CAH 28-1805-40777

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES[1]

In the Matter of the Appeal by Bobbi Sandland of the Violation of Settlement Agreement Reinstatement of Revocation License No. 1094531 (Family Child Care)	**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION**

This matter came before Administrative Law Judge Joseph C. Meyer for a hearing on July 30, 2025. The record closed on August 14, 2025, upon the filing of written closing arguments by the parties.[2]

Devin J. Johnson, Assistant Becker County Attorney, appeared on behalf of the Department of Children, Youth, and Families (Department). Bobbi Sandland (Appellant) appeared on her own behalf without legal counsel.

Exhibits 1, 2, 4, 5, 101, 102, 104, and 105 were received without objection.

STATEMENT OF THE ISSUES

1. Did the Appellant violate the terms of the January 8, 2025 Settlement Agreement (2025 Settlement Agreement), such that reinstating the Order of Revocation was proper?

2. Did the Department properly revoke Appellant's license based on the Commissioner's evaluation of the program, and the conclusive licensing violations detailed in the Second Reinstatement of Revocation (Third Revocation Order) dated March 17, 2025, under Minn. Stat. §§ 245A.04, subd. 6, and 245A.07, subds. 1 and 3 (2024)?

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[1] This proceeding was initiated by the Department of Human Services. This Report refers to the Department of Children, Youth, and Families because, during the course of this proceeding, jurisdiction for this type of matter transferred to the Department of Children, Youth, and Families. Laws 2024, chapter 80, article 8, section 72.

[2] At the evidentiary hearing, an August 13, 2025 deadline for written closing arguments was established. Appellant filed her written closing argument on August 14, 2025. Also on August 14, 2025, the Department filed a corrected written argument adding a signature block. Neither party filed objections to each other's August 14, 2025 filings and the Administrative Law Judge extends the record close to August 14, 2025.

SUMMARY OF RECOMMENDATION

Because Appellant violated the 2025 Settlement Agreement and the relevant statutory considerations support license revocation, the Commissioner of Children, Youth, and Families (Commissioner) should **AFFIRM** the Third Revocation Order.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. Appellant is licensed by the Department to provide family child care services at 2081 2nd Street, Lake Park, Minnesota under license number 1094531. Appellant was originally licensed in January 2019.[3]

2. Becker County contracts with Sourcewell to perform annual unannounced visits, investigate complaints made to Becker County, and provide other services related to family child care service providers.[4]

3. Appellant was previously issued a conditional license and two fines.[5]

4. On January 19, 2023, Becker County Human Services received a parent complaint that Appellant appeared intoxicated on two consecutive days while providing child care services.[6]

5. Sara Peterson, Associate Director of Family Child Care Licensing, with Sourcewell, conducted an unannounced visit in response to this complaint.[7]

6. When Peterson arrived at Appellant's home at approximately 7:15 in the morning, Appellant was still asleep. Peterson observed that Appellant appeared to be intoxicated after being woken by Peterson because Appellant was slow in speech and movements and appeared to be confused.[8]

7. Peterson called law enforcement who came to Appellant's home and performed a breath test for alcohol. Appellant's blood alcohol level was .122 as measured by the breath test.[9]

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[3] Exhibit (Ex.) 1 at 1 (Settlement Agreement) (Jan. 8, 2025); Ex. 2 at 1 (Violation of Settlement Agreement Reinstatement of Revocation) (Mar. 17, 2025); Testimony (Test.) of Bobbi Sandland; Test. of Sara Peterson.
[4] Test. of S. Peterson.
[5] Test. of S. Peterson.
[6] Ex. 1 at 1; Test. of S. Peterson.
[7] Test. of S. Peterson.
[8] Test. of S. Peterson.
[9] Test. of S. Peterson.

8. No children were present on the morning of the unannounced visit. Appellant had sent a text message to parents informing them that Appellant would not be open that day.[10]

9. Becker County required Appellant to complete a chemical dependency evaluation which confirmed that Appellant suffered from alcohol abuse.[11]

10. Peterson conducted another unannounced visit to Appellant's home on April 20, 2023.[12]

11. On April 20, 2023, Appellant again appeared to Peterson to be intoxicated because she was slow in speech.[13]

12. Peterson called law enforcement who again came to perform a breath test on Appellant. Appellant's blood alcohol level was .12 on the morning of April 20, 2023.[14]

13. Appellant had three children in her care on April 20, 2023, when she was found to be intoxicated.[15]

14. On April 20, 2023, the Department issued an Order for Temporary Immediate Suspension (TIS) of Appellant's license. Appellant did not appeal the TIS.[16]

