

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0371**

In the Matter of Magdala Sims (A/K/A Desrosiers), RN License No. 2507958.

**Filed January 20, 2026
Affirmed
Bentley, Judge**

Minnesota Board of Nursing
File No. 20-0904-39059

Marlene S. Garvis, Marlene S. Garvis, LLC, Minnetonka, Minnesota (for relator Magdala Sims)

Keith Ellison, Attorney General, Jamal Zayed, Carly Rasmussen, Assistant Attorneys General, St. Paul, Minnesota (for respondent Minnesota Board of Nursing)

Considered and decided by Bratvold, Presiding Judge; Schmidt, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this certiorari appeal, relator challenges the Minnesota Board of Nursing's final decision in her license-revocation proceedings. Specifically, relator challenges the board's determination of the cost of the proceedings that will be assessed against her if she reapplies for a nursing license. She asks this court to reverse the board's assessment of costs because the board exceeded its statutory authority, violated her due-process rights, issued a decision unsupported by substantial evidence, and acted arbitrarily and capriciously. We affirm.

FACTS

The board of nursing’s review panel—a subset of the board that investigates and prosecutes complaints against licensees—initiated contested-case proceedings against relator Magdala Sims and temporarily suspended her Minnesota nursing license in 2023. As grounds for initiating disciplinary proceedings, the review panel alleged that (1) Sims fraudulently purchased her education credentials from a nursing school in Florida, in violation of Minn. Stat. § 148.261, subd. 1(2) (2024); (2) Sims lacked the credentials necessary for Minnesota licensure, in violation of Minn. Stat. § 148.261, subd. 1(1) (2024); and (3) Sims’s Michigan nursing license had been suspended, in violation of Minn. Stat. § 148.261, subd. 1(4) (2024). Each of these allegations, if true, are separate grounds for disciplinary action by the board against Sims. *See id.*, subd. 1 (2024).

The contested case was heard by an administrative-law judge (ALJ) with the Office of Administrative Hearings (OAH).¹ During the OAH proceedings, the review panel was represented by the Office of the Attorney General (OAG). The review panel moved for summary disposition on all three grounds for discipline, which the ALJ partially granted on the basis of the Michigan license suspension but denied on the two remaining grounds. The ALJ held an evidentiary hearing on the remaining grounds, during which Sims and the review panel called witnesses and presented exhibits. After the hearing, the ALJ submitted a final recommendation to the board, concluding that the review panel proved by a preponderance of the evidence that Sims violated Minnesota Statutes section 148.261,

¹ The OAH has since been renamed the Court of Administrative Hearings.

subdivision 1(1) and 1(2), and reiterating its summary disposition with respect to subdivision 1(4). The ALJ recommended that the board take disciplinary action against Sims's Minnesota nursing license.

The review panel submitted a proposed final order to the board, in which it recommended that the board revoke Sims's license and require her to pay the cost of the disciplinary proceedings if she chooses to apply for relicensure. The requirement that Sims pay the cost of the proceedings derives from Minnesota Statutes section 148.262, subdivision 4 (2024). That provision states that, if the board revokes or suspends a license, the board may later reissue the license if the licensee pays the "costs of the proceedings," including "the cost paid by the board to the [OAH] and the [OAG]." Minn. Stat. § 148.262, subd. 4.

Along with its proposed order, the review panel provided Sims with a statement of costs that documented the expenses incurred by the board for the services of the OAH and the OAG during the proceedings, totaling \$51,686.60. Included in the statement of costs were invoices from both the OAH and OAG breaking down the work performed and the cost of that work. The OAH provided monthly invoices documenting each professional who worked on the case, the hourly totals for each month, and the general tasks performed, amounting to \$25,597. The OAG did not provide detailed monthly invoices but instead submitted a one-page time report listing the attorneys and investigator who worked on the case and the total number of hours each professional worked on the proceedings, amounting to \$26,089.60.

