

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 1

PORTAGE COUNTY

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PAMELA R. LAKE,

Petitioner,

vs.  
Agency

Case No. 2010CV000083  
Case Type: Administrative

Review (30607)

STATE OF WISCONSIN, DEPARTMENT  
OF CHILDREN & FAMILIES and STATE  
OF WISCONSIN, DEPARTMENT OF  
ADMINISTRATION, DIVISION OF  
HEARINGS AND APPEALS,

Respondents.

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ORDER

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WHEREAS, on February 15, 2010, the Petitioner commenced this judicial review action under Chapter 227, Wis. Stats., requesting that the Court reverse the December 23, 2010 Decision issued by an administrative law judge of Respondent Wisconsin Department of Administration, Division of Hearing and Appeals ("DHA"), and

WHEREAS, Respondents requested that the Court deny Petitioner's request for relief in all respects and affirm DHA's decision in all respects, and

WHEREAS the parties thereafter filed briefs in support of their respective positions and, on January 28, 2011, presented oral argument in support of those

Circuit Court Portage County, Wis  
**FILED**  
FEB 23 2011  
BERNADETTE A. FLATOFF  
CLERK OF COURTS

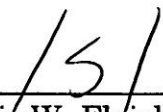
positions, all of which the Court has considered, along with the certified records in this case,

NOW THEREFORE, for the reasons the Court stated on the record in open court on January 28, 2011, the Court hereby ORDERS as follows:

1. DHA's February 15, 2011 Decision is REVERSED;
2. This matter is hereby remanded to DHA with instructions to reconsider this matter consistent with the Court's January 28, 2010 bench decision, including issuing a finding of fact concerning, and giving appropriate consideration to, whether Petitioner's participation in the federal food program from which she was terminated was a program in which Petitioner was required to participate in order to hold a family daycare license under Wisconsin law; and
3. Counsel for Petitioner shall furnish a transcript of this Court's January 28, 2011 bench decision to DHA when it has been prepared.

So Ordered this 23 day of February 2011.

BY THE COURT:

  
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Frederic W. Fleishauer, Circuit Court Judge