

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

In the Matter of the
Peace Officer License of
Davin Reed Miller
License Number: 10451

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

On September 17, 2001, Administrative Law Judge Allan W. Klein ("ALJ") issued his Amended Findings of Fact, Conclusions of Law, and Recommendation ("Amended ALJ report") in the above-entitled matter (Office of Administrative Hearings Docket No. 6-2402-14360-2). The above-entitled matter came before the Board of Peace Officer Standards and Training ("Board") on November 15, 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"). Davin Reed Miller did/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 Amended ALJ report, attached hereto and made a part hereof.
2. On July 3, 2001, the Committee served a Notice of and Order for Hearing and Prehearing Conference upon Respondent.
3. Respondent Davin Reed Miller failed to file a Notice of Appearance with the Administrative Law Judge, and failed to appear at the Prehearing Conference scheduled on August 7, 2001. Respondent Davin Reed Miller contacted the Administrative Law Judge to indicate that he would not be appearing. The Administrative Law Judge advised Respondent Davin Reed Miller of the consequences of his failure to appear and Respondent Davin Reed Miller understood them. In a letter dated August 5, 2001, which was faxed to the Administrative Law Judge on the following day, Respondent Davin Reed Miller expressed his intention to not

appear and his desire to "move on from this episode and resume a professional career in another field." Respondent Davin Reed Miller failed to request that the Prehearing Conference be continued. Therefore, Respondent Davin Reed Miller 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 Amended 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 Davin Reed Miller violated Minn. R. 6700.1600 (A), (C), and (L) and 6700.1610, subd. 2 (1999), in that he was convicted of gross misdemeanor theft in violation of Minn. Stat. § 609.52, subds. 2(1) and 3(3)(a) (2000) and he did not report his conviction to the Board. Minn. R. 6700.1600 (1999) makes a conviction under that statute a violation of the standards of conduct required of licensees.

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 Davin Reed Miller as a peace officer in the State of Minnesota is **REVOKED** effective immediately.

2. IT IS FURTHER ORDERED that Respondent Davin Reed Miller shall immediately surrender his peace officer license to the Board.

3. IT IS FURTHER ORDERED that henceforth Respondent Davin Reed Miller shall not perform any duties attributed to a peace officer in the State of Minnesota.

Dated: 11/15, 2001



T.J. DOLAN, Chair

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