

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Appeal of the  
Invasive Species/Infested Waters Citation  
Issued to Levi Douglas Klaudt  
Citation No. 174401

**FINDINGS OF FACT,  
CONCLUSIONS,  
MEMORIALIZATION  
OF SETTLEMENT, AND  
RECOMMENDATION**

This matter came on for a Prehearing Telephone Conference on July 22, 2013, before Administrative Law Judge M. Kevin Snell (ALJ). Department of Natural Resources (DNR) Conservation Officer Brent Grewe, DNR Inspector Tyler Richter, Mr. Levi Klaudt and the ALJ participated in the Conference. The parties agreed to discuss settlement of this matter off-the-record, and did so without the participation of the ALJ. Upon going back on the record, the parties stipulated that this matter would be resolved by a reduction of the fine to \$100.00, to be paid within 30 days of the date of the Prehearing Telephone Conference. The OAH record closed at the conclusion of the Prehearing Conference.

Based on the proceedings herein, the Administrative Law Judge makes the following:

**FINDINGS OF FACT AND MEMORIALIZATION OF SETTLEMENT**

1. Mr. Klaudt admitted to the violation.
2. The violation was inadvertent – non-willful.
3. Mr. Klaudt and Erickson Marine have had no prior violations or warnings.
4. The DNR agreed to accept payment of \$100.00, in lieu of the \$500.00 fine specified in the Citation.
5. Mr. Klaudt agreed to pay the \$100.00, together with a copy of the Citation, to the DNR no later than August 21, 2013, with attention to:

Commissioner of the Department of Natural Resources  
Attn: Office of Management and Budget Services  
500 Lafayette Road  
St. Paul, Minnesota 55155

Based on the Findings of Fact and Memorialization of Settlement, the Administrative Law Judge makes the following:

## CONCLUSIONS

1. The ALJ and the DNR Commissioner have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50, 84D.13, and 116.072.
2. The DNR and the ALJ have authority to reduce the amount of a fine after considering the factors in Minn. Stat. § 116.072, subd. 2.
3. Accepting an amount less than \$500.00 is permitted, considering the factors at Minn. Stat. § 116.072, subd. 2(b) (1), (3), and (4).

Based on the Conclusions, the Administrative Law Judge makes the following:

## RECOMMENDATION

**IT IS RECOMMENDED** that the Commissioner of Natural Resources **DISMISS** the Citation, provided the Commissioner receives payment of \$100.00 no later than August 21, 2013.

Dated: August 8, 2013

s/M. Kevin Snell

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M. KEVIN SNELL  
Administrative Law Judge

Reported: Recorded Digitally

## NOTICE

Pursuant to Minn. Stat. § 116.072, subd. 6 (e), the Commissioner may not issue a final order until at least five days after receipt of the report of the Administrative Law Judge. The persons to whom the order is issued may, within those five days, comment to the Commissioner and the Commissioner will consider the comments. The Commissioner must send a copy of the final decision to Mr. Klautt. The final order of the Commissioner may be appealed pursuant to Minn. Stat. §§ 14.63-14.69. If the Commissioner fails to act within 90 days after the record closes, this recommendation will become the final decision in this matter.