

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

In the Matter of the Revocation  
of the Family Child Care License of  
Terri Hartline

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

The above-entitled matter came on for hearing before Administrative Law Judge Barbara L. Neilson on Thursday, February 20, 2003 at the Scott County Government Center in Shakopee, Minnesota. The hearing concluded and the OAH record closed on February 20, 2003; there were no later submissions.

Fatima Batie, Assistant Scott County Attorney, Government Center JC340, 200 Fourth Avenue West, Shakopee, MN 55379-1220, appeared on behalf of the Department of Human Services. Michelle R. Wallace, Attorney at Law, MacMillan & Wallace, PLLP, 9955-59<sup>th</sup> Avenue North, Suite 125, Minneapolis, MN 55442, appeared on behalf of Terri Hartline.

**NOTICE**

This Report is a recommendation, not a final decision. The Commissioner of the Minnesota Department of Human Services will make the final decision after a review of the record and 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 Commissioner shall not be made until this Report has been made available to the parties to the proceeding for at least ten days and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Commissioner. Parties should contact the Commissioner of the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155; telephone 651/296-4473, for further information about filing exceptions and presenting argument.

If the Commissioner fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. The record closes upon the filing of exceptions to the report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and the Administrative Law Judge of the date on which the record closes.

**STATEMENT OF ISSUES**

The primary issue presented in this case is whether the Department demonstrated that reasonable cause existed for recommending revocation of the Licensee's family child care license based upon a determination that the Licensee was culpable of serious maltreatment, which is a disqualifying characteristic under Minn.

Stat. § 245A.04, subd. 3d. If the Department demonstrated that reasonable cause did exist to recommend revocation, the further issue is whether the Licensee demonstrated by a preponderance of the evidence that she was in full compliance with all the rules and statutes governing her child care license.

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

### **FINDINGS OF FACT**

1. The Licensee, Terri Hartline, is licensed to provide family child care in her home in Prior Lake, Minnesota. Ms. Hartline has been a licensed child care provider for approximately 10 years and has received excellent reviews from her day care parents.<sup>[1]</sup>

2. On May 15, 2002, Ms. Hartline provided care to seven children, including her own eight-month-old son and four-year-old daughter, and L.T., a five-month-old boy. L.T. began attending day care at Ms. Hartline's home on April 1, 2002.<sup>[2]</sup>

3. L.T.'s father dropped L.T. off at Ms. Hartline's day care at about 7:00 a.m. on May 15, 2002. L.T. was cheerful and behaved normally that morning. L.T. seemed happy to see Ms. Hartline and he went with her without any problems.<sup>[3]</sup> L.T. napped in the morning for about a half-hour and again in the afternoon from approximately 12:00 p.m. to 3:00 p.m. L.T. naps upstairs in a portable crib in Ms. Hartline's son's room.<sup>[4]</sup>

4. At about 2:35 p.m., Ms. Hartline's 15-year old daughter came home from school and began working on the computer. The computer is located on the main floor of the house.<sup>[5]</sup>

5. From approximately 2:38 p.m. to 3:15 p.m., Renee Mason, a friend of Ms. Hartline's, visited along with her two children. During the visit, Ms. Hartline cut Ms. Mason's children's hair in her dining room. At about 3:00 p.m. Ms. Hartline went upstairs and got L.T. up from his nap. L.T. was crying and "fussy". Ms. Hartline brought L.T. down to the dining room and tried feeding him a bottle while she continued to visit with Ms. Mason. L.T. took a little food but he had gas and was uncomfortable. Ms. Hartline tried to soothe L.T. by burping him and bouncing him on her knee.