15. On May 9, 2023, Becker County Human Services determined that Appellant was responsible for maltreatment by neglect and appellant did not request reconsideration of this determination.[17]

16. On July 19, 2023, the Department issued an order revoking Appellant's license (First Revocation Order). Appellant appealed the First Revocation Order.[18]

17. The appeal of the First Revocation Order was resolved by a settlement agreement entered into between Appellant and the Department on November 4, 2023, and required Appellant to maintain sobriety before being allowed to operate her family child care under a conditional license. The agreement also provided for Appellant to undergo random alcohol screenings.[19]

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[10] Test. of S. Peterson.
[11] Ex. 1 at 1; Test. of Amy Hanson.
[12] Test. of S. Peterson.
[13] Test. of S. Peterson.
[14] Test. of S. Peterson.
[15] Ex. 1 at 1; Test. of S. Peterson.
[16] Ex. 1 at 1; Test. of S. Peterson.
[17] Ex. 1 at 1; Test. of S. Peterson.
[18] Ex. 1 at 1-2; Test. of S. Peterson.
[19] Ex. 1 at 1-2; Test of S. Peterson; Test. of A. Hanson; Test. of Jenna Castagneri.

18. Appellant was subjected to nine random alcohol screenings. In the last two screenings, Appellant tested positive for alcohol in urine analysis tests on April 17, 2024 and May 13, 2024.[20]

19. Based on these positive alcohol tests, the Department issued an order reinstating First Revocation Order (Second Revocation Order) on June 11, 2024. Appellant appealed the Second Revocation Order.[21]

20. The Appeal of the Second Revocation Order was resolved on January 8, 2025, when Appellant and the Department entered into the 2025 Settlement Agreement.[22]

21. The 2025 Settlement Agreement provided that Appellant's license would be placed on conditional status for a period of two years beginning on May 13, 2025.[23]

22. As part of the 2025 Settlement Agreement, Appellant acknowledged that failure to comply with its terms may result in reinstating the First Revocation Order and additional licensing actions. Appellant further agreed that the scope of any hearing regarding a reinstated order would be limited to whether Appellant complied with the terms of the 2025 Settlement Agreement.[24]

23. One of the terms of the 2025 Settlement Agreement required Appellant to call a designated phone number every morning to check the color wheel.[25]

24. The color wheel is a randomized process through which someone subject to random substance use screening calls an assigned number each morning and is told whether or not they are required to test on that day.[26]

25. People who are subject to the color wheel are provided a phone number that is referred to as the "drug phone" to call or send a text message to if they miss their assigned time to call the color wheel.[27]

26. The policies for the color wheel were explained to Appellant by Jenna Castagneri, a social worker with the Department. On January 17, 2025, Appellant signed a copy of the drug and alcohol testing policy.[28]

27. Appellant did not call to check the color wheel on January 19, 2025 or February 22, 2025.[29]

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[20] Ex. 1 at 2; Test. of S. Peterson; Test. of A. Hanson; Test. of J. Castagneri.
[21] Ex. 1 at 2; Test. of S. Peterson; Test. of A. Hanson.
[22] Ex. 1 at 2-5; Test. of S. Peterson; Test. of A. Hanson.
[23] Ex. 1 at 3; Test. of A. Hanson.
[24] Ex. 1 at 4; Test. of S. Peterson.
[25] Ex. 1 at 3; Test. of S. Peterson; Test. of A. Hanson; Test. of J. Castagneri.
[26] Test. of A. Hanson; Test. of J. Castagneri.
[27] Test. of Hannah Brady; Test. of J. Castagneri.
[28] Test. of J. Castagneri; Ex. 102 (Becker County Child Protection Drug & Alcohol Testing Policy).
[29] Ex. 3 at 2-3 (Donor Check-in Log); Ex. 5 (Text Message from Appellant); Test. of S. Peterson; Test. of A. Hanson; Test. of H. Brady; Test. of J. Castagneri.

