

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF HUMAN SERVICES

In the Matter of the Revocation of the
Family Child Care License and the
Maltreatment Determination of Angie
Mattison

ORDER GRANTING EXTENSION

The above-entitled matter was heard by Administrative Law Judge Jeffery Oxley on December 15, 2015.

Susan E. Cooper, Assistant Winona County Attorney, appeared on behalf of Winona County (County) and the Minnesota Department of Human Services (Department). Jonathan Geffen, Arneson & Geffen, PLLC, appeared on behalf of Angie Mattison (Licensee).

On May 9, 2016, the Department filed a Motion to Extend Deadline relevant to the timeframe in which it must issue a final order in this matter. On May 16, 2016, Licensee filed a response wherein she indicated no opposition to the Department's motion provided that the deadline is not extended past June 22, 2016.

Based on all of the files and proceedings herein, and for the reasons contained in the Memorandum attached hereto, the Chief Administrative Law Judge makes the following:

ORDER

1. The Department's Motion to Extend Deadline is **GRANTED** and the Commissioner is hereby allowed to issue her final order on or before a date that is thirty (30) calendar days past the date on which the Minnesota Court of Appeals issues its decision in Case No. A15-1169.

Dated: May 19, 2016



TAMMY L. PUST
Chief Administrative Law Judge

MEMORANDUM

This matter originated with the Department's issuance of an Order of Temporary Immediate Suspension of Licensee's family child care license as a result of an incident that occurred on May 6, 2015.¹ Following a contested case hearing held on May 26, 2015, Administrative Law Judge Steven M. Bialick issued Findings of Fact, Conclusions of Law and Recommendation on June 4, 2015.² On June 25, 2015, the Commissioner of the Department of Human Services (Commissioner) issued a final order affirming the temporary immediate suspension.³

Licensee's appeal of the Commissioner's order is pending as Minnesota Court of Appeals Case No. A15-1169 (TIS appeal). Oral argument in the TIS appeal was initially scheduled for February 3, 2016, but was rescheduled due to a medical emergency of the Department's counsel. The Court of Appeals heard oral argument on March 17, 2016, and its decision is due on or before June 15, 2016.⁴

In the meantime, the Department issued an order revoking Licensee's family child care license.⁵ Licensee sought a contested case hearing to challenge the revocation and a related maltreatment determination, which matter was assigned to Administrative Law Judge Jeffery Oxley and docketed as Office of Administrative Hearings Docket No. 19-1800-32928. A hearing was held on December 15, 2015. Judge Oxley issued his Findings of Fact, Conclusions of Law, and Recommendation on January 15, 2016. Following the parties' filing of exceptions, the record closed before the Department on March 7, 2016.

Minnesota Statutes section 14.62, subdivision 2a (2014), provides that the Final Report of an Administrative Law Judge "constitutes the final decision in [a contested] case unless the agency modifies or rejects ... within 90 days after the record of the proceeding closes." This 90-day period expires on June 6, 2016 in the present case.

The statute explicitly provides that the 90-day period can be extended:

Upon a showing of good cause by a party or the agency, the chief administrative law judge may order a reasonable extension of either of the two 90-day deadlines specified in this subdivision.⁶

The Commissioner moves for an extension of the 90-day period in order to be allowed to consider the Court of Appeals' decision in the TIS matter before issuing her final order in the revocation matter. The Court of Appeals' decision is due on or before June 15, 2016. Licensee does not oppose an extension to at least June 22, 2016, but

¹ Notice and Order for Hearing in OAH Docket No. 20-1891-32519, at Ex. A.

² Findings of Fact, Conclusions of Law and Recommendation dated June 4, 2015.

³ Department's motion submission, at Ex. E.

⁴ *Id.*, at Ex. I.

⁵ Notice and Order for Hearing in OAH Docket No. 19-1800-32928, at Ex. A.

⁶ Minn. Stat. § 14.62, subd. 2a (2014).

opposes any further extension as unreasonable given the length of time the licensure actions have been pending.

The Commissioner has established good cause for extension of the deadline for the issuance of her final order. Licensee has not identified any specific prejudice she will suffer if the extension is granted as provided in this Order. Therefore, the extension is granted.

T. L. P.