

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF PEACE OFFICER STANDARDS AND TRAINING**

**In the Matter of the Peace Officer
License of Carl Louis Kratzke, Jr.
License Number: 13685**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

The above-entitled matter came on for prehearing conference before Administrative Law Judge Phyllis A. Reha on August 9, 2000, at 1:30 p.m. at the Office of Administrative Hearings in Minneapolis, Minnesota. Michelle M. Owen, Assistant Attorney General, 525 Park Street, Suite 200, St. Paul, Minnesota 55103-2106, appeared on behalf of the Complaint Investigation Committee of the Minnesota Board of Peace Officer Standards and Training. There was no appearance by or on behalf of the Respondent, Carl Louis Kratzke, Jr., 3500 Dell Court South, White Bear Lake, MN 55110. The record closed on August 9, 2000.

NOTICE

This Report is a recommendation, not a final decision. The Board of Peace Officer Standards and Training ("Board") will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact Neil W. Melton, Executive Director of the Board, 200 Spruce Tree Center, 1600 University Avenue, St. Paul, MN 55104-3825 (telephone: 651-643-3036) to ascertain the procedure for filing exceptions or presenting argument.

-

STATEMENT OF ISSUE

The issue in this case is whether Respondent was convicted for Misconduct of a Public Official and Theft while employed as a deputy for the Ramsey County Sheriff's Department, and if so, whether Respondent's conduct constitutes grounds justifying the Board to take disciplinary action against the Respondent's Peace Officer License Number: 13685, consistent with Minnesota Rules 6700.1600 (C) and (L) (1999).

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Respondent, Carl Louis Kratzke, Jr. was licensed as a peace officer by the Board on February 10, 1997. Respondent was employed as a deputy for the Ramsey County Sheriff's Department. The Ramsey County Sheriff's Department terminated Respondent's employment effective January 6, 2000. (Ex. 1)

2. Because peace officer licenses go into an inactive status as soon as licensees are no longer affiliated with a law enforcement agency, Respondent's peace officer license became inactive. While his license is in an inactive status, Respondent maintains many rights of licensure. For example, although Respondent is not allowed to practice as a peace officer while his license is inactive, his license would return to active status if he gained employment with another law enforcement agency in Minnesota. (Ex. 1)

3. On June 28, 2000, the Notice of and Order for Hearing and Prehearing Conference in this matter was served upon the Respondent personally by handing to and leaving with Carl Louis Kratzke, Jr., a true and correct copy thereof at 3500 Dell Court South, White Bear Lake, County of Ramsey, State of Minnesota. (Ex. 4).

3. The Notice of and Order for Hearing and Prehearing Conference served on the Respondent contained the following informational notice:

If Respondent fails to appear at the prehearing conference, settlement conference, or the hearing without prior consent of the Administrative Law Judge or if he fails to comply with any interlocutory order of the Administrative Law Judge, Respondent shall be deemed in default of this matter. Upon default, the allegations or issues set forth herein may be taken as true or deemed proved without further evidence and the Board may revoke, suspend, and/or take other action against Respondent's license to practice as a peace officer in the State of Minnesota. (Ex. 1, pg. 2)

(Emphasis is original.)

4. The Respondent did not file any Notice of Appearance with the Administrative Law Judge or make any request for a continuance or any other relief. The Respondent did not appear at the prehearing conference scheduled for August 9, 2000, or have an appearance made on his behalf. The Respondent also did not contact the Administrative Law Judge between August 9, 2000 and the date on which this Report was issued.

5. Because the Respondent failed to appear at the hearing in this matter, he is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing and Prehearing Conference are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Board of Peace Officer Standards and Training and the Administrative Law Judge have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50, and 214.10, Subd. 10, 11 and 12 (1998). The Board has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The Respondent, having made no appearance at the hearing, and not requesting any continuance or relief, is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing and Prehearing Conference are hereby taken as true.

4. The Respondent was convicted of a gross misdemeanor in Minnesota, a violation of Minnesota Rules 6700.1600 (C) and (L) (1999). The facts and circumstances that gave rise to the conviction of a gross misdemeanor also merit discipline.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED that the Board of Peace Officer Standards and Training take disciplinary action against the Peace Officer License Number: 13685 of Carl Louis Kratzke, Jr.

Dated: August 22, 2000

PHYLLIS A. REHA
Administrative Law Judge

Reported: Default.

NOTICE OF AGENCY DECISION

Under to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.