

February 21, 2023

VIA EFILING ONLY

Rebecca Gaspard
1600 University Ave #200
Saint Paul, MN 55155
Rebecca.w.gaspard@state.mn.us

Re: *In the Matter of the Proposed Permanent Rules Relating to Education and Licensing of Peace Officers*
OAH 8-9007-38401
Revisor R-04641

Dear Ms. Gaspard:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF RESUBMITTED RULES UNDER MINN. STAT. § 14.16, SUBDS. 1, 2 AND MINN. R. 1400.2240, SUBPS. 4, 5** in the above-entitled matter. On February 13, 2023, the Office of Administrative Hearings received for review the submissions of the Minnesota Board of Peace Officer Standards and Training as modified pursuant to the February 21, 2023, Report of Administrative Law Judges Eric L. Lipman and Suzanne Todnem. The rules, Revisor's Draft R-04641, are approved as to legality. The Office of Administrative Hearings has closed this file and is returning the rule record so that the Board can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. If the Minnesota Board of Peace Officer Standards and Training has not already done so, please ensure that a signed order adopting the rules is filed with the Office of Administrative Hearings. The Office of Administrative Hearings will request copies of the finalized rules from the Revisor's office following receipt of that order. The Office of Administrative Hearings will file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the Board for its rulemaking record.

The Board's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the *State Register* for publication. A permanent rule without a hearing does not become effective until five working days after Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

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If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Dara Xiong". The signature is written in a cursive style with a large, looping "D" and "X".

DARA XIONG
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman
Representative Ginny Klevorn
Senator Erin P. Murphy

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Rules of the Board of Peace Officer Standards and Training about the Education and Licensing of Peace Officers *Minnesota Rules*, Chapter 6700; Proposed Repeal of Minnesota Rules, parts 6700.0601, subparts 2 and 3; 6700.070; 6700.1400, subpart 3; 6700.1500; 6700.1700, subparts 1, 3, and 4; 6700.2700; 6700.2701; 6700.2702; 6700.2703; and 6700.2704

**ORDER ON REVIEW OF
RESUBMITTED RULES UNDER
MINN. STAT. § 14.16, SUBDS. 1, 2
AND MINN. R. 1400.2240, SUBPS. 4, 5**

This matter came on for review by the Chief Administrative Law Judge pursuant to Minn. Stat. § 14.16, subds. 1, 2 (2022) and Minn. R. 1400.2240, subps. 4, 5 (2021).

This rulemaking concerns the proposed rules of the Board of Peace Officer Standards and Training (POST Board or Board) governing the screening, selection, education, and licensing of law enforcement officers. The proposed rules came on for public rulemaking hearings on November 15 and 16, 2022.

Administrative Law Judges Eric L. Lipman and Suzanne Todnem disapproved the rules in a Report dated January 12, 2023. The Chief Administrative Law Judge concurred with the determinations of the Administrative Law Judges by Order dated January 23, 2023.

On February 13, 2023, the Board requested the Chief Administrative Law Judge review and approve modifications to the proposed rules pursuant to Minn. R. 1400.2240, subps. 4, 5. The resubmitted rules include modifications incorporating the Administrative Law Judges' recommended changes, as well as the withdrawal of a portion of the rules.

The Chief Administrative Law Judge finds that all defects identified in the prior Order have been corrected. In addition, the Chief Administrative Law Judge finds that the Board's proposed modifications do not render the final proposed rules substantially

different from those published in the *State Register* on June 20, 2022, and proposed at the public hearing.¹

Based on a review of the modifications made by the Board as presented in its submissions filed on February 13, 2023, and the rulemaking record,

IT IS HEREBY ORDERED THAT:

The proposed rules, as modified, are approved as to legality.

Dated: February 21, 2023

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

JENNY STARR
Chief Administrative Law Judge

¹ Minn. Stat. § 14.05, subd. 2(b)(2) (2022) (“A modification does not make a proposed rule substantially different if . . . the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice.”).