Sims submitted exceptions to the statement of costs to the board, in which she objected to the adequacy of the statement of costs and the accompanying OAG invoices, and she argued that the costs were excessive and punitive. The board heard oral arguments from the review panel and Sims regarding the ALJ's recommendation and the statement of costs. The review panel defended the statement of costs but also explained to the board that the costs were "discretionary," and the board could assess a lower number on Sims. Sims echoed the arguments from her exceptions and emphasized that the total costs represented an "inordinate amount of money."

Following the hearing, the board revoked Sims's license indefinitely, having concluded there were grounds for disciplinary action against Sims's license under all three statutory provisions alleged. The board further stated that Sims may apply for relicensure after one-year, contingent upon her meeting certain requirements. The following condition is relevant to this certiorari appeal:

It is further ordered that, pursuant to Minnesota Statutes section 148.262, subdivision 4, when Licensee applies for relicensure, Licensee must pay to the Board the costs of the proceedings which resulted in the revocation of Licensee's license, including the costs paid by the Board to the Office of Administrative Hearings. The costs of the proceedings are \$30,000[.]

The board did not explain why the costs were reduced from the initial amount quoted in the statement of costs.

Sims appeals.

DECISION

Sims does not challenge the revocation of her license. Rather, she disputes the board's determination of the costs assessed as a condition for relicensure. We review agency decisions following a contested-case hearing under the standard articulated in the Minnesota Administrative Procedure Act. *City of Eden Prairie v. Serafin*, 7 N.W.3d 132, 135 (Minn. App. 2024). We may affirm the decision or remand the case for further proceedings, or we may “reverse or modify the decision if the substantial rights of the petitioner[] may have been prejudiced” because the decision was

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) unsupported by substantial evidence in view of the entire record as submitted; or
- (f) arbitrary or capricious.

Minn. Stat. § 14.69 (2024). In general, administrative agency decisions “enjoy a presumption of correctness” and are entitled to substantial deference by appellate courts. *Anoka County v. Law Enf't Lab. Servs., Inc.*, 3 N.W.3d 586, 591 (Minn. 2024). We defer to the agency's findings of fact, although we are not bound by its rulings on legal issues. *In re Revocation of the Family Child Care License of Burke*, 666 N.W.2d 724, 726 (Minn. App. 2003). The relator has the burden of proof on appeal of an agency decision. *In re Excelsior Energy, Inc.*, 782 N.W.2d 282, 289 (Minn. App. 2010).

Sims first argues that the board exceeded its statutory authority and committed errors of law. Second, she argues that the board violated her right to procedural due process.

And third, she argues that the board’s decision was unsupported by substantial evidence and was arbitrary and capricious. We address each argument in turn.

I

An agency may only act when it has statutory authority to do so. *See In re Hubbard*, 778 N.W.2d 313, 318 (Minn. 2010). Express statutory authority exists when “the relevant statute unambiguously grants authority for an administrative agency to act in the manner at issue.” *Id.* at 320. We review whether an agency acted within its statutory authority de novo. *Id.* at 318.

Sims argues that the board exceeded its statutory authority and committed an error of law because “there is no statutory authority for the OAH and the OAG to request reimbursement of ‘costs,’ i.e., attorney fees and expenses,” and even if those entities had such authority, the board “erred in accepting the OAG’s Statement of Costs because the OAG’s requested lump sum of costs, i.e., legal and legal-related fees, did not allow [Sims] the opportunity to dispute or object to whether the costs were *reasonable*, a necessary requirement for cost requests.”² We disagree that the board acted outside of its authority.

Sims’s statutory argument appears to focus on the authority of the wrong entities. The issue here is not, as she argues, whether the OAG and OAH had authority to request reimbursement of costs from the board.³ Rather, the issue is whether the board has the

² At oral argument, Sims conceded that she is not challenging the board’s assessment of costs paid to the OAH or the adequacy of the OAH’s invoices on appeal.

