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August 20, 2001

Honorable Kenneth A. Nickolai
Chief Administrative Law Judge
Minnesota Office of Administrative Hearings
100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, Minnesota 55401-2138

Re: In The Matter Of The Adopted Rules Of The Office of Administrative Hearings
Relating to Rulemaking Proceedings, Minnesota Rules, Parts 1400.2000 through
1400.2570; Contested Case Hearings, Minnesota Rules, Parts 1400.5100
through 1400.8401; and Revenue Recapture Act Hearings, Minnesota Rules,
Parts 1400.8519 through 1400.8612.

OAH Docket No. 77-0300-12545-1

Dear Chief Judge Nickolai:

As an administrative law judge under contract with the Office of Administrative Hearings, I have been designated to conduct the review of the above-referenced rules and the associated rulemaking proceeding pursuant to Minnesota Statutes section 14.26. I received the rulemaking record on August 8, 2001.

This is to inform you that the above-referenced rules have been approved as to legality as of August 20, 2001. I note that the Statement of Need and Reasonableness did not include a list of witnesses and a description of their expected testimony as may be required by then Minnesota Rules part 1400.2070, subpart 1(C). I also note that provision of this information is not required by the amendments presently being adopted unless a hearing is actually scheduled. In any case, even if required, I find that this omission did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process and constitutes harmless error under Minnesota Statutes section 14.26, subdivision 3 (d) (1).

With the approval of the adoption of these rules, I am returning the rulemaking record to you so the Office can maintain the official record as required by Minnesota Statutes section 14.365.

I have made arrangements with the Office to file three copies of the adopted rules with the Secretary of State who will forward one copy to the Revisor of Statutes and one copy to the Governor. After receipt of copies of the Notice of Adoption of the rules from the Revisor's office, I understand that the Office will arrange for publication of the Notice of Adoption in the State Register. As you know, under Minnesota Statutes section 14.27, the rules do not become effective until five working days after publication in the State Register.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Keppel", written in a cursive style.

William J. Keppel
Administrative Law Judge

Enclosures

Copy to: Office of the Attorney General
Legislative Coordinating Commission
Revisor of Statutes