

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR DEPARTMENT OF COMMERCE

In the Matter of Brent Paul Selge

**ORDER DENYING LICENSE
APPLICATION, STATEMENT OF
CHARGES, AND NOTICE OF HEARING**

TO: Brent Paul Selge
11700 Riverhills Drive
Burnsville, MN 55227

RESPONDENT BRENT PAUL SELGE IS HEREBY NOTIFIED that the Department of Commerce has initiated this action to determine if Respondent committed the violations alleged below, subjecting him to disciplinary action and denial of an application for a debt collector's license.

IT IS FURTHER ORDERED that a hearing will be held on Wednesday, July 13, 2005 at 1:30 p.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, in Minneapolis. The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Beverly Jones Heydinger, Supervising Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7606.

The hearing will be conducted pursuant to the contested case procedures set out in chapter 14 of Minnesota Statutes, the Rules of the Office of Administrative Hearings, Minn. Rules Chapter 1400 and Minn. Stat. Chapter 45. A copy of these materials may be purchased from the Minnesota Book Store, telephone (651) 297-3000, or are available at www.revisor.leg.state.mn.us. Copies of the rules are also available at www.oah.state.mn.us.

The attorney handling this case for the Department is Assistant Attorney General Michael J. Tostengard, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, (651) 296-9701. Mr. Tostengard may be contacted to discuss discovery or informal disposition of this matter.

STATEMENT OF CHARGES

ALLEGATIONS

1. On June 18, 2004, Selge was convicted of felony terroristic threats in Dakota County District Court.
2. Selge subsequently applied to the Department for a debt collector's license.
3. This Order is in the public interest.

ISSUES

COUNT I

Having been convicted of a felony within the last five years, Respondent may not be issued a debt collector's license pursuant to Minn. Stat. § 332.35 (2004).

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to Minn. Stat. § 45.027, subd. 7 (2004), Respondent Brent Paul Selge shall appear and show cause why his application for a debt collector's license should not be denied.

ADDITIONAL NOTICE

1. The Respondent's failure to appear at the hearing may result in a finding that the Respondent is in default, that the Department's allegations contained in the Order Denying Licensure may be accepted as true, and its proposed action may be upheld.

2. If any party has good cause for requesting a delay of the hearing, the request must be made in writing to the Administrative Law Judge at least five (5) days prior to the hearing. A copy of the request must be served on the other party.

3. Any party intending to appear at the hearing must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of the Order Denying Licensure. A copy must be served on the Department's attorney. A Notice of Appearance form is enclosed.

4. At the hearing, all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily the hearing is tape-recorded. The parties may request that a court reporter record the testimony at their expense.

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2 (2004).

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (612) 341-7600.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.


8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at www.oah.state.mn.us or by calling (612) 341-7600.

9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the Administrative Law Judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

Dated: 06-16-05

GLENN WILSON
Commissioner of Commerce
State of Minnesota

By:


GARY A. LAVASSEUR
Enforcement Director

35 East Seventh Street, Suite 600
St. Paul, Minnesota 55101
(651) 297-7046

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR DEPARTMENT OF COMMERCE

In the Matter of Brent Paul Selge

NOTICE OF APPEARANCE

Date: Wednesday, July 13, 2005

Time: 1:30 p.m.

TO: Honorable Beverly Jones Heydinger, Supervising Administrative Law Judge, Office of Administrative Hearings, 1700 Washington Square, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138

PLEASE TAKE NOTICE that the party named below will appear at the prehearing conference in this matter:

Department of Commerce
Market Assurance Division
85 East Seventh Place, Suite 500
St. Paul, MN 55101
(651) 296-2488
Toll free: 1-800-657-3602

PLEASE TAKE FURTHER NOTICE that the attorney named below will appear on behalf of the Department of Commerce:

Michael J. Tostengard
Assistant Attorney General
1200 NCL Tower
445 Minnesota Street
St. Paul, Minnesota 55101-2130
(651) 296-9701

Dated: _____

MICHAEL J. TOSTENGARD

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TO: Honorable Beverly Jones Heydinger, Supervising Administrative Law Judge, Office of
Administrative Hearings, 1700 Washington Square, 100 Washington Avenue South,
Minneapolis, Minnesota 55401-2138

PLEASE TAKE NOTICE that the party named below will appear at the prehearing
conference in this matter:

Name, Address, and Telephone Number of Party:

Party's Attorney, Office Address and Telephone Number:

Dated: _____.

Signature of Party/Attorney

NOTICE: This Notice must be served upon the attorney for the agency and any other known party. After an attorney has filed a notice of appearance, withdrawal is effective only if a notice of withdrawal is promptly served on all parties and filed with the judge. The notice of withdrawal must include the address and telephone number of the party. Withdrawal of counsel does not create any right to a continuance. Minn. R. 1400.3700.