

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

In the Matter of the Immediate
Suspension of the License of Dawn
Erickson to Provide Family Child Care
Under Minnesota Rules, parts
9502.0300 and 9502.0445.

**RECOMMENDATION FOR
DISMISSAL OF APPEAL**

The above-entitled matter was scheduled for hearing on October 11, 1999 in Alexandria, Minnesota. On October 6, 1999, Dawn Erickson called the Administrative Law Judge and stated that she wished to withdraw her appeal. She stated that she wished to do so because she had been advised by Jennifer McLaughlin, her licensing social worker, that she could not prevail in the case because the immediate suspension had been based upon a disqualification that applied to her son. Further, that disqualification had been affirmed upon request for reconsideration to the Commissioner of Human Services. Ms. McLaughlin had informed Ms. Erickson that such disqualifications could not be reviewed in this proceeding.

Ms. Erickson also told the Administrative Law Judge that she had obtained another building in which to conduct her daycare business where her son would never be present. She had been informed by the licensing worker that a license would be issued to her for the new location pending the outcome of the present hearing.

The Administrative Law Judge informed Ms. Erickson that he would accept the withdrawal of her appeal, asked her to put the withdrawal in writing, and told her that the hearing would be cancelled.

At the Administrative Law Judge's request, the docket clerk then called the Douglas County Attorney to inform him of the foregoing conversation and of the cancellation of the hearing. He acknowledged that a license was being issued for another building to Ms. Erickson.

Ms. Erickson has not yet submitted her withdrawal in writing.

Based upon the foregoing telephone request by Ms. Erickson, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED: that the Commissioner of Human Services dismiss the appeal of Dawn Erickson in this matter without prejudice to licensure at another location where the disqualified member of her family will not be present.

Dated this 13th day of October, 1999.

STEVE M. MIHALCHICK
Administrative Law Judge