

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

In the Matter of the Temporary Immediate
Suspension of the Adult Foster Care
License of Debbera Kline

ORDER

This matter came on for hearing before Administrative Law Judge Barbara J. Runchey (the ALJ) on May 6, 2009, at Rochester City Hall, Rochester, Minnesota.

Geoffrey A. Hjerleid, Senior Assistant Olmsted County Attorney, appeared on behalf of the Olmsted County Community Services Department (the County) and the Minnesota Department of Human Services (DHS). William L. French, Esq., appeared on behalf of the Licensee, Debbera Kline.

1. The above matter was initially set for hearing on May 6, 2009. The issue was whether license holder's alleged failure to comply with applicable law or rule poses a risk of harm to the health, safety, or rights of persons served by the program warranted indefinite suspension of the license holder's adult foster care license pursuant to Minn. Stat. § 245A.07, subd. 3.

2. The county attorney orally indicated that Olmstead County had completed its investigation and that Olmstead County was declining to pursue criminal prosecution. It was unknown whether this information had been relayed to DHS. Notwithstanding this, the county attorney indicated he would promptly notify DHS of this fact.

3. The parties requested and agreed to continue this matter to June 17, 2009 commencing at 10:00 a.m. at the following location: Rochester City Hall Conference Room 306, Rochester, Minnesota. The Temporary Immediate Suspension shall remain in effect pending the June 17, 2009 hearing date.

4. This matter is set for a pre-hearing conference on June 9, 2009 at 10:00 a.m. The county attorney shall initiate the conference call.

5. If a party intends to file any dispositive motion, it shall be served and filed on or before June 3, 2009. Responsive opposition to such motions shall be served and filed by June 17, 2009.

6. The parties shall provide each other with copies of any subpoena requests made to this office.

7. The parties shall exchange proposed exhibit and witness lists on or before June 9, 2009.

8. The Department shall pre-mark exhibits sequentially with numbers (1, 2...) and the Licensee shall pre-mark her exhibits sequentially with letters (A, B...). The parties shall confer with each other prior to the pre-hearing conference to determine what exhibits can be stipulated upon.

Dated: May 12, 2009

s/Barbara J. Runchey

BARBARA J. RUNCHEY
Administrative Law Judge