

February 14, 2011

Roger Henderson  
STREET ADDRESS REDACTED  
Minneapolis, MN 55418

In re: *The Revocation of the License of Diane Henderson and the  
Disqualification of Roger Henderson*  
OAH 15-1800-21709-2

Dear Mr. Henderson,

A hearing was held on February 10, 2011, concerning your disqualification by the Department of Human Services from contact with or access to children in a program licensed by the Department. It was my understanding, based on a letter sent by Brett Larson, that you intended to appeal that disqualification. That intent is reflected in the Notice of and Order for Hearing, which states that the hearing would address both your disqualification and Ms. Henderson's license revocation. However, you failed to appear at the hearing on February 10, 2011, and did not contact me to request that the hearing be delayed or offer an explanation concerning your failure to appear.

At the hearing on February 10, Mr. Larson stated that he was not your attorney but was appearing on behalf of Ms. Henderson and was challenging your disqualification to the extent that it affected Ms. Henderson's license. Since you are the person who was disqualified, it is your responsibility to set forth the basis for rescinding or setting aside the disqualification, or for granting a variance to the disqualification.

It is also not clear whether you believed that Mr. Larson was representing your interests at the hearing.

Please notify me in writing, no later than **February 23, 2011**, whether you challenge the disqualification, and, if you do, why you did not appear at the

hearing on February 10, 2011. I will consider whether you had good cause for failing to appear at the hearing without giving me notice. If I do not hear from you by February 23, I will treat your failure to appear as a default of the disqualification and that decision will be final.

If you continue to challenge the disqualification, and I determine that you had good cause for failing to appear on February 10, it will be necessary to reconvene the hearing and for you come to the hearing to state the basis of your appeal and offer the Department of Human Services the opportunity to cross-examine you. Also, please clarify whether Mr. Larson will assist you in this matter.

If you reply to me, please provide a copy of the correspondence to Mr. Larson and Mr. Stephens. I have enclosed their addresses for your convenience.

Sincerely,

s/Beverly Jones Heydinger

BEVERLY JONES HEYDINGER  
Administrative Law Judge

Telephone: (651) 361-7838

BJH:nh

Cc:

Brett Larson, Attorney at Law, US Bank Plaza, Suite 2000,  
220 South Sixth Street, Minneapolis, MN 55402

Frederic Stephens, Assistant Hennepin County Attorney,  
525 Portland Avenue South, 12<sup>th</sup> Floor, Minneapolis, MN 55415