



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ORLENE HAWKS
DIRECTOR

IN THE MATTER OF:

MAHS Docket No.: 18-013907

██████████
Petitioner

Agency Case No.: ██████████

v

Case Type: Expunction

**Cheboygan County DHHS,
Respondent**

_____ /

**Issued and entered
this 29th day of March 2019
by: Darryl Johnson
Administrative Law Judge**

**ORDER FOLLOWING PREHEARING CONFERENCE
AND NOTICE OF HEARING**

On March 21, 2019, a telephone pre-hearing conference was held as scheduled in the above-captioned matter for the purpose of presenting and discussing matters including jurisdiction, settlement, simplification of the issues, offers of proof and stipulations relative to oral and documentary evidence, and other procedural matters. The following matters were considered, agreed upon, or ordered by the undersigned Administrative Law Judge:

1. Appearances

Petitioner ██████████ ██████████ appeared on his own behalf.

Bobra Johnston, Child Protective Services Supervisor, appeared on behalf of Respondent Cheboygan County DHHS.

2. Issue and Procedural Rules

Expunction Issue: Should Petitioner's record of abuse or neglect be amended or expunged from the Child Abuse and Neglect Central Registry?

The administrative hearing will be conducted under the jurisdiction of the Child Protection Law, 1975 PA 238, as amended, MCL 722.621 *et seq.*, and in accordance with the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*, and the Michigan Administrative Hearing Rules, Mich Admin Code, R 792.10101 *et seq.* General hearing instructions are stated on a later page in this Order and Notice.

3. Exhibits and Witnesses

The parties shall exchange proposed witness lists and proposed exhibit list and exhibits by **April 15, 2019**, with a copy of the proposed witness list and exhibit list (but not the exhibits themselves) filed with the Michigan Administrative Hearing System (MAHS) through regular mail at 3333 Cass Rd., Suite 2, Traverse City, Michigan 49685. Witness and exhibit lists may be submitted to MAHS via facsimile to 231-922-5464. Any witness who is not listed might not be permitted to testify, and any exhibit that is not disclosed might be excluded.

4. Subpoenas

The parties must request subpoenas from MAHS in accordance with MAHS requirements **not later than April 15, 2019**. Request for Subpoena forms may be accessed at http://www.michigan.gov/lara/0,4601,7-154-10576_77528---,00.html. Requests must state the name and address of each witness and the reason needed.

5. Trial Motions and Briefs

Parties must file motions and briefs, if any, with MAHS **not later than April 22, 2019**. An opposing party's response to a motion must be submitted within 7 days of the motion filing date.

6. Settlement Orders

Any settlement agreement executed by the parties must be filed through mail or facsimile with MAHS, in the manner described above, by **April 25, 2019**.

7. Extensions and Postponements

Extensions of time or postponements may be granted only upon a showing of good cause.

8. Noncompliance or Nonappearance

Failure to comply with MAHS orders or to appear at the time set for hearing may result in a decision against the party for failing to comply or appear or in a dismissal of the appeal.

9. Hearing Date, Time and Location

NOTICE: The contested case hearing in the above-captioned matter will be held at **9:00 a.m. on May 6, 2019**, at the Michigan Administrative Hearing System, **3333 Cass Rd., Suite 2, Traverse City, MI 49685**.

Petitioner shall participate in the hearing by conference call. To participate, the Petitioner shall call the conference line at **888-808-6929**. The extension number is **2944705#**. The conference call will be hosted by the Administrative Law Judge. It is the Petitioner's responsibility to make the arrangements to be able to participate in the conference call at the scheduled time and notifying Michigan Administrative Hearing System of any address change.

A handwritten signature in black ink, appearing to read "Darryl Johnson", with a long horizontal flourish extending to the right.

