

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE COMMISSIONER OF HUMAN SERVICES

In the Matter of the Revocation of
the Child Foster Care License of
Julie Baldwin

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

A hearing in this matter was conducted by Administrative Law Judge Steve M. Mihalchick on August 17, 2006, at the Office of Administrative Hearings in Minneapolis. The hearing record closed at the end of the hearing on that date.

Mary M. Lynch, Assistant Hennepin County, 525 Portland Avenue, 12th Floor, Minneapolis, MN 55415, appeared on behalf of the Department of Human Services (the Department).^[1] Deborah C. Eckland, Goetz & Eckland, P.A., 43 Main Street, S.E., Suite 400, Minneapolis, MN 55414, appeared on behalf of Julie Baldwin (Licensee).

NOTICES

This Report is a recommendation, not a final decision. The Commissioner of Human Services will make the final decision after a review of the record. The Commissioner may adopt, reject, or modify these Findings of Fact, Conclusions, and Recommendations. Under 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. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Commissioner. Parties should contact Cal Ludeman, Commissioner, Department of Human Services, P. O. Box 64941, St. Paul, MN 55164-0941 to learn the procedure for filing exceptions or 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 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.

Under Minn. Stat. § 14.62, subd. 1, the Commissioner is required to serve his final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

INTRODUCTION

This consolidated case concerns findings and determinations by Hennepin County and the Department of Human Services that the Licensee, Julie Baldwin, engaged in maltreatment of a child in her care;^[2] and that as a result of the claimed maltreatment, that Ms. Baldwin should be further disqualified from providing direct contact services^[3] and have her license to provide child foster care services revoked.^[4]

Following the procedures for consolidated contested case hearings,^[5] the Administrative Law Judge reviewed the bases for the maltreatment determinations,^[6] the determination that maltreatment required a disqualification, the decision not to set aside the disqualification of Ms. Baldwin from providing direct contact services,^[7] and the revocation of Ms. Baldwin's license to provide child foster care services.^[8]

STATEMENT OF ISSUES

1. Whether the Licensee, Julie Baldwin, created a "substantial risk of physical ... abuse or ... injury," in the way that she rocked a two-month old child on May 11, 2005?^[9]

The Administrative Law Judge concludes that the Licensee, Julie Baldwin, did not create a substantial risk of physical abuse or injury in the way that she rocked a two-month old child on May 11, 2005.

2. Whether the Licensee, Julie Baldwin, created a "substantial risk of physical ... abuse or ... injury," in the way that she lifted the same two-month old child during the child protection investigation interview on May 13, 2005?^[10]

The Administrative Law Judge concludes that Julie Baldwin did not create a "substantial risk of physical ... abuse or ... injury" in the way that she lifted the two-month old child, R.J., during the child protection investigation interview on May 13, 2005.

3. Whether the Licensee, Julie Baldwin, created a "substantial risk of physical ... abuse or ... injury," in the way that she placed the same two-month old child on the floor during the child protection investigation interview on May 13, 2005?^[11]

The Administrative Law Judge concludes that that Julie Baldwin did not create a "substantial risk of physical ... abuse or ... injury" from the way that she placed the two-month old child, R.J., on the floor during the child protection investigation interview on May 13, 2005.

4. Whether the conduct of the Licensee, Julie Baldwin, on May 11 and 13, 2005, constituted "recurring maltreatment" under *Minnesota Statutes* § 245C.02?

The Administrative Law Judge concludes that the conduct described in the maltreatment findings not does constitute recurring maltreatment.

5. Whether the Licensee, Julie Baldwin, poses a risk of harm to children in her care so that any disqualification for recurring maltreatment should not be set aside under *Minnesota Statutes* §§ 245C.21 through 245C.27?

The Administrative Law Judge finds that the Licensee, Julie Baldwin, does not pose a risk of harm to the persons to be served in her foster home and further concludes that if a proper disqualification had resulted in this case, it would be deserving of being set aside.