6. After Ms. Mason and her children left, Ms. Hartline changed L.T.'s diaper and put him in the "exersaucer." The "exersaucer" has a rotating cloth seat with leg holes that is encircled by a plastic tray and secured to a round plastic base.<sup>[6]</sup> At one point while in the exersaucer, L.T. started to scream. Ms. Hartline picked him up out of the exersaucer and comforted him. L.T. quieted down and Ms. Hartline put him back in the exersaucer.<sup>[7]</sup>

7. Ms. Hartline's 15-year old daughter noticed that L.T. was fussy and crying after he got up from his nap. She asked her mother why L.T. was crying so hard. However, L.T. often cries after he wakes up from his nap.<sup>[8]</sup>

8. Ms. Hartline's husband, Jim, came home at about 3:45 p.m. and immediately went upstairs to take a bath. At about 4:00 p.m., Ms. Hartline brought the day care children outside as parents began arriving to pick them up. Ms. Hartline put L.T. in a

double-seated stroller with her seven-month-old son. L.T. was crying while he sat in the stroller.<sup>[9]</sup>

9. At about 4:00 p.m., Susan Beecroft, the mother of a two-year old girl in Ms. Hartline's daycare, arrived to pick up her daughter. Ms. Beecroft noticed L.T. sitting in the stroller crying. L.T. looked like he had been crying for a while and his cry sounded like a "tired cry." L.T.'s eyes were red and his nose was running. Ms. Beecroft went over to L.T. and tried to soothe him by putting his pacifier in his mouth. L.T. spit the pacifier out and continued to cry.<sup>[10]</sup>

10. At about 4:15 p.m., Jim Hartline came outside and took his son out of the stroller. Mr. Hartline thought his son might have pulled L.T.'s hair causing L.T. to cry. Mr. Hartline held his son on his lap. L.T. continued to cry in the stroller.<sup>[11]</sup>

11. At about 4:15 p.m., Jody O'Neill, the mother of a 2½-year old boy in Ms. Hartline's day care, arrived to pick up her son. Ms. O'Neill noticed L.T. in the stroller "fussing a little bit" but not crying. While Ms. O'Neill was there, Ms. Hartline picked up L.T. and he started to cry. L.T.'s cry did not sound like a cry of pain or unusual in any way to Ms. O'Neill.<sup>[12]</sup>

12. At about 4:30 p.m., L.T.'s mother, J.T., arrived at the Hartline home to pick up L.T. As J.T. pulled up into the driveway, she saw Terri Hartline holding L.T. facing outward. L.T. looked very tired but was not crying. Ms. Hartline handed L.T. to his mother and went back into the house to get his belongings. L.T. began to cry and when his mother put him into his car seat, he cried out louder as if he were in pain. Ms. Hartline came out with L.T.'s things and asked J.T. if L.T. was asleep. J.T. responded that L.T. was crying. When J.T. opened the driver's side door, Ms. Hartline could hear L.T. crying.<sup>[13]</sup>

13. L.T.'s mother was home alone with L.T. from about 4:45 p.m. until her husband, T.T., came home at about 7:00 p.m. L.T. cried and was inconsolable for most of that time. J.T. tried feeding L.T. but he would not eat. At about 5:30 p.m., T.T. called home. He could hear L.T. crying in the background. J.T. told her husband that L.T. was having a "doozie of a tantrum."<sup>[14]</sup>

14. When L.T.'s father came home, he held L.T. and tried to comfort him. L.T. continued to cry and began to run a slight fever. T.T. called the 24-hour nurse help line for advice. The nurse instructed L.T.'s parents to keep an eye on L.T. and to bring him to his doctor in the morning if he did not improve. L.T. quieted down a little although he continued to whimper. L.T.'s father noticed that whenever he touched L.T.'s right leg, L.T. would flinch or cry out in pain.<sup>[15]</sup>

15. At about 10:00 p.m., L.T.'s parents noticed that L.T.'s skin was cool and clammy. They decided to take L.T. to the emergency room at St. Francis Medical Center in Shakopee, Minnesota.<sup>[16]</sup>

16. L.T. was examined at St. Francis Medical Center and an x-ray showed that he had a "nondisplaced acute complete fracture" of the distal right femur.<sup>[17]</sup> His leg was put in a splint and he was kept overnight for observation. L.T.'s regular pediatrician saw him the next day. She reported that there was a 2mm circular bruise below the right

knee, and some swelling. She referred L.T. to Midwest Children's Resource Center for a full skeletal survey and consultation.<sup>[18]</sup>

