

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

In the Matter of the Denial of License
Application of Leslie Mount for Child Care
License

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

The above entitled matter came on for hearing before Administrative Law Judge Scott Newman commencing at 1:00 p.m. on July 14, 2008, at the Wadena County Courthouse, Wadena, Minnesota. The hearing was held in accordance with a Notice of and Order for Hearing dated June 5, 2008.

Angela Sonsalla, Assistant Wadena County Attorney, appeared on behalf of Wadena County (County). Leslie Mount (Appellant) appeared pro se and on her own behalf.

Following the close of testimony, the County withdrew its denial of the application for foster care license on the basis that a household member had been convicted of domestic assault and issuance of a dishonored check.

STATEMENT OF ISSUE

Whether the Commissioner's Order denying the license application of Leslie Mount should be affirmed?

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

FINDINGS OF FACT

1. On November 5, 2007, Leslie Mount applied for a child foster care license through Wadena County Human Services.¹

2. Diane Kangas, in her capacity as a social worker for Wadena County Social Services, processed the application and ordered a background study in accordance with Minn. Stat. § 245C.²

¹ Testimony of Diane Kangas

² Test. D. Kangas

3. Upon completion of the subject background study, it was revealed that there was probable cause to believe Ronald R. Sternquist had committed criminal sexual conduct in the fifth degree as defined by Minn. Stat. § 609.3451 on or about June 4, 1983 in St. Paul, Minnesota.³

4. Ronald R. Sternquist had been a full time resident of Leslie Mount's household for approximately seven years preceding the subject license application.⁴

5. On May 16, 2008, the Minnesota Department of Human Services issued an Order denying the Application for child foster care license on the basis that Ronald R. Sternquist was disqualified from any position allowing direct contact with or access to persons served by the program licensed by the Minnesota Department of Human Services.⁵

6. Applicant Leslie Mount appealed the Order denying her application for a child foster care license.⁶

7. Appellant alleges that the license should not be denied because Ronald R. Sternquist is no longer a member of the Appellant's household.⁷

8. Ronald Sternquist claimed to be residing at a private home in the City of Deer Creek, Minnesota.⁸

9. Wadena County Social Services attempted to confirm the place of residence of Mr. Sternquist in the following manner:

a. Social Worker Diane Kangas made two unannounced visits to the home in Deer Creek. Ronald Sternquist was not at the residence on either of those unannounced visits.⁹

b. Social Worker Diane Kangas spoke with the owner of the home in Deer Creek, Mike Goldie, concerning whether Ronald Sternquist was a resident of the Deer Creek home. Diane Kangas was told by the owner of the home in Deer Creek that Mr. Sternquist was not living in his house and that he was living with his girlfriend. This conversation occurred on or about July 8, 2008.¹⁰

c. Diane Kangas, through the Minnesota Department of Public Safety, obtained a copy of Ronald Sternquist's current driver's license which reflected an

³ Test. D. Kangas & Ex. 8

⁴ Test. D. Kangas, Leslie Mount & Ronald Sternquist.

⁵ Ex. 3.

⁶ Test. D. Kangas.

⁷ Test. L. Mount & R. Sternquist.

⁸ Test. R. Sternquist.

⁹ Test. D. Kangas.

¹⁰ Test. D. Kangas

address being the same as the appellant's address. The copy of Sternquist driver's license is dated July 9, 2008.¹¹

d. Diane Kangas obtained a "PRISM" report on Ronald R. Sternquist dated July 9, 2008.¹² "PRISM" is a database used by the State of Minnesota for purposes of keeping track of individuals who owe child support payments.¹³ Ronald Sternquist is a child support payment obligor and is obligated to update any change of address with the PRISM system within ten (10) days of the change of address.¹⁴

10. Sternquist admits to "visiting" the Appellant's home but only "when the kids are not there."¹⁵ Sternquist claims that the Appellant's home is his permanent residence and intends to move back as soon as the foster care license issue has been resolved.¹⁶

11. Applicant and Sternquist have lived together at the Applicant's home for over seven years and the Applicant wants Sternquist to move back.¹⁷

12. Ronald Sternquist testified regarding the June 1983 incident (see Paragraph 3 hereof) at various times as follows:

a. That he had no recollection of an investigation for any sex crime or any crime.

b. He recalled a "physical disturbance."

c. He is taking steps which he believes will expunge his record of any criminal sexual conduct.

d. He does not know who may have made the allegation of his conduct in June 1983.

e. He has knowledge of an allegation of criminal sexual conduct dating back to 1983.

f. In 1983 he had knowledge of being charged or convicted of domestic abuse, assault, driving after suspension and driving after revocation but no recollection of any criminal sexual conduct allegations.¹⁸

13. The St. Paul Police Investigation Record regarding the June 4, 1983, incident involving Ronald Sternquist discloses the following information:

¹¹ Test. D. Kangas & State's Ex. 1.

¹² Ex. 2.

¹³ Test. D. Kangas.

¹⁴ Test. R. Sternquist.

¹⁵ Test. R. Sternquist.

¹⁶ Test. R. Sternquist.

¹⁷ Test. L. Mount.

