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OAH 4-1800-19184-2

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

In the Matter of the Temporary Immediate
Suspension of the Family Child Care License of **RECOMMENDATION**
Heather Kirby

This contested case proceeding began on August 24, 2007, when the Department of Human Services (Department) issued a Notice of and Order for Hearing. The case involves an appeal by Heather Kirby (Licensee) of an Order of Temporary Immediate Suspension that the Department issued on August 21, 2007, suspending the Licensee's family child care license.

Joseph M. Fischer, Assistant St. Louis County Attorney, St. Louis County Attorney's Office, Dakota County Judicial Center, 32 West 2nd Street, Suite 403, Duluth, MN 55802-1495, represented the Department and St. Louis County. Michael S. Husby, Attorney at Law, 915 U. S. Bank Place, 130 West Superior Street, Duluth, MN 55802, represented the Licensee.

By letter dated November 5, 2007, the Licensee withdrew her appeal of the Department's Order of Temporary Immediate Suspension.

The Administrative Law Judge therefore respectfully recommends that the Commissioner DISMISS this proceeding as moot.

Dated: November 7, 2007

s/Bruce H. Johnson

BRUCE H. JOHNSON
Assistant Chief Administrative Law Judge