

**STATE OF MINNESOTA  
BOARD OF PEACE OFFICER STANDARDS AND TRAINING**

In the Matter of the Eligibility for  
Peace Officer License of  
Kevin M. Kuschel

**FINDINGS OF FACT,  
CONCLUSIONS, AND  
ORDER**

On December 28, 2000, Administrative Law Judge George A. Beck ("ALJ") issued his Findings of Fact, Conclusions of Law, and Recommendation ("ALJ report") in the above-entitled matter (Office of Administrative Hearings Docket No. 1-2402-13246-2). The above-entitled matter came before the Board of Peace Officer Standards and Training ("Board") on March 22, 2001. Michele M. Owen, Assistant Attorney General, appeared on behalf of the Complaint Investigation Committee of the Board of Peace Officer Standards and Training ("Committee"). Kevin M. Kuschel ("Respondent") did not appear before the Board.

Based on all the files, records, and proceedings herein, and having reviewed and considered the written and oral submissions of the parties, the Board makes the following:

**FINDINGS OF FACT**

1. The Board hereby adopts and incorporates as its own the Findings in the ALJ report, attached hereto and made a part hereof.
2. On November 2, 2000, the Committee served a Notice of and Order for Hearing and Prehearing Conference upon Respondent at his last known address, P.O. Box 242, Watkins, Minnesota 55389. Notice was also mailed to Respondent at 2020 - 15th Street N., Apt. 306, St. Cloud, MN 56303. All of the mailings were returned to the Board.
3. Respondent Kevin M. Kuschel did not file a Notice of Appearance with the Administrative Law Judge, did not appear at the Prehearing Conference scheduled on December 19, 2000, and failed to request that the Prehearing Conference be continued. Therefore, Respondent Kevin M. Kuschel is in default in this proceeding.
4. Pursuant to Minn. R. 1400.6300 (1999), the allegations in the Notice of and Order for Hearing and Prehearing Conference are hereby taken as true.

Based on the foregoing Findings of Fact, the Board makes the following:

### CONCLUSIONS

1. The Board hereby adopts and incorporates as its own the Conclusions in the ALJ report.
2. The Board has jurisdiction over this matter pursuant to Minn. Stat. §§ 214.10 and 14.50 (2000).
3. The Board gave proper notice in this matter and has fulfilled all relevant substantive and procedural requirements of law and rules.
4. Respondent Kevin M. Kuschel violated Minn. R. 6700.1600 C (1999), in that he was convicted of two gross misdemeanor offenses in Stearns County, Minnesota District Court. Minn. R. 6700.1600 C (1999) makes a gross misdemeanor conviction a violation of the standards of conduct required of licensees.
5. Respondent did not report either arrest or gross misdemeanor conviction to the Board, which is a violation of Minn. R. 6700.1610, subp. 2 (1999).

Based upon the foregoing Findings of Fact and Conclusions, the Board issues the following:

### ORDER

1. NOW THEREFORE, IT IS HEREBY ORDERED that the license of Respondent Kevin M. Kuschel as a peace officer in the State of Minnesota is **REVOKED** effective immediately.
2. IT IS FURTHER ORDERED that Respondent Kevin M. Kuschel shall immediately surrender his peace officer's license to the Board upon his receipt of this Order.
3. IT IS FURTHER ORDERED that henceforth Respondent Kevin M. Kuschel shall not perform any duties attributed to a peace officer in the State of Minnesota.

Dated: 3/22, 2001

  
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T.J. DOLAN, Chair