6. Whether, based upon findings that she had committed recurring maltreatment, the Department correctly ordered the revocation of Julie Baldwin's child foster care license.

The Administrative Law Judge concludes that Ms. Baldwin's child foster care license should not be revoked.

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

FINDINGS OF FACT

1. The Licensee, Julie Baldwin, is a graduate of the University of Minnesota and a registered nurse.^[12] During the years 1968 to 1981, Ms. Baldwin worked as a nurse in the intensive care unit of Saint Barnabas Hospital, a predecessor to the Hennepin County Medical Center.^[13]

2. Ms. Baldwin left her work as a nurse in order to operate a day care out of her home.^[14] Since 1999, Ms. Baldwin has focused her services on providing foster care and respite care for children with special needs.^[15] During this time period Ms. Baldwin has provided foster care services for approximately 30 special needs children.^[16] She remains current with the training requirements needed to maintain her day care licensure.^[17]

3. During the past six years, Ms. Baldwin, has undertaken additional training to ensure that she has the skills to provide foster care to those who rely "on medical equipment to sustain life or monitor a medical condition"^[18] This training has covered a wide variety of subjects – including specific coursework on shaken baby syndrome, message therapy, techniques for personal care attendants of children, and cardiopulmonary resuscitation.^[19]

4. Notwithstanding the allegations that are at issue in this proceeding, Ms. Baldwin has not suffered any other adverse findings from child protection authorities or negative licensing actions.^[20]

Licensee's Child Foster Care Home

5. On May 11, 2005, Ms. Baldwin was undertaking the care of four children in her home. Those children were: R.J., D.S., D.A. and D.E.

6. On May 11, 2005, R.J. was a two-month old infant. R.J. had been placed by Hennepin County with Ms. Baldwin within days of his birth. R.J. was exposed to cocaine prenatally and county officials believe that this exposure resulted in him crying often and being difficult to sooth.^[21]

7. On May 11, 2005, D.S. was a twenty-two month old toddler. D.S. has been diagnosed with fetal alcohol syndrome and suffers from developmental deficits.^[22]

8. On May 11, 2005, D.E. was a three and a half year old boy. D.E. has been diagnosed with fetal alcohol syndrome and suffers from some developmental deficits.^[23]

9. On May 11, 2005, D.A. was a twelve year old boy. In addition to a number of developmental deficits, D.A. has a severe form of epilepsy.^[24] As a result of the epilepsy, D.A. has a medical history of seizures (both milder seizures and *Grand Mal* seizures). As a protective measure in the event of a serious seizure, D.A. wears a protective helmet during his waking hours.^[25]

10. On May 11, 2005, Ms. Baldwin traveled with R.J. and D.S. to a clinic operated by the University of Minnesota, for D.S.'s doctor appointment.

11. During the doctor's examination, D.S. was seated in Ms. Baldwin's lap. Periodically during the examination, D.S. threw himself back and away from Ms. Baldwin. After he extended himself backwards, Ms. Baldwin, with a hand behind D.S.'s neck, would pull him towards her to an upright position. While the precise nature of the examining physician's reaction to these events is not clear from the record – as Dr. Johnson did not testify at the hearing – it appears that Dr. Johnson directed Ms. Baldwin to stop pulling D.S. forward.^[26] For the remainder of the examination, Ms. Baldwin held D.S. so that he would not throw himself backward.^[27]

12. Later that same day, Hennepin County received a telephone report from a mandated reporter on its child protection "screener line."^[28] According to the screener's summary of the report, Ms. Baldwin handled D.S. and R.J. in a rough and aggressive manner during the visit to the clinic. Among the concerns detailed in the screener's report were that during the visit to the clinic Ms. Baldwin: (a) aggressively lifted D.S. up; (b) pounded on D.S.'s chest in an aggressive and inappropriate manner; (c) violently rocked a newborn baby, and was directed to stop this behavior; and (d) hit a newborn baby's head on the handle of a car seat as the newborn was being lowered into the seat.^[29]

