

November 7, 2025

CERTIFIED MAIL

Yasin Siyad, Authorized Agent  
Altitude Living Inc  
5681 277<sup>th</sup> Street  
Wyoming, MN 55092

License Application Number 1127855 (HCBS)

## ORDER OF LICENSE DENIAL

Dear Yasin Siyad:

The Department of Human Services (DHS) is denying your application for a Home and Community-Based Services (HCBS) license at 5681 277<sup>th</sup> Street, Wyoming, Minnesota. This denial is based on your program's failure to comply with licensing laws and rules, your current licensed program's history of noncompliance and the Commissioner's evaluation of your program. Details of our findings are provided below. Our next steps and your options are also detailed.

### REASON FOR LICENSE DENIAL

#### 1. History of noncompliance

Altitude Living Inc, applied for an HCBS license on April 8, 2025. A controlling individual on the licensing application for Altitude Living Inc is also a controlling individual for a HCBS license, Oakley Care Inc, license number 1108406 ("Oakley"). Oakley received its license on April 30, 2021, and is currently operating under a conditional license. The common controlling individual (CI1) has demonstrated a history of noncompliance with licensing laws and rules while a controlling individual for Oakley:

- May 21, 2024, Correction Order: 13 violations
- March 13, 2025, Correction Order: 2 violations
- September 25, 2025, Order of Conditional License: 17 violations (7 repeat violations)

Oakley has two Correction Orders, is currently operating on a Conditional License, and has a total of 32 violations from May 2024 to September 2025. Therefore, DHS has determined that a controlling individual of the applicant has a history of noncompliance with applicable laws and rules in violation of Minnesota Statutes, section 245A.05, paragraph (a), clause (9).

Legal Authority: Minnesota Statutes, section 245A.05, subdivision (a), clause (9).

## **2. Inability to demonstrate competent knowledge of applicable licensing statutes and rules**

Based on a review of CI1's licensing history, DHS determined that you were unable to demonstrate the ability to operate a home and community-based program in compliance with applicable laws and rules. The statutes and rules that govern your HCBS license and this HCBS application are the same in that they are both governed by Minnesota Statutes, sections 245A and 245D. The 32 violations of Oakley show a controlling individual of the applicant has not demonstrated competent knowledge of applicable statutes and rules.

Legal Authority: Minnesota Statutes, section 245A.05, subdivision (a), clause (8).

### **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 program's operation, the well-being of persons served by your program, available evaluations of the program by persons receiving services, information about the qualifications of staff persons that are working in your program, and the applicant's ability to demonstrate competent knowledge of the applicable requirements of statutes and rules.

DHS has determined that the denial of your license is appropriate because a controlling individual (CI1) has not complied with applicable laws and rules as identified above and the program evaluation. A controlling individual of the applicant is also a controlling individual for Oakley, which operates under the same statutes and rules. Oakley has violations related to the coordination, evaluation and oversight of the program which include not maintaining personnel records, not prohibiting the use of mechanical restraint and seclusion, not complying with the requirements of the federal waiver plans and not establishing a program abuse prevention plan as required. Oakley has service recipient violations including not maintaining individual abuse prevention plans, not ensuring the exercise and protection of a person's service-related and protection-related rights, not maintaining documentation of health service needs, and not meeting service planning and delivery requirements.

Because of C1's history of noncompliance in these areas, DHS is concerned programs operation and the the well-being of vulnerable people they seek to serve.

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

**Due to the serious and chronic nature of these violations, which impact the health and safety of persons served in your care, your license to provide HCBS services 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 and the controlling individuals 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](http://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.

### Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.05, subdivision (a), which describes under which conditions DHS may revoke a license.
- "Controlling individual" is defined under Minnesota Statutes, section 245A.02, subdivision 5a.
- 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.
- 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.

### Questions

If you have any further questions regarding this matter, you may contact Brittany Raddatz, Supervisor, at 651-431-6591.

Sincerely,

A handwritten signature in black ink, appearing to read "Christala Culhane", is written over a light gray rectangular background.

Christala Culhane, HCBS Unit Manager  
Licensing Division  
Office of Inspector General