¹⁸ Test. R. Sternquist.

a. R. Sternquist entered an unlocked back door of a woman named in the Police Report then living on Lexington Avenue in St. Paul, Minnesota. When the police arrived the woman was in the living room of her home, her t-shirt was ripped and she had marks on her face and back.

b. She told the police that a man known to her as Ronald Richard Sternquist slapped her several times in the face and attempted to rip off her t-shirt. He then unbuttoned her pants and attempted to pull them down stating to her that "I'm going to rape you." The woman was able to get away from Mr. Sternquist and ran to a neighboring home asking them to call the police.

c. The woman who was assaulted told the police that she had been having problems with Mr. Sternquist for some time. She stated that he had some type of a "fixation" for her. However she has not had any type of relationship with him.

d. The police interviewed the mother of the victim who told the police her daughter had called her immediately following the attack and was screaming into the phone that she was being attacked and wanted the police sent to her home. That following the attack her daughter's eye was badly swollen and discolored as a result of the assault.

e. A co-worker of the victim's mother went to the victim's home while the victim and her mother were talking. That witness, Richard Mitcheltree, told the police that when he arrived at the victim's home, her face was red and puffy, her shirt was torn and she had red welts on her back.

f. That shortly after the police arrived Ronald Sternquist was taken into custody. That Ronald Sternquist stated as he was leaving the victim's house, "that when he gets out there is going to be some dead people."

g. Upon arriving at the jail, Officer R. Marion interviewed Mr. Sternquist. In that interview Mr. Sternquist admitted making the statement that there was going to be some dead people. When asked whether he intended to kill someone he replied "I don't kill anyone myself, I hire people to do my killing for me."

h. The victim told the investigators that she does not wish to have Sternquist charged with criminal sexual conduct, but that she would like to prosecute for assault.¹⁹

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

¹⁹ Ex. 8.

CONCLUSIONS

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. The Notice of and Order for Hearing was proper in all respects, and the County and Department of Human Services have complied with all of the laws, other substantive and procedural requirements.

3. The Applicant (Appellant) has the burden of proof to demonstrate by a preponderance of the evidence that the Appellant has fully complied with applicable law or rule and that the application should be approved and a license granted.²⁰

4. Before issuing a foster care license, the Commissioner is required to evaluate information gathered as a part of the application process, including the results of a mandatory background study of individuals who are over the age of 13 and living in the applicant's household.²¹

5. Ronald Sternquist is an adult.

6. A preponderance of the evidence indicates that Ronald R. Sternquist has committed an act that meets the definition of crimes which permanently disqualify him from any direct contact with persons served by the child foster care license program.²²

7. That the conduct of Ronald R. Sternquist as of June 4, 1983, constitutes criminal sexual conduct in the fifth degree and the Commissioner may not set aside his disqualification or grant a variance.

8. The Applicant did not demonstrate by a preponderance of the evidence that Ronald R. Sternquist is no longer a resident of her household.

9. The Commissioner has properly denied the application for a foster care license in this case because a disqualified individual is a member of the household of the Applicant.

10. The Commissioner is prohibited by statute from setting aside the disqualification of Ronald R. Sternquist and is prohibited from granting a variance.²³

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

²⁰ Minn. Stat. § 245A.08, subd. 3B

²¹ Minn. Stat. §§ 245C.03 and 245A.04.

²² Minn. Stat. §§ 245C.14, subd. 1(2) and 609.3451, Criminal Sexual Conduct in the fifth degree.

²³ Minn. Stat. §§ 245C.15, subd. 1; 245C.24, subd. 2; and 245C.30, subd. 1.

RECOMMENDATION

IT IS HEREBY RECOMMENDED:

That the Commissioner's Order denying the foster care license application of Leslie Mount be affirmed.

Dated: August 4, 2008

s/Scott J. Newman
SCOTT J. NEWMAN
Administrative Law Judge

Reported: Digitally Recorded

NOTICE

This report is a recommendation, not a final decision. The Commissioner of the Department of Human Services will make the final decision after a review of the record. The Commissioner may adopt, reject or modify the 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, Minnesota Department of Human Services, P.O. Box 64998, St. Paul, MN 55164-0998 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. In order to comply with this statute, 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. 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.

Under 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.

MEMORANDUM

There is no evidence and it is not disputed that the Applicant, Leslie Mount loves her grandchildren and is doing the best that she can to provide them with a safe

environment. Clearly this is evidenced by letters from the Staples Elementary School and John H. Kapsner, MD.²⁴ This is further evidenced by an Order of the Ramsey County District Court granting the Applicant parenting and visitation rights with her granddaughter.²⁵ The application, however, was not denied by the Commissioner of Human Services on the basis of her conduct. Rather, the application was denied because of the conduct of Ronald Sternquist who was an admitted member of the Applicant's household. As outlined in the Findings of Fact, Mr. Sternquist committed acts which meet the definition of fifth degree criminal sexual conduct. As such, Mr. Sternquist is permanently disqualified from access to or direct contact with the minor children who are the subject of the proposed foster care license.

Both the Applicant and Mr. Sternquist have attempted to show that he is no longer a resident of the Mount household. For reasons stated in the Findings of Fact, such assertions are simply not believable. At a minimum, the undersigned believes that Sternquist continues to reside at the Mount household to such an extent that he would have access to and direct contact with the children. Consequently, the Commissioner is required by law to deny the application and is prohibited by statute from granting any set aside or variance which would allow Mr. Sternquist access to the minor children.

On July 24, 2008 the Appellant faxed to the undersigned three documents:

- a. Letter from State of Minnesota, Office of the Attorney General, dated May 8, 2008, regarding *State of Minnesota vs. Ronald Richard Sternquist, Jr.*
- b. Order Concerning Sealing of Records No Conviction In the Matter of *The State of Minnesota vs. Ronald R. Sternquist.*
- c. Letter dated July 21, 2008, from State of Minnesota, District Court Second Judicial District to various state agencies.

These documents appear to be relevant to the issue which is the subject of this decision. However, the record in this matter was closed on July 14, 2008, and therefore the documents received on July 24 were not considered in making this recommendation. The Appellant is specifically directed to Page 6 of this recommendation which outlines the right of parties adversely affected by this report to file exceptions and present argument to the Commissioner.

S. J. N.

²⁴ Ex.'s 10, 11 & 12.

²⁵ Ex. 9.