³ We note that those entities do have such authority. *See* Minn. Stat. §§ 214.04, subd. 2 (stating “health-related licensing boards . . . shall be required to provide compensation for

authority to pass along the costs that it already paid to those entities to Sims, in the event that she seeks relicensure. Under Minnesota Statutes section 148.262, subdivision 4, the board plainly has that authority. Indeed, it *requires* licensees to pay the costs of revocation proceedings as a condition of relicensure. Specifically, that subdivision states:

Any person whose license or registration has been revoked . . . may have the license reinstated and a new registration issued when, in the discretion of the board, the action is warranted, provided *that the person shall be required by the board to pay the costs of the proceedings resulting in the revocation.* . . . The cost of proceedings shall include, but not be limited to, *the cost paid by the board to the Office of Administrative Hearings and the Office of the Attorney General for legal and investigative services*, the costs of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses, and board members’ per diem reimbursements, travel costs, and expenses.

Minn. Stat. § 148.262, subd. 4 (emphasis added).

With respect to Sims’s second argument—that the board erred as a matter of law when it assessed lump-sum costs to Sims without allowing her an opportunity to dispute the reasonableness of those costs—the statute offers no support. Section 148.262, subdivision 4, provides that an individual seeking relicensure “shall be required by the board to pay the costs of the proceedings resulting in the revocation.” The statute does not mention the reasonableness of those costs. For that reason, Sims’s statutory argument fails. We therefore turn to whether the process nevertheless violated her constitutional rights.

the reasonable costs associated” with the services provided by the OAG), 14.53 (stating the OAH “shall assess agencies the cost of services rendered to them”) (2024).

II

Sims argues that the board violated her procedural-due-process rights when it assessed the OAG's costs to her without itemization. More specifically, she argues that the lack of itemization deprived her of both the opportunity to object to the costs and her right to be heard by the board.

The United States and Minnesota Constitutions guarantee due process of law when a life, liberty, or property interest is at stake in a government proceeding. U.S. Const. amend. XIV § 1; Minn. Const. art. I, § 7. When analyzing procedural-due-process questions, courts undertake a two-step analysis. First, we determine whether the government “deprived the individual of a protected life, liberty, or property interest.” *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012). If not, “no process is due.” *Id.* If the individual was deprived of a protected interest, we determine at the second step “whether the procedures followed by the government were constitutionally sufficient.” *Id.* (quotation omitted). At this second step, we apply the balancing test from *Mathews v. Eldridge*, weighing (1) the private interest affected; (2) the “risk of an erroneous deprivation of such interest through the procedures used and the probable value” of additional procedural safeguards; and (3) the government’s interest, including “fiscal and administrative burdens” imposed by additional procedure. 424 U.S. 319, 335 (1976); *Sawh*, 823 N.W.2d at 632 (applying *Mathews* under a due-process analysis).

Turning to step one of the due-process analysis, Sims argues that she has a “property interest in her Registered Nursing license.” We have recognized that professional licenses and the ability to pursue one’s chosen career are property interests. *See Humenansky v.*

Minn. Bd. of Med. Exam'rs, 525 N.W.2d 559, 566 (Minn. App. 1994) (“A license to practice medicine is a property right deserving constitutional protection, including due process.”), *rev. denied* (Minn. Feb. 14, 1995); *Obara v. Minn. Dep’t of Health*, 758 N.W.2d 873, 878 (Minn. App. 2008) (concluding that relator had a “protected property interest in pursuing his nursing career” after he was disqualified from employment with facilities licensed by the Minnesota Department of Health). As the board points out, however, Sims no longer holds a nursing license as a result of the revocation, and she does not challenge the revocation on appeal. The property interest may be more properly characterized as an interest in seeking relicensure from the board at a future date. Nevertheless, we assume without deciding that Sims’s property interest in her nursing license was at issue and proceed to step two of our analysis, the *Mathews* balancing test.

Sims invokes *Mathews*, but she makes arguments relevant to only the second *Mathews* factor—“the risk of an erroneous deprivation of such interest through the procedures used and the probable value” of additional procedural safeguards. 424 U.S. at 335. Sims argues that the board’s procedures deprived her of her right to be heard about the reasonableness of the OAG’s costs. We are not convinced that there was a significant risk of any erroneous deprivation of a right, nor that additional procedures would have added value by minimizing any such risk.

