

*This opinion is nonprecedential except as provided by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
A25-0929**

Kimberly Sollars,
Relator,

vs.

Minnesota Department of Human Services,
Respondent.

**Filed March 30, 2026
Affirmed
Smith, John, Judge ***

Department of Human Services
File No. 56012

Justin Bruntjen, Wayzata, Minnesota (for relator)

Keith Ellison, Attorney General, Emily Doyle, Assistant Attorney General, St. Paul,
Minnesota (for respondent)

Considered and decided by Frisch, Chief Judge; Bentley, Judge; and Smith, John,
Judge.

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We affirm the respondent-department's decision on reconsideration to disqualify
relator from her employment with vulnerable adults because respondent-department

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

(1) provided relator with notice and the opportunity to be heard consistent with her right to due process; and (2) did not act arbitrarily when it denied relator's request for reconsideration and her request to set her disqualification aside.

FACTS

This appeal involves the Minnesota Department of Human Services Background Studies Act. Minn. Stat. §§ 245C.01-.34 (2024). This act requires the commissioner of the Minnesota Department of Human Services (DHS) to conduct a background study on current or prospective workers providing direct-contact care to persons and facilities licensed by DHS or the Minnesota Department of Health. Minn. Stat. §§ 144.057, subd. 1 (2024), 245C.03, subd. 1(a)(3). If “a preponderance of the evidence indicates the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15,” the DHS commissioner must disqualify the individual from direct-contact work. Minn. Stat. § 245C.14, subd. 2. The DHS commissioner also reviews “information related to names of substantiated perpetrators of maltreatment of vulnerable adults.” Minn. Stat. § 245C.08, subd. 1(a)(1).

In late 2024, relator Kimberly Sollars sought employment at Partners in Community Supports (Partners in Community). Partners in Community then requested a background study from respondent DHS. DHS issued a notice of background study disqualification indicating that Sollars was disqualified “from providing direct contact services, or having access to people who receive services” through Partners in Community. This disqualification was issued because in September 2024, Isanti County Health and Human Services determined Sollars was responsible for the maltreatment of two vulnerable adults,

her stepsons, and determined that the maltreatment consisted of financial exploitation. Sollars did not request reconsideration of this disqualification.

Partners in Community once again requested a background study on Sollars and DHS notified her of this request in December 2024. In January 2025, DHS gave Sollars notice that it needed more time to complete her background study. *See* Minn. Stat. § 245C.17, subd. 1(a), (c).

On February 6, 2025, DHS again issued a notice of background study disqualification indicating that Sollars was disqualified “from providing direct contact services, or having access to people who receive services” through Partners in Community. This disqualification was issued because of Isanti County Health and Human Service’s findings and determinations from September 2024, that she had financially exploited her stepsons.

A few weeks after DHS issued the second notice of background study disqualification, Sollars requested reconsideration of the disqualification. In this request Sollars challenged both the correctness of information used to disqualify her and the risk of harm she posed.

On April 8, 2025, after DHS had reviewed Sollars’s request for reconsideration, it affirmed her disqualification and informed her that her disqualification would not be set aside. DHS completed a risk-of-harm assessment to determine whether to set aside Sollars’s disqualification and determined that the basis for Sollars’s disqualification was correct. Under Minnesota Statutes section 245C.22, subdivision 4(b), DHS also considered

nine factors to determine whether Sollars had met the burden of proof by demonstrating she did not pose a risk of harm.

Sollars seeks certiorari review.

DECISION

I. DHS provided Sollars with notice and the opportunity to be heard consistent with her right to due process.

Sollars asserts that she was deprived of due process because DHS's letter that stated it needed more time to complete its review of Sollars's reconsideration determination created a "procedural trap." She further asserts that switching timelines of what it considered timely "deprived her of fair notice and a meaningful chance to be heard." We do not agree.

Because Sollars argues that DHS violated her right to due process, de novo review of these arguments is required. *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012) ("Whether the government has violated a person's procedural due-process rights is a question of law that [appellate courts] review de novo."); *In re Brown*, 28 N.W.3d 486, 500 (Minn. App. 2025) (reviewing appellant's argument that the city violated his constitutional right to due process de novo).

