

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE METRO GANG STRIKE FORCE

In the Matter of Jermaine Booker, #226914

**NOTICE OF REVIEW  
WITHOUT A HEARING**

TO: Jermaine Booker, #226914, MCF-Stillwater, 970 Pickett Street North, Bayport,  
MN 55003

YOU ARE HEREBY NOTIFIED that the above-referenced matter has been set on for review without a hearing on **February 11, 2010 at 9:30 a.m.** at the Harold Stassen Building, 600 North Robert Street, St. Paul, MN 55164.

Appellant has appealed the League of Minnesota Cities Insurance Trust's (LMCIT) decision, in part, and requested no hearing. The review will consist of a review of the documentary file submitted to the Office of Administrative Hearings by the LMCIT and Appellant's Public Claim Report.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Manuel J. Cervantes, Administrative Law Judge, Office of Administrative Hearings, telephone (651) 361-7945.

**All mail sent to the Administrative Law Judge should be directed to P.O. Box 64620, St. Paul, Minnesota 55164-0620.**

The review will be conducted pursuant to the contested case procedures set out in chapter 14 of Minnesota Statutes, and the Rules of the Office of Administrative Hearings, Minn. R. 1400.8505-8612. After the review is completed, the Administrative Law Judge will prepare a written decision.

A copy of the statutes and rules that govern how the hearing will be conducted may be purchased from the Minnesota Book Store, telephone (651) 297-3000, and is also available from the Minnesota Revisor of Statutes at [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us). Copies of the rules of the Office of Administrative Hearings may also be found at [www.oah.state.mn.us](http://www.oah.state.mn.us)

**ALLEGATIONS**

Claimant alleges that \$1,923.00 in cash was seized from him when Metro Gang Strike Force (MGSF) officers arrested him on January 16, 2008. Apparently, no charges were filed and the cash was not returned. The police documents indicate that \$1,923.00 was seized from Claimant. The forfeiture process was initiated by service of

a Notice of Seizure and Intent to Forfeit Property upon Claimant on July 28, 2008 and no cash was returned by the Metro Gang Strike Force.

The LMCIT submitted the following file documents as evidence:

1. LMCIT's Cover Letter to Judge, dated December 15, 2009.
2. Claimant's Notice of Appeal, filed December 11, 2009.
3. LMCIT's Analysis and Recommendations, filed December 1, 2009.
4. Public Claim Report, filed November 3, 2009.
5. December 22, 2008 Conciliation Court Dismissal Entry, Register of Actions.
6. Letter from Ramsey County Civil Division Manager, dated December 4, 2008, denying 18 month Conciliation Court continuance.
7. Notice of Seizure and Intent to Forfeit Property, served July 28, 2008.
8. MGSF Seized Evidence Currency Log, undated.
9. MGSF Report of Investigation, dated January 16, 2008
10. MGSF Application for Search Warrant, dated January 10, 2008

### **ISSUES**

1. Did the Metro Gang Strike Force improperly seize the cash?
2. If so, what amount should be returned to the claimant?

### **ADDITIONAL INFORMATION**

1. The Administrative Law Judge will make a decision based on the record, documents 1-10, enumerated above. A written copy of the Judge's order will be sent to you.

2. If any party has good cause for requesting a continuance of the hearing, the request must be made in writing to the Administrative Law Judge at least five days prior to the scheduled date. A copy of the request must be served on the Metro Gang Strike Force c/o LMCIT, 145 University Avenue, St. Paul, MN 55103-2044.

3. The Office of Administrative Hearings conducts proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court.

Dated: January 21, 2010

s/Manuel J. Cervantes  
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MANUEL J. CERVANTES  
Administrative Law Judge