

May 1, 2009

By Fax and U.S. Mail

Rebecca S. Morrisette
Assistant County Attorney
525 Portland Avenue South
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Minneapolis, MN 55415

Deborah Causey Eckland
Goetz & Eckland, P.A.
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43 Main Street SE, Suite 505
Minneapolis, MN 55414

Re: *In the Matter of the Temporary Immediate Suspension of the Family
Child Care License of Nina Vang*
OAH Docket No. 3-1800-20459-2

Dear Counsel:

I have received Ms. Morrisette's correspondence dated April 30, 2009, in which she requests that the hearing scheduled to take place on May 7, 2009, be continued. I understand that Ms. Eckland objects to the continuance.

The purpose of an expedited hearing on a temporary immediate suspension order is to determine whether the temporary immediate suspension should be continued pending the Commissioner's final order on a licensing sanction. To justify continuance of the suspension, the commissioner is required to demonstrate that reasonable cause exists to believe that either the license holder or the actions of other individuals or conditions in the program pose an imminent risk of harm to the health, safety, or rights of persons served by the program. See Minn. Stat. § 245A.07, subd. 2a (2008). There must be a showing that the license holder, or other individuals or conditions in her home, poses an imminent risk of harm to children in care. See *In the Matter of the Temporary Immediate Suspension of the Family Child Care License of Samantha Stone*, A08-0995 (Minn. App. Apr. 28, 2009).

There is often an on-going child protection or criminal investigation in temporary immediate suspension cases. Although there might be good cause for a short continuance, what Ms. Morrisette proposes is an indefinite continuance of possibly several weeks while prosecutors determine whether to issue charges. The request for a continuance is denied. The hearing remains scheduled to take

place on May 7, 2009. Moreover, the Licensee is entitled to know the basis for the order of temporary immediate suspension so that she has an opportunity to respond to it in an expedited hearing. The County should provide the Licensee with a witness list and exhibit list as soon as possible.

Sincerely,

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge
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