13. Following submission of the oral report to the “screener line,” the mandated reporter completed a Suspected Child Maltreatment Report and submitted the report to Hennepin County child protection authorities by facsimile.^[30] Among the concerns detailed in the screener’s report were, that during the visit to the clinic Ms. Baldwin: (a) aggressively lifted D.S. up; (b) pounded on D.S.’s chest in an aggressive and inappropriate manner; (c) “displayed rough handling of both children”; and (d) “when putting both of [the children] in their car seats, she banged both of them on the handle.”^[31]

County Investigation

14. Following receipt of the oral and written reports of suspected maltreatment, the maltreatment investigation was assigned to Child Protection Investigator Deborah Ladson. On May 13, 2005, Ms. Ladson arranged for Ms. Baldwin and her foster children to be interviewed at the Baldwin home. In accordance with the requirements of statute, this interview was recorded.^[32]

15. Ms. Ladson arrived at the Baldwin home for the investigation and interview with two officers of the Crystal Police Department^[33] – Detective Gomez and another officer, who has never been identified. This unidentified officer appears in the transcript of the May 13, 2005 interview as “Interviewer 2.”^[34]

16. During the May 13, 2005 home visit and interview, Ms. Ladson had an opportunity to view and, consistent with the children’s abilities, interview the foster children in Ms. Baldwin’s care. According to the County Records in this matter, Ms. Ladson did not note any visible signs of injuries to the children that she examined.^[35]

17. During the May 13, 2005 interview, Ms. Ladson asked Ms. Baldwin to recount the events that occurred at the clinic two days earlier. During this questioning, Ms. Baldwin was holding the infant, R.J. When queried about how D.S. moved back and forth during the May 11 examination, Ms. Baldwin demonstrated what she and D.S. did by moving R.J. in the same manner.^[36] While Ms. Baldwin lifted R.J. into an upright position, as she had done earlier with D.S. at the clinic, R.J.’s head moved back and forth. An alarmed Ms. Ladson remarked:

“You’re making me a little nervous right now. Okay? You have a two-month-year-old and you are demonstrating what you would be doing with this older child and the child’s head is going back and forth.”^[37]

18. Later in the May 13, 2005 interview, Ms. Baldwin, who was seated on the floor of the family room, placed the infant R.J. on the floor beside her. During a colloquy between Ms. Ladson and Ms. Baldwin on R.J.’s care, D.A. entered the room. D.A.’s entry was startling to the investigators as he took a large step over the head of R.J. who was lying on the floor beneath. Exclaimed Interviewer Number 2:

“You think its just me being overprotective or something or ... You got a kid who is wearing a helmet because he falls and he is stepping over a two-month-old baby who is laying on the floor?”^[38]

19. Following the conclusion of the May 13, 2005 interview, Ms. Ladson continued her investigation with “collateral contacts” – telephone interviews of others who were knowledgeable about the foster care practices in Ms. Baldwin’s home. Each of the collateral contacts that is documented in the County’s Chronology Summary takes issue with the County’s claims that Ms. Baldwin is negligent or that her handling of the foster children places them at risk.^[39] Four of these collateral contacts are themselves mandated reporters.^[40]

20. After their initial contacts on May 11, 2005, that the investigators did not speak with, or adduced further information from, either Dr. Johnson or the mandated reporter.^[41]

21. During the period between May 13, 2005 and August 4, 2005, Hennepin County officials continued to place children at the Baldwin home for foster care services. A total of four children were placed into the Baldwin home during this period; including one child who had suffered “shaken baby syndrome.”^[42]

22. By late August of 2005, however, all of the foster children placed in Ms. Baldwin’s home had been placed in other settings, and thereafter no other referrals were forthcoming from Hennepin County.