17. The Midwest Children's Resource Center confirmed the break to the femur and identified a second "buckle fracture" to the right tibia.<sup>[19]</sup> Because the tibial fracture showed evidence of some healing, this injury probably occurred about two weeks prior to the right femur break.<sup>[20]</sup>

18. Absent a reliable account of accidental trauma, most femur fractures in infants are due to physical abuse and are related to extremely forceful traction or torsion applied to the leg.<sup>[21]</sup> Given that L.T.'s fracture was nondisplaced, it is possible that some form of direct impact was the cause of the injury.<sup>[22]</sup>

19. There is no evidence that L.T. suffers from "brittle bone disease" or any other underlying bone disorder.<sup>[23]</sup> L.T. has not suffered any further fractures since May of 2002.

20. Scott County Community Services was notified of suspected physical abuse on May 16, 2002. Margaret Sodetani, Child Protection Worker for Scott County Human Services, and Chris Olson, Detective, Prior Lake Police Department, began an investigation into the cause of L.T.'s injury on that day. Ms. Sodetani and Detective Olson first interviewed L.T.'s parents separately while they were still at the hospital on May 16, 2002. As part of the investigation, they also interviewed Terri Hartline, James Hartline, two of Terri Hartline's children, parents of other day care children, and doctors at St. Francis Medical Center and Midwest Children's Resource Center in St. Paul. None of the persons interviewed could explain how L.T.'s injury occurred. No one reported hearing L.T. cry out in pain. All of the persons who were questioned cooperated with the investigation.<sup>[24]</sup>

21. Ms. Sodetani concluded that L.T. was the victim of maltreatment in the home of the Licensee. Ms. Sodetani based her determination on all of the interviews and medical records, and in particular on the observations of L.T.'s parents and Terri Hartline that L.T. was cheerful and behaved normally in the morning of May 15, 2002, Ms. Beecroft's observation that L.T. was crying in the stroller at about 4:00 p.m., and L.T.'s cry of pain when he was placed in his car seat by his mother.<sup>[25]</sup> Ms. Sodetani believes that the injury most likely occurred sometime between 3:00 p.m. and 4:00 p.m. on May 15, 2002.<sup>[26]</sup>

22. In a memorandum dated June 25, 2002, Ms. Sodetani reported her maltreatment findings to Tristen Sprengeler, a Day Care Licensing worker for Scott County Community Services.<sup>[27]</sup>

23. Ms. Sprengeler consulted with the Scott County Attorney's Office and on June 26, 2002, Tom Harbinson, Scott County Attorney, notified Michael O'Keefe, Commissioner of Human Services, that based on the investigation, including the medical reports, he supported an immediate suspension of Ms. Hartline's child care license.<sup>[28]</sup>

24. On June 26, 2002, the Department issued a Temporary Immediate Suspension of Terri Hartline's child care license. Based on the information received from the County, the Department determined that the health, rights and safety of the

children served by Ms. Hartline were at imminent risk of harm. Ms. Hartline was required to immediately discontinue operation of her licensed child care. The Department informed Ms. Hartline of her right to appeal the immediate suspension decision.

25. Ms. Hartline appealed the immediate suspension of her license and requested a hearing.

26. By letter dated June 28, 2002, Ms. Hartline was notified that Scott County had determined that serious maltreatment of a child occurred in her family child care home and that protective services were not needed.<sup>[29]</sup> Scott County found Ms. Hartline to be responsible for the maltreatment under Minn. Stat. § 626.556, subd. 10i.<sup>[30]</sup> Scott County further determined that because of the maltreatment finding, Ms. Hartline was disqualified from operating as a child care provider. Ms. Hartline was informed of her right to request reconsideration of the maltreatment and disqualification determinations.<sup>[31]</sup>

27. On July 3, 2002, Ms. Hartline requested reconsideration of the maltreatment and disqualification determinations.<sup>[32]</sup> Ms. Hartline denied injuring L.T. and she maintains that L.T. did not exhibit any pain behavior while at her day care on May 15, 2002.<sup>[33]</sup>