28. January 19, 2025 was a Sunday and February 22, 2025 was a Saturday.[30]

29. Appellant had worked in her job at the Lake Park Municipal Liquor Store from 7:05 a.m. to 5:45 p.m. on January 18, 2025.[31]

30. Appellant was at work at 7:34 a.m. on February 22, 2025.[32]

31. Appellant also cleans homes in Fargo, North Dakota, on weekends, which is approximately a 30-minute drive.[33]

32. Appellant maintains that she forgot to call the color wheel because of her work schedule.[34]

33. On January 19, 2025, Appellant sent a text message to Castagneri at 10:17 a.m. indicating that she had forgotten to call to check the color wheel and asking if she needed to test that day.[35]

34. Becker County reminded Appellant of the color wheel requirements after she failed to call to check the color wheel on January 19, 2025.[36]

35. Alcohol can dissipate quickly in the body such that testing late could allow someone to evade detection of alcohol use.[37]

36. Appellant never tested positive for alcohol while she was subject to the color wheel requirement.[38]

37. Appellant has participated as an alternate general service representative within Alcoholics Anonymous (AA) where she goes to district and area meetings to bring information back to local meetings and has been active in AA.[39]

38. On March 17, 2025, the Department issued the Third Revocation Order revoking Appellant's license based on the failures to call to check the color wheel and the nature, history, and severity of Appellant's violations.[40]

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[30] Test. of S. Peterson; Test. of H. Brady. At the evidentiary hearing, the Administrative Law Judge, without objection from the parties, took administrative notice pursuant to Minn. R. 1400.8607, subp. 4 (2025) of the days of the week that January 19, 2025 and February 22, 2025 fell on.
[31] Ex. 101 at 5 (Appellant timesheets); Test. of Carly Olson.
[32] Ex. 101 at 9; Test. of C. Olson.
[33] Test. of B. Sandland.
[34] Test. of B. Sandland.
[35] Ex. 5; Test. of J. Castagneri.
[36] Test. of A. Hanson.
[37] Test. of J. Castagneri.
[38] Test. of A. Hanson.
[39] Test. of Marlene Craik.
[40] Ex. 2.

39. Appellant timely appealed the Third Revocation Order on March 31, 2025, thereby initiating this proceeding.[41]

40. Any Conclusion of Law more properly considered a Finding of Fact is incorporated herein.

41. Any portion of the Accompanying Memorandum more properly considered a Finding of Fact is incorporated herein.

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

CONCLUSIONS OF LAW

1. The Administrative Law Judge and the Commissioner of Children, Youth, and Families (Commissioner) have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50, 142B.18, 142B.20 (2024).

2. The Department has complied with all substantive and procedural requirements of law and rule and this matter is properly before the Administrative Law Judge and the Commissioner.

3. The Commissioner may suspend or revoke a license when a license holder fails to comply fully with applicable laws or rules.[42]

4. When determining whether to suspend or revoke a license, the Commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.[43]

5. In a hearing to revoke a license, the Commissioner may demonstrate reasonable cause for action taken by submitting statements, reports, or affidavits to substantiate the allegations that the license holder failed to comply fully with applicable law or rule. If the Commissioner demonstrates that reasonable cause existed, the burden of proof shifts to the license holder to demonstrate by a preponderance of the evidence that the license holder was in full compliance with those laws or rules that the Commissioner alleges the license holder violated, at the time that the Commissioner alleges that the violation of law or rules occurred.[44]

6. The Department has substantiated its allegations that Appellant failed to comply with the terms of the 2025 Settlement Agreement by failing to call to check the color wheel on two occasions.

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[41] Notice and Order for Prehearing Conference and Hearing at 6 (Apr. 23, 2025).
[42] Minn. Stat. § 245A.07, subd. 3(a)(1).
[43] Minn. Stat. § 245A.07, subd. 1(a).
[44] Minn. Stat. § 245A.08, subd. 3.

7. Appellant has not proven by a preponderance of the evidence that she was in full compliance with the laws or rules she is alleged to have violated.

8. The nature, chronicity, and severity of Appellant's violations, as well as the effect on those violations on the health, safety, or rights of persons served, support the Department's decision to revoke Appellant's license.

9. Any Finding of Fact more properly considered a Conclusion of Law is incorporated herein.

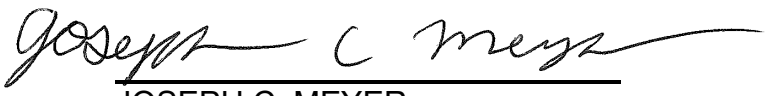
10. Any portion of the accompanying Memorandum more properly considered a Conclusion of Law is incorporated herein.

Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

RECOMMENDATION

The Commissioner should **AFFIRM** the Third Revocation Order and **REVOKE** Appellant's family child care license.

