

May 16, 2025

CERTIFIED MAIL

Kathy and Andrew Mattison
616 Walnut Street
Farmington, MN 55204-1349

License Number 1124269 (In Application) FCC

ORDER OF LICENSE DENIAL

Dear Kathy and Andrew Mattison:

Based on the recommendation of Dakota County Community Services (Dakota County), the Department of Human Services (DHS) is denying your application for a family child care license. Details of our findings are provided below. Our next steps and your options are also detailed.

REASON FOR LICENSE DENIAL

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 children who would be served by your program, available evaluations from consumers of your program, and information about the qualifications of caregivers who would be working in your program. Specifically, because you failed to submit a substantially complete application. DHS has determined that denial of your license application is appropriate based on the violations identified below and the program evaluation.

Legal Authority: Minnesota Statutes, section 245A.04, subdivision 6.¹

2. Failure to submit a substantially complete application

You initially applied to become licensed for family child care on March 13, 2024. At that time, you were notified what was required for the license process. Dakota County continued to follow up with you via phone, emails,

The Office of the Revisor of Statutes recently updated its website to reflect 2024 legislative changes to Minnesota statutes. The Revisor's website states that parts of Chapter 245A have been renumbered to Chapter 142B. Despite this language on the Revisor's website, parts of Chapter 245A (2023), as referenced in this document, remain effective until DHS formally transfers power and responsibility for parts of chapter 245A to the Minnesota Department of Children, Youth, and Families. The anticipated transfer date is July 1, 2025. Laws 2024, chapter 80, article 8, section 72; Laws 2023, chapter 70, article 12, section 30.

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and letters regarding what you needed to complete; you minimally responded to these attempts. Ultimately Dakota County sent you a letter on December 6, 2024, that your application was incomplete. This letter outlined what still needed to be returned to Dakota County and you were given a 45-day deadline. Your application continues to be substantially incomplete, and you have failed to respond to Dakota County to obtain the requested documents to complete your application.

Legal Authority: Minnesota Statutes, section 245A.05, paragraph (a), subparagraph (1).

Due to the conditions in the proposed program, because you reportedly failed to respond to Dakota County, because you failed to complete the licensing process, and because your failure to comply with licensing laws and rules does not demonstrate the ability to ensure the health, safety, and rights of children who would be served in your care, your application to provide family child care is denied.

YOUR RIGHT TO APPEAL

You have the right to appeal the denial. 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 20 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

If your request is being personally delivered, it must be received by DHS within 20 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 two years.

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.

Prohibition against providing legally unlicensed child care

If the action is not reversed on appeal, you will not be allowed to provide legally unlicensed child care to unrelated children. Operating an unlicensed family child care home is a misdemeanor offense.

Legal authority in this licensing action

- This action is taken under Minnesota Statutes, section 245A.05, subdivision (a), which describes under which conditions DHS may deny a license.
- “Applicant” is defined under Minnesota Statutes, section 245A.02, subdivision 3.
- Applicants have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612.
- Minnesota Statutes, section 245.095 defines which programs administered by DHS are included in the exclusion provision, and further defines “excluded,” “individual,” and “provider.”
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (2), the commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has been denied a license under this chapter within the past two years.
- Minnesota Statutes, section 245A.03, subdivision 2a provides that an applicant for licensure who has received a license denial that has not been reversed on appeal may not operate as a legally unlicensed child care provider.
- Operating an unlicensed family child care is a misdemeanor under Minnesota Statutes, section 245A.03, subdivision 3.

Questions

If you have any further questions regarding this matter, you may contact me at 651-431-6565.

Sincerely,

Kathy and Andrew Mattison

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A handwritten signature in black ink, appearing to be 'BD' or similar initials, written in a cursive style.

Beth Donahue, Supervisor

Licensing Division

Office of Inspector General

cc: Sarah Callahan, Dakota County Community Services