

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF COMMERCE

In the Matter of the Real Estate Appraiser  
License Application of Justin Heinrich

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

TO: Justin Heinrich  
10813 Sunset Terrace North  
Brooklyn Park, MN 55443

**NOTICE OF HEARING**

**RESPONDENT JUSTIN HEINRICH IS HEREBY NOTIFIED** that the Department of Commerce has initiated this action to determine whether Respondent has committed the violations alleged below, subjecting him to disciplinary action and denial of an application for a real estate appraiser license.

**ORDER FOR HEARING**

**IT IS FURTHER ORDERED** that a hearing will be held on Thursday, July 20, 2006 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 Administrative Law Judge Barbara L. Neilson, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7604.

The hearing will be conducted under 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](http://www.revisor.leg.state.mn.us). Copies of the rules are also available at [www.oah.state.mn.us](http://www.oah.state.mn.us).

The attorney handling this case for the Department is Assistant Attorney General Michael J. Tostengard, 1200 Bremer 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.

### **ALLEGATIONS**

1. Heinrich submitted an application for a registered real property appraisal license, pending license application number 20573787.

2. On August 10, 2004, Heinrich was charged with receiving stolen property (felony) and theft of a motor vehicle (felony). On January 12, 2005, Heinrich entered a plea of guilty to receiving stolen property (felony) in Hennepin County District Court. The remaining charge was dismissed.

3. This Order is in the public interest.

### **ISSUES**

Respondent has demonstrated untrustworthiness in violation of Minn. Stat. § 45.027, subd. 7(4) (2004).

**NOW, THEREFORE, IT IS HEREBY ORDERED**, that pursuant to Minn. Stat. § 45.027, subd. 7 (2004), Respondent Justin Heinrich shall appear and show cause why his application for a real estate appraiser 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 Statement of Charges 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 Statement of Charges. A copy must be served on the Department's attorney. A Notice of Appearance form is attached.

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](http://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

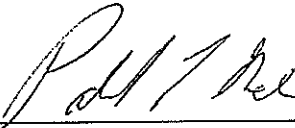
at the Office of Administrative Hearings is available at [www.oah.state.mn.us](http://www.oah.state.mn.us) or by calling (612) 341-7600.

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).

GLENN WILSON  
Commissioner

Dated: \_\_\_\_\_

6/15/06

  
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PATRICK L. NELSON  
Deputy Commissioner  
Market Assurance Division

Minnesota Department of Commerce  
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Telephone: (651) 296-2488