

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

In the Matter of the Appeal of Adventure
Alley Child Care Center, Inc., Regarding
the Order to Forfeit a Fine

PROTECTIVE ORDER

Upon the request of the Department of Human Services, Licensing Division, and pursuant to Minn. Stat. §§ 13.03, subd. 6; 14.60, subd. 2; and 626.556, subd. 11 (a):

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. Adventure Alley Child Care Center, Inc, and its counsel, 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 counsel for the Department of Human Services at the conclusion of this matter.

3. Notwithstanding Minn. Stat. § 13.46, subds. 3 or 4(e), data identifying victims or 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 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. The data encompassed by this Protective Order may be used only in this proceeding and not for any other purpose including collateral litigation, unless ordered by a court of law to disclose the data.

6. Should any party seek to use the information subject to this Protective Order in a manner inconsistent with the Order, that party shall bring a motion before the Administrative Law Judge with notice to the other party, requesting permission to use the information and detailing the reasons for the request.

7. 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.

8. 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, subd. 2, paragraph (b) have been met. See Minn. Stat. § 13.03, subd. 6.

9. Nothing in this Protective Order is intended to limit availability of judicial review of the Commissioner's final order as provided by Minn. Stat. § § 14.63 - .69.

Dated this 9th day of September, 2009.

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER

Administrative Law Judge