Dated: October 16, 2025



JOSEPH C. MEYER
Administrative Law Judge

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No transcript prepared

NOTICE

This Report is a recommendation, not a final decision. The Commissioner of the Department of Children, Youth, and Families (Commissioner) will make the final decision after a review of the record and may Adopt, reject, or modify these Findings of Fact, Conclusions, and Recommendation. Pursuant to Minn. Stat. § 14.61 (2024), the Commissioner will not make their final decision until after they have provided each party adversely affected an opportunity to file exceptions and present arguments. Parties should contact the Department of Children, Youth, and Families at both dcyf.administrativelawoffice@state.mn.us and oiglegal.dcyf@state.mn.us to find out the process for filing exceptions or presenting arguments.

The record closes upon the filing of exceptions to the Report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and Administrative Law Judge of the date the record

closes. If the Commissioner fails to issue a final decision within 90 days of the close of the record, this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2024). To comply with this statute, the Commissioner must then return the record to the Administrative Law Judge within ten working days to allow the Judge to determine the discipline to be imposed.

Under Minn. Stat. § 14.62, subd. 1 (2024), the Commissioner is required to serve their final decision on each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

MEMORANDUM

Appellant did not dispute that she failed to call the color wheel on time on two occasions.[45] The record clearly establishes that each of these failures was in violation of the 2025 Settlement Agreement. Appellant's past alcohol-related violations are also established conclusively as a matter of law. Accordingly, this proceeding turns on whether revocation, as the Department's choice of sanction, is appropriate.

Taken in isolation, license revocation is a harsh sanction for the violation of failing to make two calls to the daily color wheel, especially when Appellant attempted to follow-up with the County only 17 minutes after the 10:00 a.m. deadline on of those dates. This case, however, does not exist in isolation. Rather, the missed calls were the proverbial straw that broke the camel's back.

Appellant has a significant licensing history. Of particular concern here, Appellant was subject to complaints alleging alcohol use when caring for children. These allegations were substantiated when Sourcewell found Appellant intoxicated on April 20, 2023, with three children in her care. The sole provider of a family child care program being intoxicated while caring for small children presents obvious concerns about the health and safety of those children.

Given the nature of substance abuse, the Department was reasonably concerned about the need to monitor Appellant. Instead of continuing to pursue revocation of Appellant's license, the Department entered into the 2025 Settlement Agreement allowing Appellant to continue providing services. Recognizing the need to protect the children in Appellant's care, the Department negotiated an agreement, which Appellant agreed to, whereby Appellant would need to call the color wheel every morning and, if ordered, submit to a test. This arrangement was designed such that any alcohol use by Appellant would run the risk of detection by the Department. This testing regime was onerous but appropriate. Indeed, the 2025 Settlement Agreement explicitly contemplated revocation as a potential sanction for violations of the agreement.

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[45] The Department presented evidence of two other missed color wheel calls in March 2025. The Department did not allege violations based on those purported failures in the Notice and Order for Prehearing Conference and Hearing (Apr. 23, 2025). Accordingly, the Administrative Judge makes no findings with respect to whether Appellant also missed calling the color wheel in March 2025 and did not consider those allegations in the recommendation.

It is regrettable that this proceeding was necessary. Many people suffer from substance abuse and recovery is not easy. Testimony by Appellant, as well as her friends and colleagues, establishes that Appellant is taking her recovery journey seriously and is positively improving her life.[46] These efforts are commendable. Further, while Appellant's missed calls to the color wheel occurring on weekends gives some circumstantial cause for concern that they were designed to evade detection of weekend alcohol consumption, it is also worth emphasizing that there were no positive tests or other direct evidence that Appellant actually used alcohol while subject to the 2025 Settlement Agreement.

Unfortunately, by missing her call-in window twice, Appellant violated a core provision of the 2025 Settlement Agreement that was in place to give the Department the level of confidence it needed to ensure Appellant was not under the influence of alcohol while caring for children. This is true even if Appellant simply forgot to call. This violation, along with Appellant's licensing history, warrants revocation. Appellant having been found caring for multiple children while intoxicated is a serious offense. The missed color wheel calls reasonably exacerbate the Department's concerns about alcohol use by Appellant and the significant impact such use could have on the health and safety of children served by Appellant. Put differently, the nature, severity, and chronicity of Appellant's violations, as well as the violations' potential impact on the health and safety of persons served by Appellant, support the Department's choice of sanction. Accordingly, the Commissioner should **AFFIRM** the Third Revocation Order.

J. C. M.

[46] Test. of Britney Ronning; Test. of M. Craik; Test. of C. Olson; Test. of B. Sandland.