To satisfy due process, "notice must be of such nature as reasonably to convey the required information." *Jackson v. Comm'r of Hum. Servs.*, 933 N.W.2d 408, 416 (Minn. 2019) (quotation omitted). This standard is met if the DHS disqualification notice "accurately describe[s] the law" and informs the recipient "of the consequences of missing the deadline to challenge the decision." *Id.* The notice should also contain "specific

information about the timing and means of making an appeal.” *Smith v. Minn. Dep’t of Hum. Servs.*, 764 N.W.2d 388, 392 (Minn. App. 2009). The act itself further requires that the disqualification notice informs the person of the reason for the disqualification, how to request reconsideration, and on a risk-of-harm determination, if any. *See* Minn. Stat. § 245C.17, subd. 2(a).

On September 17, 2024, Isanti County Health and Human Services sent Sollars notice that it had found that she had maltreated two vulnerable adults by financial exploitation. In the letter, Isanti County Health and Human Services informed Sollars that the finding could “result in [the] denial of a license application or background study disqualification related to employment or services that are licensed by the Department of Human Services, the Department of Health, the Department of Corrections, and from providing services related to an unlicensed personal care provider organization.” The letter also stated that the determination could potentially “have a negative impact on [her] job or volunteer work with children, elderly, disabled, or other vulnerable people.” Isanti County Health and Human Services also informed Sollars that if she disagreed with the Isanti County Health and Human Service’s determination, she could request reconsideration of the determination and request an appeal hearing within 15 calendar days of receiving the letter. The notice was constitutionally sufficient because it accurately described the law and informed Sollars about the consequences of missed deadlines. *Jackson*, 933 N.W.2d at 416 (holding that DHS’s letter provided “constitutionally sufficient notice to Jackson of his rights under the [background study act]”).

The notifications sent by DHS on October 30, 2024, and on February 6, 2025, were also constitutionally sufficient. Similar to Isanti County Health and Human Service’s notification, DHS explained in each letter why Sollars was disqualified, informed her of her rights to request reconsideration, and included the timelines with which she must comply. Additionally, at this point, Sollars was not entitled to a hearing as she did not contest the findings of Isanti County Health and Human Services. *Jackson*, 933 N.W.2d at 415; *see also* Minn. Stat. §§ 245C.27, subd. 1(e), .29. Sollars was only entitled to request reconsideration based on the correctness and seek a set-aside based on the risk of harm. Minn. Stat. § 245C.27, subd. 1(e).

Sollars contends that DHS’s notification that more time was needed to complete another background study led her to believe that “the next procedural step would come from DHS, not her.” Because of this, Sollars asserts that DHS claimed her request for reconsideration was “not timely.” While Sollars does not appear to assert that DHS’s notification that it required “more time” was untimely, the record reflects that Partners in Community requested another background study on Sollars and sent Sollars notification of this on December 18, 2024. And the “more time” notification was sent on January 14, 2025. The record does not indicate when the DHS commissioner received the request for the background study from Partners in Community as the “more time needed” notification must have been sent three working days after the background study request was made. Minn. Stat. § 245C.17, subd. 1(a). We decline to address this argument as “the complaining party has the obligation to provide the appellate court with a record sufficient to show any

alleged error.” *Butler v. Jakes*, 977 N.W.2d 867, 873 (Minn. App. 2022) (declining to address the argument because appellant’s argument was not properly before the court).

The record does not reflect that DHS informed Sollars that her request for reconsideration was untimely either. In fact, DHS issued another letter to Sollars and detailed that it had received her request for reconsideration on March 3, 2025. Even if Sollars had intended to submit more information pertaining to her disqualification, she was informed that she had 30 days to submit her request in writing. The letter instructed her to “[p]rovide documentation that support[ed] [her] request” and explained that these documents can “include work evaluations, police reports, probation records, court documents, recommendations, treatment records, and other relevant information.” The letter also detailed that the request for reconsideration would be reviewed for correctness and contained the risk-of-harm factors that were analyzed during DHS’s analysis to reconsider. Lastly, in the form that Sollars was required to complete for her request for reconsideration, DHS included a detailed explanation of the procedure to “[r]equest additional time to obtain supporting documents.” Therefore, Sollars was provided adequate notice of the required timing for her request for reconsideration.¹

