

June 4, 2025

CERTIFIED MAIL

Jason Noe, Authorized Agent
Bethesda Homes
4433 Norwood Steet
Duluth, MN 55804

License Number 1070407 (245D-HCBS)

ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATIONS

Dear Jason Noe:

The Department of Human Services (DHS) is ordering you to pay a fine of \$600 for three background study violations. Details of our findings are provided below. Our next steps and your options are also detailed.

Reason for the Fine

DHS is issuing this fine order based on your failure to comply with the following background study requirements:

Background Study Violation Determined on May 6, 2025:

As a result of a licensing review, a DHS licensor determined that you failed to request background studies for three staff persons (SP1-SP3), before they began working in positions allowing direct contact with persons served.

SP1's background study clearance expired on December 31, 2022. SP1 continued to have unsupervised direct contact with persons served by the program; however the license holder failed to initiate a new background study until May 6, 2025.

SP2 was hired in August 2007 and began working in a position allowing for unsupervised direct contact with persons served by the program. The license holder failed to initiate a background study for SP2 until May 6, 2025.

SP3 was hired on February 2, 2015 and began working in a position allowing for unsupervised direct contact with persons served by the program. The license holder failed to initiate a background study for SP3 until May 6, 2025.

Statute Violated: Minnesota Statutes, section 245C.04, subdivision 1, paragraph (g).

Fine: \$600

Corrective Action Required: Immediately and on an ongoing basis, you must comply with the background study requirements in Minnesota Statutes, chapter 245C.

Billing and Payment of the Fine

DHS will send you an invoice for the \$600 fine. Payment must be made as directed on the invoice.

If you request a contested case hearing, as described below, do not pay the fine at this time. Following the contested case hearing, the Commissioner of DHS will issue a final order on this matter.

Please note, you may not avoid payment of this fine by closing, selling, or otherwise transferring the license to a third party. If this occurs, each controlling individual is personally and jointly responsible for payment.

Your Right to Appeal

You have the right to appeal the fine. 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 receive this order. Please send it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
PO Box 64242
St. Paul, MN 55164-0242

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

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: 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.

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.justice4mn.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.

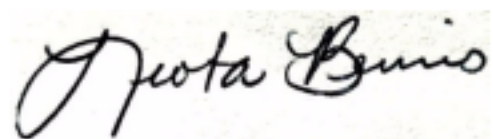
Legal Authority for this Licensing Action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 1, paragraph (a), which describes under which conditions DHS may impose a fine against a license.
- DHS may impose a \$200 fine for each background study violation under Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(4)(iv).
- The exception that allows a license holder who self-corrects a background study violation to avoid a fine does not apply when the license holder was cited for the same violation within the past 365 days, under Minnesota Statutes, section 245A.07, subdivision 4, paragraph (d).
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(5) states that license holders may not avoid payment of a fine by closing, selling, or transferring a license.
- License holders 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.
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Questions

If you have any further questions regarding this matter, you may contact Leota Bemis, Supervisor, at 651-431-6639.

Sincerely,



Leota Bemis, Unit Supervisor
Licensing Division
Office of Inspector General