

September 24, 2002

Jonathan Olson
Chief Deputy County Attorney
Office of the Mower County Attorney
201 First Street Northeast
Austin, MN 55912

Morgan Smith
Attorney at Law
Law Office of Kenneth M. Bottema
50 Whitney Square
210 North Second Street
Minneapolis, MN 55401

RE: In the Matter of the Revocation of the License of Elaine and Michael Wagner to Provide Family Child Care; OAH Docket No. 11-1800-15053-2

Dear Mr. Olson and Mr. Smith:

A prehearing conference was held in this matter by telephone conference call on September 19, 2002. Julie Moujin, Assistant County Attorney, appeared on behalf of Mower County and the Department of Human Services (DHS). Morgan Smith, Attorney at Law, appeared on behalf of the Licensees, Elaine and Michael Wagner. This letter will confirm the discussions that occurred during the prehearing conference, and constitutes the First Prehearing Order of the Administrative Law Judge. Please note that a deadline for the submission of subpoena requests has been specified in Paragraph 3 and the County has been asked to confirm the hearing room location in Paragraph 6.

1. The Licensees and the County have agreed that the issues for the hearing are set forth in the DHS Order of Revocation dated August 7, 2002, and that no further supplementation of the Notice of and Order for Hearing is necessary.
2. The Licensees have indicated that they will not seek to hold the County responsible for any delay associated with holding the prehearing conference and rescheduling the hearing in connection with their separate civil suit in which they apparently allege that the government improperly delayed in providing this hearing.
3. The parties will exchange witness and exhibit lists by September 27, 2002. The witness lists shall include a brief description of the expected testimony of each witness.
4. Subpoenas shall be requested in writing pursuant to Minn. R. 1400.7000. All requests for subpoenas shall be submitted by September 30, 2002.
5. Counsel shall notify the Administrative Law Judge by October 4, 2002, whether they will require the services of a court reporter at the hearing.

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(One or both parties must bear the costs of a court reporter; otherwise, the hearing will be tape-recorded.)

6. The hearing in this matter will commence on Friday, October 11, 2002, starting at 10:00 a.m. in the Mower County Courthouse in Austin, Minnesota. The hearing will continue on Monday, October 14, 2002, if necessary. The County will confirm the availability of a hearing room on that date and will notify the Licensees and the Administrative Law Judge in advance of the hearing of the address and room number.
7. The parties shall appear at the hearing with at least three copies of each exhibit they plan to offer into evidence. Exhibits shall be premarked using arabic numbers without designation of the party offering the exhibit.

Sincerely,

/s/ Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge
Telephone: 612/341-7604

cc: Julie Moujin
Assistant County Attorney