

9543.0120 CONTESTED CASE PROCEEDINGS; INFORMAL DISPOSITIONS.

Subpart 1. **Contested case proceedings.** The county agency shall represent the commissioner in contested case appeals of negative licensing actions involving license holders supervised by the county agency. The county agency shall:

- A. arrange for legal consultation and representation by the county attorney;
- B. prepare all documents necessary for the contested case proceeding;
- C. within 30 days after receipt of the appeal packet from the department, arrange with the Office of Administrative Hearings for the services of an administrative law judge and a timely date and location for the hearing;
- D. serve the notice of and order for hearing as provided in part 1400.5600; and
- E. send a copy of the notice of and order for hearing to the commissioner.

Subp. 2. **Appeals involving private agencies.** The attorney general represents the commissioner in contested case appeals of licensing actions involving license holders licensed based on the recommendation of a private agency.

Subp. 3. **Informal dispositions, stipulated agreements.** In making an informal disposition of a contested case, the county agency shall follow the procedures in items A to D:

A. The county agency shall obtain preliminary approval from the commissioner to discuss an informal disposition of the contested case.

B. Before entering into any settlement agreement with an applicant or license holder appealing an order of the commissioner, the county agency shall discuss the terms of the proposed agreement with the commissioner.

C. If the commissioner approves of the proposed terms, the county agency shall:

- (1) draft an agreement and obtain signatures of the party appealing and county representatives;
- (2) submit the signed agreement to the commissioner for approval and signatures; the agreement is not effective until signed by the commissioner; and
- (3) monitor the program for compliance with the terms of the agreement.

D. If the commissioner or parties are unable to reach a settlement, the county agency shall schedule a contested case hearing.

Statutory Authority: *MS s 245A.09; 245A.16*

History: *15 SR 2105*

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