

May 10, 2024

CERTIFIED MAIL

Teshome Berisso
9325 28th Street NE
St. Michael, MN 55376

License Number 1111718 AFC

ORDER OF LICENSE REVOCATION

Dear Mr. Berisso:

Based on the recommendation of Wright County Health and Human Services, the Department of Human Services (DHS) is revoking your license to provide adult foster care at 9325 28th Street NE, St. Michael, MN 55376. This revocation is based on the Commissioner's evaluation of your program and false and misleading information. Details of our findings are provided below. Our next steps and your options are also detailed.

REASON FOR LICENSE REVOCATION

1. Commissioner's evaluation of program

In determining whether a licensing action is warranted, DHS evaluated the facts, conditions, and circumstances concerning your program's operation. This includes consideration of the well-being of persons served in your program, available evaluations from consumers of your program, and information about the qualifications of caregivers working in your program. DHS has determined that revocation of your license is appropriate based on the violations identified below and the program evaluation.

You have been licensed as an adult foster care provider since April 5, 2022.

In July 2023, another individual inquired about applying for a family adult foster home at your home. As the result of an investigation, Wright County determined you provided false or misleading information about who was living in your home, as described below.

On October 27, 2023, the Commissioner issued an Order of Denial of your home and community-based services (HCBS) license. The order was based on your failure to submit a substantially complete application, failure to demonstrate competent knowledge of applicable licensing statutes and rules, and the Commissioner's evaluation of the program. The denial is under appeal. You applied for a HCBS license to serve individuals on disability waivers in your family adult foster home.

DHS has determined that due to you providing false and misleading information and the denial of your home and community-based services license, you cannot ensure the health, safety, rights, and well-being of persons served and your license should be revoked.

Legal Authority: Minnesota Statutes, section 245A.04, subdivision 6.

2. False and Misleading Information or Knowingly Withheld Relevant Information

Wright County determined that you knowingly withheld relevant information or provided false or misleading information during an investigation related to your compliance with licensing rules and laws.

Wright County determined you provided false or misleading information about who was living in your home when you said that an individual temporarily lived at your home but later stated that they never lived in your home. You clarified that the individual was a friend who asked to use your address so they could start the process of being licensed for family adult foster care prior to moving to their own home in Wright County.

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 3, paragraph (a), subparagraph (3).

Severity of violations

DHS also considered the severity of these violations when it determined that revocation of your license is appropriate.

Because you knowingly withheld relevant information from or gave false or misleading information to the commissioner, and due to the serious nature of these violations, which impact the health and safety of persons served in your care, your license to provide adult foster care services is revoked.

YOUR RIGHT TO APPEAL

You have the right to appeal the revocation. Your request must be in writing and clearly state that you are requesting a contested case hearing for this matter. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when you received this order.

If you are mailing your request, it must be sent by certified mail and postmarked within 10 calendar days from when you received this order. Please send it to:

Commissioner, Department of Human Services
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
PO Box 64953
St. Paul, MN 55164-0953

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If your request is being personally delivered, it must be received by DHS within 10 calendar days from when you received this order. Please bring it to:

Commissioner, Department of Human Services
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

Upon DHS' receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. Following this hearing, the Commissioner of DHS will issue a final order. If you do not appeal or if the order is affirmed by the Commissioner following a hearing, DHS is prohibited from issuing you a license for five years. In addition, any additional licenses held by you shall also be revoked.

Legal representation at the contested case hearing:

You do not need a lawyer to appeal. However, a lawyer can help you with your appeal. The state or county will not get you a lawyer and will not pay for a lawyer. If you cannot afford a lawyer, you may be able to get free legal advice or help with your appeal. To find out if free help is available, contact: Volunteer Lawyers Network at 612-752-6677; Central Minnesota Legal Services at 612-332-8151; Southern Minnesota Legal Services at 651-222-4731; or go to www.lawhelpmn.org to find a local legal services program that may be able to help you.

You can also find information on contested cases from the Office of Administrative Hearings website at <https://mn.gov/oah/self-help>. Click on Administrative Law Overview, then click on Administrative Law Contested Case Hearing Guide for a list of frequently asked questions.

Operating the program pending the outcome of the appeal:

If you file an appeal within the timeframes described above, you may continue to operate pending the outcome of your appeal. If you continue to operate, you must do so in full compliance with all licensing laws and rules. Failure to follow a law or rule that may impact the health or safety of people served by your program could result in the immediate suspension of your license.

Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 3, which describes under which conditions DHS may revoke a license.
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (3), the commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has had a license issued under this chapter revoked within the past five years.
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (5), when a license issued under this chapter is revoked under clause (1) or (3), the license holder and controlling individual

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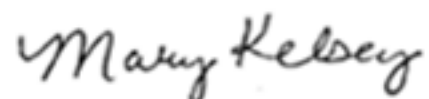
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may not hold any license under chapter 245A for five years following the revocation, and other licenses held by the applicant, license holder, or controlling individual shall also be revoked.

Questions

If you have any further questions regarding this matter, you may contact Cory Jelinek, Supervisor, at 651-431-3512.

Sincerely,

A handwritten signature in black ink that reads "Mary Kelsey". The signature is written in a cursive, flowing style.

Mary Kelsey, Unit Manager
Licensing Division
Office of Inspector General

cc: Ellen Tschimperle, Wright County Health and Human Services