Sims received notice of the basis for the board’s decision, including the statement of costs with an invoice listing each OAG professional who worked on the case and the total hours and costs for their services. Sims then had the opportunity to submit written exceptions to the costs and to present oral argument against them in front of the board. That

process afforded her an opportunity to be heard regarding her concerns with the specificity of the OAG invoice and her position that the assessed costs were excessive. And, as the board notes in its brief, these objections apparently were heard by the board because the final costs assessed were reduced from the initial statement of costs by over \$20,000—an amount that is close to the entire cost the board paid to the OAG. Because Sims had an opportunity to be heard on the issue, and she was heard, we conclude that there was “little risk of erroneous deprivation.” *Falgren v. Minn. Bd. of Teaching*, 545 N.W.2d 901, 909 (Minn. 1996) (concluding the same in a license-revocation proceeding, in which the relator submitted a written brief, presented oral argument in front of the licensing board, and participated in a four-day hearing). Sims has not established a due-process violation.

III

Sims’s final argument is that the board’s decision to assess \$30,000 in costs was unsupported by substantial evidence and was arbitrary and capricious.

Agency decisions must be supported by substantial evidence, meaning that the decision “is supported by (1) such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; (2) more than a scintilla of evidence; (3) more than some evidence; (4) more than any evidence; or (5) the evidence considered in its entirety.” *Minn. Ctr. for Env’t Advoc. v. Minn. Pollution Control Agency*, 644 N.W.2d 457, 464 (Minn. 2002). Also, agency decisions may be invalidated if they are arbitrary or capricious, which occurs when a decision “represents the agency’s will and not its judgment.” *In re Denial of Contested Case Hearing Requests*, 993 N.W.2d 627, 645-46 (Minn. 2023). An “agency’s conclusions are not arbitrary and capricious so long as a rational connection between the

facts found and the choice made has been articulated.” *In re Excess Surplus Status of Blue Cross & Blue Shield of Minn.*, 624 N.W.2d 264, 277 (Minn. 2001) (quotation omitted). But even if an agency’s decision is arbitrary and capricious, we will not reverse unless the substantial rights of the relator “may have been prejudiced.” Minn. Stat. § 14.69.

First, the board’s decision to assess \$30,000 in costs was supported by substantial evidence. The invoices included in the statement of costs documented over \$51,000 in costs with some detail, amounting to more than “a scintilla,” “some,” or “any” evidence. *Minn. Ctr. for Env’t Advoc.*, 644 N.W.2d at 464. Additionally, the record shows that the revocation proceeding involved multiple hearings, extensive briefing, and the services of multiple professionals including an ALJ, assistant attorneys general, and other professionals within both the OAH and OAG. It is not unreasonable for the cost of such services to add up to at least \$30,000. Both the invoices and the record in its entirety therefore lead us to conclude that the board’s decision was based on substantial evidence.

Second, we consider Sims’s argument that the board’s decision was arbitrary and capricious because it failed to explain why it assessed costs of \$30,000, when the statement of costs and proposed order included \$51,686.60 in costs paid by the board. We agree that the board’s decision would have benefited from some explanation for its decision to reduce the assessed costs. But even if the lack of explanation rendered the decision arbitrary and capricious, we nevertheless affirm because we are unpersuaded that Sims’s substantial rights may have been prejudiced by the board’s *reduction* of costs. *See* Minn. Stat. § 14.69 (authorizing courts to reverse an agency decision only “if the substantial rights of the petitioner[] may have been prejudiced”). Sims conceded during oral argument that she does

not challenge the reasonableness of the assessed costs that the board paid to the OAH. That means that \$25,597 of the \$30,000 assessed by the board is uncontested on appeal. With respect to the remaining \$4,403 in costs, even assuming that the OAG costs quoted in the statement of costs were excessive to some extent, it is unreasonable to think that they would amount to less than \$4,403, given the record evidence of over 175 hours of work performed by the OAG. Because the unchallenged OAH's costs are well-supported, and the challenged OAG's costs represent a significant discount from what the board presumably paid for those services, we conclude that Sims's substantial rights have not been prejudiced by any shortcoming in the board's analysis.

Affirmed.