

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HUMAN SERVICES

In the Matter of the Revocation of the
Child Care Center License of New
Generation Child Development Center

**ORDER
OF
DISMISSAL**

A prehearing conference was held on November 10, 2008, by telephone. Steven H. Alpert, Assistant Attorney General, appeared on behalf of the Department of Human Services (the Department). Samuel A. McIntosh, Sr., appeared as counsel on behalf of New Generation Child Development Center. At that prehearing conference, the hearing in this matter was scheduled for 9:00 a.m. on February 3, 2009, at the Office of Administrative Hearings.

At 9:00 a.m. on the day of the hearing, no representative of New Generation Child Development Center appeared. No request for a delay or continuance was made to the Administrative Law Judge and none was granted. The hearing recessed until 9:20 a.m. to allow a representative to appear. When the hearing reconvened, the Department made a motion to dismiss for failure to appear. The motion was granted but was stayed for 10 days. At 9:30 a.m., the hearing was adjourned.

The Notice and Order for Prehearing Conference, dated August 14, 2008, gave notice that the hearing in this matter would be conducted pursuant to the contested case procedures set out in Chapter 14 of Minnesota Statutes, and the Rules of the Office of Administrative Hearings. Pursuant to Minn. R. 1400.8560, the allegations found in the Notice and Order for Prehearing Conference are taken as true and deemed proved without further evidence.

IT IS HEREBY ORDERED:

1. The appeal of the revocation of the license of New Generation Child Development Center, License No.1044115, is dismissed with prejudice.
2. This Order of Dismissal shall be effective on February 13, 2009.

Dated: February 4, 2009

s/Raymond R. Krause
RAYMOND R. KRAUSE
Chief Administrative Law Judge