The County’s Determinations

23. Based upon her child protection investigation, on August 4, 2005, Ms. Ladson sent a letter to Ms. Baldwin declaring:

“We determined that maltreatment occurred based upon a preponderance of the information obtained during the investigation. We determined that child protective services are needed based on the risk to the child/children in your care.”

No other details about the maltreatment were included in this letter.^[43]

24. By way of a correction letter dated August 17, 2005, County officials revised their earlier determination that child protection services were needed in this matter, to a determination that such services were not needed. In this letter, the County still did not provide any detail as to the misconduct.^[44]

25. Without knowing the precise nature of the claims, Ms. Baldwin timely appealed the maltreatment determination in a letter from her counsel dated August 17, 2005.^[45]

26. Based upon its interviews and investigation, Hennepin County, in a letter dated August 25, 2005, stated that it had found three instances of maltreatment to be substantiated. Each instance of maltreatment, asserted the County, involved “threatened physical injury.” The County determined:

The incidents of substantiated maltreatment for which you were determined to be responsible meet the criteria to be determined as recurring ... and cause you to be disqualified from any position allowing direct contact, or access to, persons receiving services from the licensed program....

There are three maltreatment incidents. One occurred on May 11, 2005. The agency found that you were rocking the two-month old in a manner that placed the child’s head physically at risk. Two other incidents occurred on May 13, 2005. The incidents involved the same two-month old child in your care. One occurred when you shook the child in a back and forth motion without supporting the child’s head and the other occurred when the child was placed on the floor at risk of harm from other children.^[46]

27. By way of a letter dated August 29, 2005, Ms. Baldwin timely requested reconsideration of the findings of maltreatment individually, and the determination that this maltreatment was recurring.^[47]

28. By way of a letter dated October 4, 2005, the County notified Ms. Baldwin that it had considered her timely requests for reconsideration, but concluded that “the final disposition of the report is correct” and that “the maltreatment determinations are affirmed.” Moreover, because the County determined that Ms. Baldwin could not demonstrate that she posed no risk of harm to others, it went on to conclude that a set aside of her disqualification was not appropriate.^[48]

Department’s Licensing Actions

29. In a letter dated May 4, 2006, the Minnesota Department of Human Services, based upon a recommendation from Hennepin County, revoked Ms. Baldwin’s license to provide child foster care. As Karen Erickson, a Supervisor in the Department’s Licensing Division, wrote:

As a result of the investigation, it was determined that on three separate occasions you physically abused a child in your care. These incidents consisted of you handling a young infant in a manner that posed a risk to the child’s head.

....

Because you committed recurring maltreatment against foster children; because you are disqualified from any position allowing direct contact

services with persons served by DHS-licensed programs; because you failed to provide basic services and a safe environment for children in your care; because you subjected children in your care to corporal punishment; and in order to protect the health, safety and rights of children receiving services in DHS-licenses programs, your license to provide child foster care is revoked.^[49]

30. The Revocation Order informed Ms. Baldwin of her right to appeal these decisions in a contested case hearing. Ms. Baldwin submitted a timely appeal.

CONCLUSIONS OF LAW

1. The Administrative Law Judge and the Minnesota Department of Human Services have authority to consider and rule on the issues in this contested case hearing pursuant to *Minnesota Statutes* §§ 14.50 and 245A.08.

2. The Department gave proper notice of the hearing, and all relevant procedural requirements of law or rule have been fulfilled.

3. Pursuant to *Minnesota Statutes* § 626.556 (2) (g), “physical abuse” of a minor child is defined as:

“[A]ny physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 121A.67 or 245.825.”

4. Pursuant to *Minnesota Statutes* § 626.556 (2) (n), a “threatened injury” of a minor child is defined as “a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.”

5. Pursuant to *Minnesota Statutes* § 245C.02 (16), “recurring maltreatment” is defined as “more than one incident of maltreatment for which there is a preponderance of evidence that the maltreatment occurred and that the subject was responsible for the maltreatment.”

