

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE COMMISSIONER OF HUMAN SERVICES

In the Matter of the Order to Forfeit a Fine  
for Minnesota State Operated Community  
Services (MSOCS) – Mahnommen County –  
License Number 1004971

PROTECTIVE ORDER

In the Matter of the Order to Forfeit a Fine  
for Minnesota State Operated Community  
Services (MSOCS) – Otter Tail County –  
License Number 806553

Upon the request of the Minnesota Department of Human Services, Licensing Division (“DHS”), and pursuant to Minn. Stat. §§ 13.03, subd. 6; and 14.60, subdivision 2,

**IT IS HEREBY ORDERED:**

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. Minnesota State Operated Community Services and its 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 the counsel for the Minnesota Department of Human Services at the conclusion of this matter.

3. Notwithstanding Minn. Stat. § 13.46, subdivisions 3 or 4(e), data identifying victims, witnesses who are children, or vulnerable adults, shall not become public data by virtue of having been submitted in this proceeding and shall remain not public data 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. If a party seeks to use the non-public information that is subject to this Order, in a manner that is inconsistent with the terms of this Order, that party shall file with the Administrative Law Judge, and serve upon the other parties, a request for authorization of additional uses. The request for authorization must detail the reasons for the request.

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

7. This protective order does not authorize the disclosure of any videotapes of any child victim or alleged child victim alleging, explaining, denying, or describing an act of physical or sexual abuse unless the requirements of Minn. Stat. § 611A.90, subdivision 2, paragraph (b) have been met. See, Minn. Stat. § 13.03, subdivision 6.

8. This Protective Order may be modified or amended by agreement of the parties and notice to the Administrative Law Judge, or upon application to the Administrative Law Judge for good cause shown.

9. Nothing in this Order is intended to limit availability of judicial review of the Commissioner's final order as provided by Minn. Stat. §§ 14.63 - 14.69.

Dated: January 5, 2009

/s/ Eric L. Lipman

---

ERIC L. LIPMAN  
Administrative Law Judge