Darryl Johnson
Administrative Law Judge
For Robert Gordon, Director
Department of Health and Human Services

HEARING INSTRUCTIONS—Please Read Before Hearing

INFORMATION: The Michigan Administrative Hearing System (MAHS) mailing address is P.O. Box 30763, Lansing, MI 48909. The MAHS telephone number is **517-335-7519** and the MAHS fax number is 231-922-5464. Please know that MAHS cannot provide legal advice to you. **Photo ID is required to enter state office buildings.** General administrative hearing rules are contained in Mich Admin Code, R 792.10101 *et seq.*

RIGHT TO BE REPRESENTED: You have the right to be represented at your own expense by an attorney of your own choosing, or law permitting by an authorized representative. Your attorney or authorized representative must immediately file an Appearance in writing with MAHS by regular mail or facsimile, with a copy to the opposing party.

PROCEDURE: The formal administrative hearing will be conducted by an assigned Administrative Law Judge (ALJ) before whom you will have the right to testify as to the facts, offer evidence, and explain reasons for agreeing or disagreeing with the determination in dispute. You should be prepared to present your case at the time and place stated on the Notice of Hearing. Failure to participate in the scheduled hearing may result in a decision being entered against you and/or dismissal of your case. **IN-PERSON HEARING:** Unless otherwise indicated on the Notice of Hearing, the hearing will be held in person before the ALJ at the hearing location stated. **TELEPHONE HEARING:** You must be available on the scheduled hearing date and time at the telephone number you have provided on your hearing request, **unless** the Notice of Hearing states a designated location where you must appear in person for the telephone hearing.

ADJOURNMENT/WITHDRAWAL: If you cannot participate in the hearing as scheduled or you no longer seek a hearing, you must contact MAHS **prior** to the hearing. All requests must be made **in writing**, signed, and either mailed or faxed to MAHS. Unless MAHS notifies you that your request has been granted, you must be available for the scheduled hearing.

WITNESSES: You may offer witnesses to testify whose testimony is relevant to the matter at issue, subject to ALJ rulings.

EXHIBITS: If you have documents which you seek to offer as evidence, you must submit them to the opposing party by mail, fax (if less than 25 pages) or delivery at least seven days before the hearing date, with a copy of the exhibits (or a list of the exhibits, if only a list is requested by the ALJ), unless applicable law states otherwise, or another time period is set by the ALJ, or good cause is shown for late filing. The documents must contain the Petitioner's name and MAHS Docket No. which can be found on Notice of Hearing. Any photographs or small documents should be attached to 8½ x 11-inch paper. MAHS is not responsible for photocopying your documents.

PLEADINGS AND MOTIONS: All pleadings and motions shall be filed by regular mail, fax, or personal or overnight delivery (not e-mail) with the MAHS. You must send a copy of any pleading or motion that you file, including all attachments, to the opposing party as listed on the Proof of Service accompanying this Notice. If the opposing party files a motion or pleading, you have seven (7) days to file a response, unless another time period is set by the ALJ.

HEARING DECORUM: Proper hearing decorum is required for all persons present at the hearing, including appropriate attire and language. Persons may be excluded from the hearing by the ALJ for unruly or threatening behavior or language.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA): This is to notify you that all necessary and relevant information, including your health and payment information necessary to conduct a comprehensive and fair hearing, might be disclosed to parties throughout the hearing process. Your information will be used solely for purposes related to the hearings process and kept secure during the process.

AMERICANS WITH DISABILITIES ACT (ADA): All hearings are conducted in a barrier-free location and are in compliance with the Americans with Disabilities Act. A disabled individual requiring accommodation(s) for effective participation in a hearing, including accessible documents, can file a request with the MAHS. To ensure the availability of accommodations, a request should be made in writing within five (5) days of the date of the Notice of Hearing.

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 29th day of March 2019.

Heather Burmeister

Heather Burmeister
Michigan Administrative Hearing System

Cheboygan County DHHS
Hearings Coordinator
827 S. Huron St.
Cheboygan, MI 49721

Kevin Bryan
DHHS Children's Protective Services
235 S Grand Ave Ste 510
Lansing, MI 48933