6. In cases in which the County has made treatment and disqualification determinations, the County, as a designee of the Commissioner of Human Services, is directed to review any requests for reconsideration. In such cases, the County may set aside a disqualification if County Officials determine that the individual does not pose a risk of harm to any person served by the facility. In determining that an individual does not pose a risk of harm, county officials are directed to consider the nature, severity, and consequences of the event or events leading to the disqualification, whether there is more than one disqualifying event, the age and vulnerability of the victim at the time of the

event, the harm suffered by the victim, the similarity between the victim and persons served by the program, the time elapsed without a repeat of the same or similar event, documentation of successful completion by the individual of training and rehabilitation, and any other relevant information. In reviewing a disqualification, County Officials are to give “preeminent weight” to the safety of each person to be served by the facility.^[50]

7. *Minnesota Statutes* § 256.045, subd. 3, and Minn. R. 1400.7300, subp. 5, the burden is upon the Department to demonstrate by a preponderance of the evidence that Licensee committed serious or recurring maltreatment.

8. As to the County’s first claim that the Licensee, Julie Baldwin, created a substantial risk of physical abuse or injury in the way that she rocked a two-month old child on May 11, 2005 – there is not sufficient evidence to support this claim.

9. As to the County’s second claim of maltreatment – whether Julie Baldwin created a substantial risk of physical abuse or injury by the way that she lifted R.J. during the child protection investigation interview on May 13, 2005 – there is not sufficient evidence to support this claim.

10. As to the County’s third claim of maltreatment – whether Julie Baldwin created a substantial risk of physical abuse or injury by the way that she placed R.J. on the floor during the child protection interview on May 13, 2005 – there is not sufficient evidence to support this claim.

11. Because the underlying determinations as to whether maltreatment occurred are the founding blocks of the later actions by the County and the Department – in disqualifying Ms. Baldwin, refusing to set aside that disqualification and revoking her child foster care license – these actions must likewise fail. Without a sufficient basis to conclude that the underlying maltreatment occurred, the resulting sanctions were improperly applied.^[51]

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

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED that the Commissioner **REVERSE**:

(a) the determination that Julie Baldwin committed maltreatment on May 11, 2005;

(b) the determination that Julie Baldwin committed maltreatment on May 13, 2005;

(c) the determination that Julie Baldwin committed recurring maltreatment;

(d) the determination that Julie Baldwin is disqualified from providing direct contact services;

(e) the determination that Julie Baldwin poses a risk of harm to any person served by her facility, such that a disqualification should not be set aside and that a variance not be granted; and

(f) the revocation of Julie Baldwin's child foster care license.

Dated: October 5, 2006

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge

Reported: Taped (Five tapes, not transcribed)

MEMORANDUM

For the reasons stated below, the Administrative Law Judge concluded that the County's determination that Julie Baldwin maltreated R.J. precipitous and not supported by the factual record.

As to the County's first claim – that Ms. Baldwin rocked R.J. so as to place his head at risk – the single bit of evidence in the hearing record to support this assertion is double hearsay: The mandated reporter made a telephone report of maltreatment to the screener, who in turn summarized this report as Ms. Baldwin “was rocking the newborn so violently” that she was told to stop.^[52] As neither Dr. Johnson, the mandated reporter, nor the telephone screener were called as witnesses by either party, the telephone screener's summary of the report, standing alone, does not establish that Ms. Baldwin's rocking of R.J. created a substantial risk of physical abuse or injury.

This conclusion is not altered even if the far more ambiguous statement from the Suspected Child Maltreatment Report that Ms. Baldwin “displayed rough handling of both children,”^[53] is automatically credited as applying to the rocking of R.J. – a matter that is far from certain. Even if both items were given their maximum weighting in support of the County's determination, the record still does not detail with any precision what conduct is complained of, what hazards were likely to follow from the “rocking,” or the mandated reporter's abilities to

accurately perceive and assess the claimed misconduct. Under these circumstances, the evidence in the hearing record fails to meet the statutory standards for sustaining the first claim of maltreatment.