28. By letter dated July 17, 2002, the County informed Ms. Hartline that it had reviewed the record in response to her request for reconsideration. Based on this review, the County concluded that its maltreatment and disqualification determinations were correct. The County further denied Ms. Hartline's request to set aside the disqualification based on its determination that Ms. Hartline failed to show that she did not pose a risk of harm to persons served by the licensed program. The County notified Ms. Hartline of her right to appeal the maltreatment determination.<sup>[34]</sup>

29. On August 2, 2002, a hearing was held before Administrative Law Judge Beverly Jones Heydinger on the immediate suspension of Ms. Hartline's child care license. On August 7, 2002, the ALJ issued a decision recommending that the Commissioner of Human Services uphold the immediate suspension of Ms. Hartline's license. On August 21, 2002, the Commissioner of Human Services adopted the ALJ's recommended decision and ordered that the immediate suspension of Ms. Hartline's family child care license be affirmed.

30. On August 12, 2002, the Department served Ms. Hartline with an Order of Revocation. The Department explained that it was revoking Ms. Hartline's family child care license based on the maltreatment determination and the resulting disqualification. The Order notified Ms. Hartline of her right to appeal the Department's decision and of her right to a contested case hearing under Minnesota Statutes Chapter 14.

31. Ms. Hartline appealed the revocation of her family child care license and requested a contested case hearing.

32. On August 21, 2002, the Department served Ms. Hartline with a Notice of and Order for Hearing. The Notice scheduled the hearing for November 7, 2002. At the Licensee's request, the matter was continued and the hearing rescheduled for February 20, 2003.

33. On October 24, 2002, a Protective Order was signed by Administrative Law Judge Barbara Neilson. The order governs the disclosure of not public data in this proceeding.

34. Any Conclusions that are more accurately described as Findings are hereby adopted as such.

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

### CONCLUSIONS OF LAW

1. The Administrative Law Judge and the Commissioner of Human Services have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50 and 245A.08.

2. Proper notice of the hearing was timely given and all relevant substantive and procedural requirements of statutes and rules have been fulfilled.

3. Minnesota Statutes, § 245A.04, subd. 3d provides as follows:

**Disqualification.** (a) Upon receipt of information showing, or when a background study completed under subdivision 3 shows any of the following: a conviction of one or more crimes listed in clauses (1) to (4); the individual has admitted to or a preponderance of the evidence indicates the individual has committed an act or acts that meet the definition of any of the crimes listed in clauses (1) to (4); or an investigation results in an administrative determination listed under clause (4), the individual shall be disqualified from any position allowing direct contact with persons receiving services from the license holder.

4. Minnesota Rule 9502.0335, subp. 6, provides that:

An applicant or provider shall not be issued a license or the license shall be revoked, not renewed, or suspended if the applicant, provider, or any other person living in the day care residence or present during the hours children are in care, or working with children:

D. Has a disqualification under Minnesota Statutes, section 245A.04, subd. 3d.

5. Minn. Stat. § 245A.07, subd. 3, authorizes the Commissioner to “suspend or revoke a license, or impose a fine if a license holder fails to comply fully with applicable laws or rules.” The statute further provides that, “[w]hen applying sanctions authorized under this section, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.”<sup>[35]</sup>

6. The Department through Scott County determined that Ms. Hartline was responsible for serious maltreatment of a minor in her care in violation of Minn. Stat. § 626.556, subd. 10i.<sup>[36]</sup> A determination of substantiated serious maltreatment of a minor is a disqualification under Minn. Stat. § 245A.04, subd. 3d(4).

7. Pursuant to Minn. Stat. § 245A.08, subd. 3, the Commissioner has the burden of proof to demonstrate that reasonable cause existed for the revocation of Ms. Hartline's family child care license. The Commissioner may demonstrate reasonable cause for action taken by submitting statements, reports, or affidavits to substantiate the allegations that the Licensee failed to comply fully with applicable law or rule. When such a showing is made, the burden of proof shifts to the Licensee to demonstrate by a preponderance of the evidence that she is in full compliance with the laws and rules that the Commissioner alleges were violated at the time the alleged violations occurred.

8. The Department has advanced evidence establishing reasonable cause to believe that Ms. Hartline was culpable of serious maltreatment of a child in her care in violation of the rules and statutes governing her family child care license.