¹ Sollars also asserts that the equitable tolling and waiver principles apply and that we must consider the prejudice that this determination has placed on Sollars. We consider these arguments to be inadequately briefed because Sollars cites no caselaw or legal authority. *State Dep’t of Lab. & Indus. by the Special Comp. Fund v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (stating that appellate courts generally “decline to reach [an] issue in the absence of adequate briefing”); *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (“An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is [forfeited] and will not be considered on appeal unless prejudicial error is obvious on mere inspection.”).

In conclusion, DHS provided constitutionally sufficient notice because the letters “accurately described the law to [Sollars] and informed [her] of the consequences of missing the deadline to challenge the decision.” *Jackson*, 933 N.W.2d at 416. And Sollars was not entitled to a hearing because she did not challenge the September 2024 finding within the statutory time limit. *Id.* at 411; Minn. Stat. §§ 245C.21, subd. 2, .27, subd. 1(a).

II. DHS did not act arbitrarily when it denied Sollars’s request for reconsideration and her request to set her disqualification aside because DHS’s decisions were supported by the record and the law.

Sollars maintains that DHS acted arbitrarily when it affirmed her disqualification because it did not consider required “core factors” and because there was no rational basis for DHS’s determination.² As detailed above, Sollars was only entitled to reconsideration of her disqualification for correctness and for a determination whether information provided established that the disqualification should be set aside.

DHS is an administrative body, and the commissioner’s decision here is that of a quasi-judicial agency decision. An appellate court’s review of “quasi-judicial decisions of administrative bodies is limited to review by certiorari.” *Jackson*, 933 N.W.2d at 413 (quotation omitted). This review requires inspection of the record that “is necessarily confined to questions affecting . . . the regularity of its proceedings, and, as to merits of the controversy, whether the order or determination in a particular case was arbitrary,

² Sollars also makes the argument that the records which DHS relies on are stale. Sollars was disqualified based on recurring maltreatment, which requires disqualification if it has been less than seven years since the determination of maltreatment. Minn. Stat. 245C.15, sub. 4(b)(2). Therefore, we do not find this argument to be persuasive.

oppressive, unreasonable, fraudulent, under an erroneous theory of law, or without any evidence to support it.” *Id.* (quotation omitted).

First, regarding the correctness determination, Isanti County Health and Human Services had determined that Sollars had maltreated two vulnerable adults. In affirming the disqualification, DHS explained that the instances of Sollars maltreating the two vulnerable adults were recurring. *See* Minn. Stat. § 245C.02, subd. 16 (defining recurring maltreatment as “more than one incident of maltreatment for which there is a preponderance of evidence that the maltreatment occurred and that the subject was responsible for the maltreatment”). Because DHS was limited to reviewing whether the treatment was recurring and not whether the maltreatment occurred and the record supports the recurring nature, we conclude that DHS’s correctness determination is rationally based because it is supported by the record and the law.

Second, DHS’s risk-of-harm assessment considered all nine factors that are statutorily required. Under Minnesota Statutes section 245C.22, subdivision 4, DHS may set aside a disqualification if it finds that the individual submitted sufficient information to show that they do not pose a risk of harm. DHS was required to consider the following nine factors to determine whether Sollars met her burden of proof:

- (1) the nature, severity, and consequences of the event or events that led to the disqualification;
- (2) whether there is more than one disqualifying event;
- (3) the age and vulnerability of the victim at the time of the event;
- (4) the harm suffered by the victim;
- (5) vulnerability of persons served by the program;

- (6) the similarity between the victim and persons served by the program;
- (7) the time elapsed without a repeat of the same or similar event;
- (8) documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event; and
- (9) any other information relevant to reconsideration.

Minn. Stat. § 245C.22, subd. 4(b). “[A]ny single factor . . . may be determinative of the commissioner’s decision whether to set aside the individual’s disqualification.” *Id.* subd. 3.

DHS adequately considered the nine statutory factors when reviewing Sollars’s request for reconsideration.