As to the County's second claim – that Ms. Baldwin shook R.J. in a back and forth motion, placing his head at risk – is likewise unsupported. While it is beyond doubt that both Ms. Ladson, and “Interviewer 2” (whoever he may be) expressed genuine alarm when R.J.'s head moved back and forth as he was lifted upright by Ms. Baldwin, there is no evidence in the hearing record that this action created a substantial risk of physical abuse or injury to R.J. For her part, Ms. Ladson acknowledges that she has had no special course work, training or expertise in identifying “shaken baby syndrome.”^[54] Likewise, the County has not adduced any evidence to suggest that the types of head movements that occurred on May 13, 2005 placed R.J. at a substantial risk for injury.

Indeed, the only evidence in the hearing record runs contrary to that conclusion: Dr. Fatima Jiwa testified that even if R.J.'s head did bobble forward as he was lifted upright by Ms. Baldwin, lifting the infant up would not create a substantial risk of physical abuse or injury.^[55] Similarly, Ms. Baldwin, who has had specific coursework on shaken baby syndrome and handling infant children, and considerable work experience in neonatal intensive care, testified credibly that her lifting R.J. did not result in any risk to him. Accordingly, as to the second claim of maltreatment, the evidence in the hearing record fails to meet the statutory standards for such a finding.

With respect to the County's third claim – that placing R.J. next to herself on the floor placed him at risk of harm from other children – the terms of the statute play an important role.^[56] Foster parents are obliged by the statute to guard children in their care against “substantial risks” of injury – not the broader undertaking of protecting them against “conceivable risks,” or “every risk,” of injury. In this way, the statute strikes a balance between the legitimate safety interests of foster children and the human capabilities of foster parents.

While it is perhaps conceivable that D.A. might have a seizure at precisely the moment that he steps over his foster brother R.J., and further that D.A. would fall on R.J. before any reply could be made by Ms. Baldwin (who was next to both boys when this occurred on May 13, 2005),^[57] these pyramiding risks are, in fact, quite speculative and remote. The evidence in the record is that despite his other challenges, D.A. was aware of surroundings; daily negotiated a familiar set of paths in the Baldwin home without injuring others; and had no history of injuring others during an epileptic seizure.^[58] As to the third claim of maltreatment, therefore, the evidence in the hearing record fails to meet the statutory standards for such a finding.

For her part, Ms. Baldwin asserts that her rights to due process have been violated by the long delays between the interview and both the later maltreatment determination and the opportunity to test those claims at a contested case

hearing. She asserts that she was statutorily entitled to a hearing within 90 days of submitting her appeal. While not minimizing the impact upon of Ms. Baldwin of her 15-month odyssey through the licensing review process, her due process claim is not well taken. *Minnesota Statutes* §§ 626.556 (10i) (d) and (f) makes clear that consolidated contested cases like this one are not subject to the 90-day hearing requirement.

S. M. M.

^[1] See, Minn. Stat. § 245A.08 (2a) (b) (2004).

^[2] Compare, Minn. Stat. § 626.556 (10e) (f) (Supp. 2005) (definition of “maltreatment”).

^[3] See, Minn. Stat. § 245C.14 (1) (a) (3) (2004); Minn. Stat. § 245C.15 (4) (b) (2) (2004).

^[4] See, Minn. Stat. § 245A.07 (1) (2004).

^[5] See, Minn. Stat. § 245A.08 (2a) (a) (2004).

^[6] See, Ex. 1 through 8.

^[7] See, Ex. 11 and 12.

^[8] See, Ex. 14.

^[9] See, Ex. 8, at 1 (“Foster Care Institutional Investigation”).