9. Ms. Hartline has failed to demonstrate by a preponderance of the evidence that she is in full compliance with the rules and statutes governing her family child care license.

10. Any Findings that are more accurately described as Conclusions are hereby adopted as such.

11. These Conclusions are reached for the reasons discussed in the attached Memorandum, which is hereby incorporated in these Conclusions by reference.

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

### **RECOMMENDATION**

IT IS HEREBY RECOMMENDED:

That the revocation of Terri Hartline's family child care license be AFFIRMED.

Dated: March 24, 2003

/s/ Barbara L. Neilson  
BARBARA L. NEILSON  
Administrative Law Judge

Reported: Taped (2 tapes); no transcript prepared.

### **NOTICE**

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law. If the Commissioner fails to issue a final decision within 90 days of the close of the record under Minn. Stat. § 14.61, this report becomes a final decision. In order to comply with Minn. Stat. § 14.62, subd. 2a, the Commissioner must

then return the record to the Administrative Law Judge within 10 working days to allow the Judge to determine the discipline to be imposed.

## MEMORANDUM

The Commissioner has the burden of proof to demonstrate that reasonable cause existed for the revocation of Ms. Hartline's family child care license. The Commissioner may demonstrate reasonable cause for the revocation by submitting statements, reports, or affidavits to substantiate the allegation that the Licensee engaged in violations of the rules and statutes governing her license by causing the fracture to L.T.'s femur while he was in her care. In order to find that there is "sufficient evidence to demonstrate reasonable cause within the context of the day care licensing statute and rules, it is necessary to show that there is sufficient credible evidence to create the impression the alleged act or acts occurred, but a degree of evidence somewhat less than a preponderance."<sup>[37]</sup>

Although the Department is unable to establish with any certainty how L.T.'s right leg was fractured, it has put forward sufficient credible evidence to support finding that the injury to L.T. occurred at Ms. Hartline's home. The Department presented statements and testimony that established that L.T. appeared cheerful and behaved normally when he was dropped off at day care on the morning of May 15, 2002, but that he was crying and inconsolable by the late afternoon. Specifically, both L.T.'s parents and Ms. Hartline testified that L.T. appeared happy when he arrived at day care that morning. By late afternoon, Ms. Hartline testified that L.T. screamed and was crying while in the exersaucer. Ms. Hartline also stated in her interview of May 16, 2002, that sometime before 4:00 p.m. both her daughters asked her why L.T. was crying so hard.<sup>[38]</sup> Ms. Beecroft, the mother of another day care child, testified that L.T. was crying as he sat outside in the stroller at about 4:00 p.m. and that he looked like he had been crying for some time. And L.T.'s mother testified that L.T. cried out in pain when she placed him in his car seat for the ride home. Once home, both parents testified that L.T. was inconsolable and reacted as if in pain whenever his right leg was touched. In addition, according to the medical staff at Midwest Children's Resource Center, most femur fractures in infants are due to physical abuse and are related to extremely forceful traction or torsion being applied to the leg. The Administrative Law Judge finds that, based on the statements, testimony and medical opinions presented, the Department has made a sufficient showing that reasonable cause existed to support the revocation of Ms. Hartline's license.

Under the statute, once the Department demonstrates reasonable cause, the burden shifts to the Licensee to show that she was in full compliance with the applicable laws and rules governing her family child care license. Ms. Hartline attempted to meet this burden by denying the allegations and by presenting the testimony of her friend, Renee Mason, who stated that L.T. appeared only a little fussy when Ms. Hartline woke him up, tried to feed him, and bounced him on her knee between 3:00-3:15 p.m. Ms. Hartline also presented the testimony of her husband and daughters that L.T. was often "fussy" and was no fussier than usual on May 15, 2002. However, the ALJ did not find this evidence persuasive as the opportunities for Ms. Hartline's husband and daughters

to observe L.T. in the late afternoon of May 15, 2002 were very limited. Both daughters were out of the house by 4:00 p.m. and Mr. Hartline observed L.T. only for about 15 minutes before L.T.'s mother picked him up. Ms. Hartline also presented letters and testimony from other day care parents who vouched for her character and ability as a day care provider. And Ms. Hartline submitted a letter from Dr. Nolan Segal who opined that because L.T.'s fracture was non-displaced, some form of direct impact, rather than the application of significant force, was more likely the mechanism of injury.

