

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Eligibility  
of John P. Hutchins for  
Licensure as a Peace Officer

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION

The above-entitled matter came on for a prehearing conference before Administrative Law Judge Allen E. Giles at 1:30 p.m. on June 30, 1998, at 100 Washington Square, Suite 1700, Minneapolis, Minnesota.

Michael J. Weber, Assistant Attorney General, Suite 500, 525 Park Street, St. Paul, Minnesota 55103, appeared on behalf of the Complaint Committee of the Board of Peace Officer Standards and Training ("POST" or "the Board").

The Licensee, John P. Hutchins, did not appear at the hearing. Licensee's address is 1040 - 102<sup>nd</sup> Street East, Inver Grove Heights, Minnesota 55077. No one appeared on behalf of the Licensee. The record closed in the matter at the close of the hearing on June 30, 1998.

**STATEMENT OF ISSUES**

Whether John P. Hutchins is eligible for licensure as a peace officer.

Based on the filings and records in this matter, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. On August 1, 1980, John Hutchins pled guilty to Assault in the Fourth Degree (subsequently renamed Assault in the Fifth Degree), a misdemeanor violation of Minn. Stat. § 609.224. On August 20, 1980, Respondent was sentenced to choose between serving ten days in the workhouse or paying a \$100 fine.

2. On August 30, 1994, Respondent signed a Board form where he denied that he had been convicted of Assault in the Fifth Degree. Based upon Respondent's representations, he was allowed admission to a program for professional peace officer education.

3. On September 15, 1995, because the Board was still unaware of Respondent's conviction, Respondent was allowed to take the peace officer licensing examination. Respondent passed the examination.

4. In April 1996, Respondent applied for a position as a Minnesota State Trooper. On the application, John Hutchins again failed to disclose the previous conviction for assault. During a background investigation, the Minnesota State Patrol discovered his conviction and informed the Board pursuant to Minn. Rules pt. 6700.0701.

5. A Notice Of and Order for Hearing was served on John Hutchins on May 21, 1998. The Notice indicated that a prehearing conference would be held on June 30, 1998 at the Office of Administrative Hearings. Respondent was also informed that his failure to attend could lead to the allegations in the Complaint being taken as true. John Hutchins failed to appear at the prehearing conference and failed to contact the Judge regarding the hearing.

Based on the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS OF LAW**

1. The Board of Peace Officer Standards and Training and the Administrative Law Judge have jurisdiction of this matter pursuant to Minn. Stat. §§ 214.10 and 14.50.

2. Proper notice of this matter has been given and all necessary procedural requirements have been met by the Board.

3. John Hutchins' failure to appear at the prehearing conference in this matter and failure to contact the Administrative Law Judge constitute a default under Minn. Rule 1400.6000. Pursuant to that rule, the Judge takes the allegations in the Complaint as true for the purposes of this proceeding.

4. John Hutchins was convicted of Assault in the Fifth Degree in violation of Minn. Stat. § 609.224 on August 1, 1980. Minn. Rule 6700.0300 subp. 5 B makes a conviction of that offense a basis for refusal of admission to the professional peace officer program. Minn. Rule 6700.0601, subp.1 I makes a conviction of that offense a ground for denial of eligibility for licensure.

5. John Hutchins' failure to disclose his previous conviction of Assault in the Fifth Degree constitutes a false material statement to the Board in violation of Minn. Rule 6700.0601, subp.1 A.

6. As a result of Conclusions 4 and 5 above, John Hutchins has engaged in conduct which constitutes grounds for denial of an opportunity to take the examination and denial of eligibility for licensure as a peace officer.

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

### **RECOMMENDATION**

IT IS RESPECTFULLY RECOMMENDED THAT the Board of Peace Officer Standards and Training DENY the eligibility of John P. Hutchins for licensure as a peace officer.

Dated: July 24, 1998.

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ALLEN E. GILES  
Administrative Law Judge

Reported: Taped, No Transcript Prepared

NOTICE

Notice is hereby given that, pursuant to Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Recommendation has been made available to the parties to the proceeding for at least ten days, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Board. Exceptions to this Report, if any, shall be filed with John Laux, Executive Director of the Board, 200 Spruce Tree Center, 1600 University Avenue, St. Paul, Minnesota 55104-3825. Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.