OAH Docket No. 61-1800-17946-2

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

In the Matter of The Temporary Immediate Suspension of the License of Elizabeth Banks to Provide Family Child Care under Minnesota Rules, parts 9502.0300 to 9502.0445

PROTECTIVE ORDER

Upon the request of the Department of Human Services, Licensing Division, and Hennepin County Child Care Licensing, and pursuant to Minn. Stat. §§ 13.03, subd. 6; and 14.60, subd. 2, it is ordered that:

1. Disclosure of not public data is permitted in the course of this matter, but is limited to parties, counsel of record, employees assisting counsel, and representatives and witnesses of the parties to the extent necessary to prepare and present claims and defenses or as required by court order.

2. Licensee, Elizabeth Banks, and Licensee's counsel, representatives, or witnesses may not disclose any data encompassed by this order to persons other than those mentioned in paragraph one above, and must return all data released pursuant to this order to counsel for the Hennepin County Child Care Licensing at the conclusion of this matter.

3. Notwithstanding Minn. Stat. § 13.46, subds. 3 or 4(e), data identifying victims or witnesses who are children or vulnerable adults shall not become public data by virtue of having been submitted to this proceeding and shall remain not public after the conclusion of this hearing. In preparation for and during the hearing, the parties may refer to names of individuals involved and will have access to documents containing private information. Unless the Administrative Law Judge determines that it is in the best interest of the alleged victims or witnesses who are children or vulnerable adults, the record will not be sealed. The Administrative Law Judge's Recommendation and the Commissioner's Order shall use non-identifying initials or aliases in place of the names of any alleged victims and witnesses who are children or vulnerable adults.

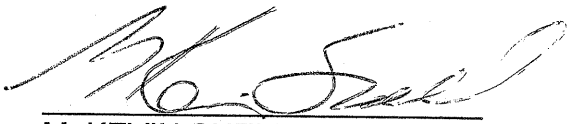
4. The hearing in this matter is presumed open. If there is testimony by an alleged victim or witness who is a child or a vulnerable adult, that portion of the hearing shall be closed. If a transcript is ordered, the names of the alleged victims and witnesses who are children or vulnerable adults shall be redacted and replaced by non-identifying initials or aliases.

5. The data encompassed by this order may be used only in this proceeding and not for any other purpose including collateral litigation, unless otherwise ordered by a court of law to disclose the data.

6. This Protective Order does not authorize the disclosure of the identity of reporters of maltreatment under Minn. Stat. §§ 626.556, subd. 11; or 626.557, subd. 12b(c).

7. This protective order does not authorize the disclosure of any videotapes of any child victim or alleged child victim unless the requirements of Minn. Stat. § 611A.90, subd. 2, paragraph (b) have been met. *See*, Minn. Stat. § 13.03, subd. 6.

Dated this 12th day of April, 2007



M. KEVIN SNELL
Administrative Law Judge