Ms. Hartline's denial that L.T.'s injury occurred at her home and the evidence suggesting that L.T. was behaving normally up until at least 3:15 p.m., is not enough to establish that she was in full compliance with the day care licensing rules and laws, and that she was not culpable for L.T.'s maltreatment. Likewise, the opinion letter of Dr. Segal only suggests that L.T.'s injury may have been due to direct impact as opposed to the application of extremely forceful traction or torsion to the leg. This conclusion is rather cursory and its significance to the facts at hand is not clear. Dr. Segal did not testify at the hearing so no further explanation was provided. Regardless, Dr. Segal's letter does not compel the conclusion that the injury could not have occurred at Ms. Hartline's home.

In addition, there was no testimony or credible account given to suggest that L.T.'s fracture was caused accidentally. Absent such an explanation, the Department's medical evidence supports the conclusion that L.T.'s injury was the result of maltreatment. And given the change in L.T.'s behavior by the late afternoon, and L.T.'s mother's credible testimony that L.T. cried out in pain when placed in his car seat at about 4:15 p.m., the Administrative Law Judge finds that the Licensee is simply unable to overcome the Department's evidence.

The Department has advanced sufficient credible evidence establishing reasonable cause to believe that Ms. Hartline engaged in violations of the rules and statutes governing her family child care license by causing the injury suffered by L.T. Ms. Hartline failed to meet her burden that she was in full compliance with the governing statutes and rules. Accordingly, the Department's revocation of Terri Hartline's family child care license is appropriate and should be affirmed.

B.L.N.

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<sup>[1]</sup> Exs. 24, 27; Testimony of Sodemani.

<sup>[2]</sup> Exs. 18, 24; Testimony of Terri Hartline.

<sup>[3]</sup> Ex. 7.

<sup>[4]</sup> Ex. 7.

<sup>[5]</sup> Ex. 7; Testimony of Leah Gaylord.

<sup>[6]</sup> Ex. 7; Testimony of Terri Hartline, Mason.

<sup>[7]</sup> Testimony of Terri Hartline.

<sup>[8]</sup> Ex. 7; Testimony of Leah Hartline.

<sup>[9]</sup> Ex. 7.

<sup>[10]</sup> Ex. 13.

<sup>[11]</sup> Ex. 7, Testimony of Jim Hartline.

<sup>[12]</sup> Testimony of O'Neill.

- [\[13\]](#) Exs. 7, 17; Testimony of J.T. and Terri Hartline.
- [\[14\]](#) Ex. 7; Testimony of J.T. and T.T.
- [\[15\]](#) Ex. 7 (T.T. statement).
- [\[16\]](#) Testimony of T.T. and J.T.
- [\[17\]](#) Ex. 17.
- [\[18\]](#) Ex. 14.
- [\[19\]](#) Ex. 17.
- [\[20\]](#) Ex. 17.
- [\[21\]](#) Ex. 17.
- [\[22\]](#) Ex. 25.
- [\[23\]](#) Ex. 25.
- [\[24\]](#) Exs. 7-13.
- [\[25\]](#) Ex. 7; Testimony of Sodehani.
- [\[26\]](#) Testimony of Sodehani.
- [\[27\]](#) Ex. 18.
- [\[28\]](#) Ex. 21.
- [\[29\]](#) Ex. 19.
- [\[30\]](#) Ex. 22.
- [\[31\]](#) Ex. 19.
- [\[32\]](#) Ex. 24.
- [\[33\]](#) Ex. 24.
- [\[34\]](#) Ex. 22.
- [\[35\]](#) Minn. Stat. § 245A.07, subd. 1 (2002).
- [\[36\]](#) Ex. 22.
- [\[37\]](#) *In re* the Revocation of the Licenses of Jacalyn M. Rohn, 9-1800-6720-2 (Report of the Administrative Law Judge issued Sept. 25, 1992) and cases cited therein.
- [\[38\]](#) Ex. 7.