^[10] *Id.*

^[11] *Id.*

^[12] See, Testimony of J. Baldwin; Baldwin Hearing Memorandum at 1.

^[13] See, Testimony of J. Baldwin; Baldwin Hearing Memorandum at 1-2.

^[14] *Id.*

^[15] *Id.*

^[16] See, Testimony of J. Baldwin.

^[17] See, Testimony of J. Baldwin; Baldwin Hearing Memorandum at 2.

^[18] See, Baldwin Hearing Memorandum at Appendix A.

^[19] *Id.*

^[20] See, Ex. 4 at 6-7; Ex. 12 at 2; Testimony of J. Baldwin.

^[21] See, Testimony of D. Ladson; Testimony of L. Luther, Jr.

^[22] See, Ex. 3 at 1; Ex. 4 at 6; Baldwin Hearing Memorandum, Tab E.

^[23] See, Ex. 5 at 8; Baldwin Hearing Memorandum, at 5.

^[24] See, Testimony of S. Dietlow; Testimony of D. McGowan.

^[25] See, Ex. 5 at 14; Testimony of J. Baldwin.

^[26] Compare, e.g., Ex. 2 at 2 with Ex. 5 at 10.

^[27] See, Ex. 5 at 9-10; Testimony of J. Baldwin.

^[28] See, Ex. 3.

^[29] *Id.*

^[30] See, Ex. 2 and Testimony of D. Ladson; see *generally*, Minn. Stat. § 626.556 (7) (Supp. 2005).

^[31] See, Ex. 2.

^[32] See, Minn. Stat. § 626.556 (10) (j) (1) (Supp. 2005).

^[33] See *generally*, Minn. Stat. § 626.556 (10) (a) (Supp. 2005) (“If the report alleges a violation of a criminal statute involving sexual abuse, physical abuse, or neglect or endangerment, under section 609.378, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews”).

^[34] See, Ex. 5; Testimony of D. Ladson.

^[35] See, Ex. 4, at 3-4; *accord*, Ex. 5.

^[36] See, Ex. 5, at 3-4.

^[37] *Id.*, at 3.

^[38] *Id.*, at 14.

- [39] See, Ex. 4, at 10-12.
- [40] See, Ex. 4, at 10-12; Testimony of D. Ladson.
- [41] See, Ex. 4 and Testimony of D. Ladson.
- [42] See, Testimony of J. Baldwin; Testimony of R. Wetzell; Baldwin Hearing Memorandum, Tab E.
- [43] Ex. 6.
- [44] See, Ex. 7.
- [45] See, Ex. 9 and 11.
- [46] See, Ex. 8.
- [47] See, Ex. 10; *accord*, Ex. 11.
- [48] See, Ex. 11; *see also*, Minn. Stat. §§ 245C.14 (1)(a)(3), 245C.22 and 245C.25 (2004).
- [49] See, Ex. 14.
- [50] See, Minn. Stat. §§ 245C.22 (4) and 245C.25 (b) (2004).
- [51] See, *In re Family Child Care License of Burke*, 666 N.W.2d 724, 728 (Minn. App. 2003) (Adverse agency actions against a licensee will not be sustained where it "was initially based on several erroneous grounds, and is too severe, and is not supported by the record"); *accord*, *In re Appeal of O'Boyle*, 655 N.W.2d 331, 334 (Minn. App. 2002).
- [52] See, Ex. 3.
- [53] See, Ex. 2 at 2.
- [54] See, Testimony of D. Ladson.
- [55] See, Testimony of F. Jiwa.
- [56] *Compare*, Minn. Stat. § 626.556 (2)(n) (Supp. 2005).
- [57] *Compare*, Ex. 5 at 14 with Ex. 4 at 2 and Testimony of D. Larson.
- [58] See, Ex. 4 (at pages 4, 7 and 10); Testimony of S. Dietlow; Testimony of D. McGowan; Testimony of L. Luther, Jr.