matter of the Licenses of Ahmad
I. Dalgamoni

FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION

The above-entitled matter came on for hearing before Administrative Law Judge George A. Beck on Thursday, December 1, 1994, at 10:30 a.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, in the city of Minneapolis, Minnesota. The record closed on the date of the hearing.

Joan M. Wood and Louis Hoffman, Assistant Attorneys General, Suite 500, 525 Park Street, St. Paul, Minnesota 55103, appeared on behalf of the Complaint Committee of the Board of Electricity. There was no appearance by or on behalf of the Licensee, Ahmad I. Dalgamoni.

This Report is a recommendation, not a final decision. The Board of Electricity will make the final decision after a review of the record which it may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations contained herein. Pursuant to Minn. Stat. § 14.61, the final decision of the Board of Electricity 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 of Electricity. Parties should contact William E. Bickner, Executive Secretary, Minnesota Board of Electricity, Room S-173, Griggs Midway Building, 1821 University Avenue, St. Paul, Minnesota 55101, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue in this contested case proceeding is whether or not disciplinary action should be taken against the Electrical Contractor License and Master Electrician License of the Licensee due to an arrearage in child support payments.

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

FINDINGS OF FACT

1. By a Judgment and Decree dated May 24, 1983, the Licensee was ordered to pay child support in the amount of \$125.00 per month beginning June 1, 1983. (Ex. 4.)

2. That the Licensee has failed to pay the child support as ordered and has arrearages as of October 31, 1994, in the amount of \$8,427.67. (Ex. 3.)

3. That by a letter dated November 1, 1994, Nicollet County Social Services requested that the Board of Electricity initiate a hearing for the suspension of the Licensee's license. (Ex. 1.)

4. That the Licensee presently holds a Class A Electrical Contractor License, No. CA00573, and a Class A Master Electrician License, No. AM00795 from the Board of Electricity. (Ex. 2.)

5. The Notice of and Order for Hearing and a blank Notice of Appearance form were served upon the Licensee by first class mail at P.O. Box 147, Dodge Center, Minnesota 55927, on November 14, 1994. The notice urged the Licensee to attend the hearing and stated that:

Respondent is urged to attend; failure to do so may prejudice his rights in this and any subsequent proceedings in this matter, may result in the allegations contained herein being taken as true, and may be basis for the suspension or probation of respondent's license.

6. The Child Support Officer's letter of November 1, 1994, to the Board indicates that P.O. Box 147, Dodge Center, Minnesota 55927, is the Licensee's current address. (Ex. 1.)

7. That the Licensee has not filed a Notice of Appearance form in this case, has not contacted the Board, its attorneys, or the Administrative Law Judge, and did not appear at the hearing of this matter.

8. That the allegations contained in the Notice of and Order for Hearing are hereby taken as true and incorporated into these Findings of Fact pursuant to Minn. Stat. § 326.242, subd. 9b., and Minn. Rules pt. 1400.6000.

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

CONCLUSIONS

1. That the Board of Electricity and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, 214.101, and 326.242.

2. That the Board of Electricity gave proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law or rule.

3. Minn. Stat. § 214.101, subd. 1(b), provides as follows:

If a licensing board receives an order from a court or a notice from a public child support enforcement agency under section 518.551, subd. 12, dealing with suspension of a license of a person found by the court or the public agency to be in arrears in child support or maintenance payments, or both, the board shall, within thirty days of receipt of the court order or public agency notice, provide notice to the licensee and hold a hearing. If the board finds that the person is licensed by the board and evidence of full payment of arrearages found to be due by the court or the public agency is not presented at the hearing, the board shall suspend the license unless it determines that probation is appropriate under subd. 2. The only issues to be determined by the board are whether the person named in the court order or public agency notice is a licensee, whether the arrearages have been paid, and whether suspension or probation is appropriate. The board may not consider evidence with respect to the appropriateness of the underlying child support order or the ability of the person to comply with the order. The board may not lift the suspension until the licensee files with the board proof showing that the licensee is current in child support payments and maintenance.

4. That Ahmad I. Dalgamoni is licensed by the Board of Electricity.

5. That the Licensee is in arrears in his child support payments and failed to present evidence of full payment of arrearages at the hearing.

6. Under Minn. Stat. § 214.101, subd. 2, the Board is authorized to allow the Licensee to continue to practice on probation if the suspension of the license would create an extreme hardship to either the Licensee or to persons whom the Licensee serves.

7. No evidence was presented at the hearing to show an extreme hardship.

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

RECOMMENDATION

IT IS RECOMMENDED that disciplinary action be taken against the Class A Master Electrical Contractor License No. CA00573 and the Class A Master Electrician License No. AM00795 of Ahmad I. Dalgamoni.

Dated this 5th day of December, 1994.

/s/

GEORGE A. BECK
Administrative Law Judge

NOTICE

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

Reported: Taped. Tape No. 22,234.