

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Bruce Reed, Jr.,
vs.
Todd Ouellette,

Complainant,

Respondent.

ORDER RESCHEDULING PROBABLE
CAUSE HEARING AND ORDER TO
SHOW CAUSE

On November 6, 2006, Bruce Reed, Jr. filed a Complaint with the Office of Administrative Hearings alleging that Todd Ouellette violated Minnesota Statutes § 211B.06. On November 7, 2006, Administrative Law Judge Eric Lipman issued an Order determining that the Complaint set forth a *prima facie* violation of Minnesota Statutes § 211B.06, and scheduling the matter for a probable cause hearing to be held by telephone on November 13, 2006, at 9:30 a.m.

The Complainant, Bruce Reed, Jr., 1070 Gilmore Avenue, Winona, MN 55987, participated by telephone on his own behalf without counsel. There was no appearance made by or on behalf of the Respondent, Todd Ouellette. Prior to the hearing, on November 10, 2006, the Respondent submitted by facsimile transmission a five-page response to the Complaint, which included a request that Administrative Law Judge Lipman recuse himself from presiding over this matter. On November 13, 2006, the Office received an e-mail from a Kara Stroud on behalf of Mr. Ouellette. Ms. Stroud stated that Mr. Ouellette is ill and bed-ridden and will be incapacitated for "at least a few more days."

Based on the record in this complaint, **IT IS ORDERED AND NOTICE IS GIVEN** that this matter is **rescheduled** for a probable cause hearing to be held by telephone before the undersigned Administrative Law Judge at **9:30 a.m.** on **Wednesday, November 22, 2006**. The hearing will be held by call-in telephone conference. You must call: **1-888-677-3757** at that time. Follow the directions and enter the numeric pass code "**17629**" when asked for the meeting number. The probable cause hearing will be conducted pursuant to Minnesota Statutes § 211B.34. Information about the probable cause proceedings and copies of state statutes may be found online at www.oah.state.mn.us and www.revisor.leg.state.mn.us.

IT IS FURTHER ORDERED AND NOTICE IS HEREBY GIVEN that:

1. Respondent Ouellette shall submit by **4:30 p.m.** on **Monday, November 20, 2006**, an "affidavit of prejudice" explaining why he believes the undersigned Administrative Law Judge is disqualified by reason of prejudice or bias.^[1]

2. At the probable cause hearing, the Respondent shall show cause why his failure to appear at the probable cause hearing on November 13, 2006, should not result in the entry of a default judgment against him.
3. At the probable cause hearing both parties shall be prepared to address the contentions and claims made in Respondent's five-page submission dated November 10, 2006, and the Complainant's five-page submission dated November 13, 2006.

At the probable cause hearing all parties have the right to be represented by legal counsel or appear on their own behalf without counsel. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. Parties should provide to the Administrative Law Judge all evidence bearing on the case, with copies to the opposing party, before the telephone conference takes place. Documents may be faxed to Judge Eric L. Lipman at 612-349-2665.

At the conclusion of the probable cause hearing, the Administrative Law Judge will either: (1) dismiss the complaint based on a determination that the complaint is frivolous, or that there is no probable cause to believe that the violation of law alleged in the complaint has occurred; or (2) determine that there is probable cause to believe that the violation of law alleged in the complaint has occurred and refer the case to the Chief Administrative Law Judge for the scheduling of an evidentiary hearing. Evidentiary hearings are conducted pursuant to Minnesota Statutes § 211B.35. If the Administrative Law Judge dismisses the complaint, the complainant has the right to seek reconsideration of the decision on the record by the Chief Administrative Law Judge pursuant to Minnesota Statutes § 211B.34, subdivision 3.

A failure by the Respondent to participate and appear by telephone at this probable cause hearing may result in a finding that the Respondent is in default, that the Complainant's allegations contained in the Complaint may be accepted as true, and that the Presiding Administrative Law Judge may dispose of the Complaint according to Minn. Stat. § 211B.35, subd. 2.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at 612-341-7610 (voice) or 612-341-7346 (TTY).

Dated: November 14, 2006

/s/ Eric L. Lipman
ERIC L. LIPMAN
Administrative Law Judge

^[1] See Minnesota Rule 1400.6400 (www.revisor.leg.state.mn.us/arule/1400/6400.html.)