Factor one concluded that the estimated dollar amount of financial loss that resulted due to financial exploitation was \$13,256.00 for one adult and \$9,245.00 for the second adult. The amount of financial loss incurred by each of the adults was indeed significant.

Factor two determined that the maltreatment was recurring because “[t]here [were] two maltreatment determinations” and that “[t]ogether they [were] one recurring disqualifying event.” This satisfies the statutory definition of “recurring maltreatment.” *See* Minn. Stat. § 245C.02, subd. 16.

Factor three considered that Sollars is the stepmother of the vulnerable adults and that because the two adults were vulnerable, they were “likely to be victims of abuse, neglect, or exploitation.”

Factor four decided that both the adults suffered financial harm when Sollars “used their money for items/reasons that were not for them or their benefit.”

Factor five considered that the people served by the program are vulnerable and that Sollars “could have unsupervised access to cash, assets, and valuables either belonging to or intended for those vulnerable persons.”

Factor six concluded that the victims were the same as the people that the program served.

Factor seven pointed out that only eight months had passed since the time of the Isanti County Health and Human Service’s determination of maltreatment.

Factor eight explained that Sollars “did not provide any documentation of successful completion of training or rehabilitation pertinent to the disqualifying event.”

Factor nine concluded that Sollars did not submit sufficient information to show that she no longer posed a risk of harm. Which is accurate as she only detailed that she has altered the way she manages her stepsons’ finances but provided no other information.

DHS considered all nine factors and the information that Sollars had shared. Sollars asserts that DHS did not consider several factors, but the factors that Sollars raises issue with were either not statutorily required or were sufficiently considered. Sollars contends that DHS failed to consider the factors surrounding rehabilitation, elapsed time/recency, severity, victim harm, recidivism/subsequent conduct, and the global risk-of-harm conclusion.

First, regarding the argument around rehabilitation, Minnesota Statutes section 245C.22, subdivision 4(b)(8), requires DHS to consider “documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event.” No such documentation was provided and Sollars claimed the county has not provided any

training to her on how to manage her stepsons' finances and states that there is no type of training available in general. Sollars had an opportunity to establish that this factor weighed in her favor and that she had taken some action to show rehabilitation but did not do so.

Second, pertaining to the elapsed time/recency argument, Minnesota Statutes section 245C.22, subdivision 4(b)(7), requires DHS to examine "the time elapsed without a repeat of the same or similar event." DHS considered this and pointed out that a year had not yet passed since Isanti County Health and Human Services found Sollars to have maltreated her stepsons. In addition, while Sollars may not have committed any more infractions between September 17, 2024, and the date of DHS's review, "any single factor . . . may be determinative of the commissioner's decision whether to set aside the individual's disqualification." Minn. Stat. § 245C.22, subd. 3.

Third, relating to the victim harm, Sollars challenges the severity and victim harm and states that the record did not indicate any harm. Sollars's stepsons however each suffered a significant financial loss of thousands of dollars, and this certainly harmed the victims.

Fourth, Sollars contends that DHS ignored that Sollars had passed certain "registry checks." Sollars appears to be referring to a general database search result that established Sollars had never been determined ineligible for employment and that she is neither a nurse nor an excluded individual at the state and federal level. Nothing within these search results touches on why she is no longer a risk to vulnerable people.

Lastly, Sollars asserts that DHS used "boilerplate bottom lines" and did not balance the statutory factors against the record. But DHS's analysis of each factor included facts

about the September 2024 findings, information about the individuals served through Partners in Community, and information that Sollars had provided in her request for reconsideration. While the analysis of each factor from DHS is not lengthy, each factor articulated a “rational connection between the facts found and the choice made [by DHS].” *In re Rev. of 2005 Ann. Automatic Adjustment of Charges*, 768 N.W.2d 112, 120 (Minn. 2009) (quotation omitted).

We conclude that DHS’s review of the nine statutory factors shows evidentiary support in the record for DHS’s factual findings. And DHS’s reconsideration decision is not arbitrary because there is a rational connection between those facts and DHS’s decision not to set aside Sollars’s disqualification.

Affirmed.