STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0673

Smeeta Antony, petitioner,
Appellant,

vs.

Commissioner of Public Safety,
Respondent.

Filed January 8, 2018
Affirmed
Jesson, Judge

Scott County District Court
File No. 70-CV-16-19509

Smeeta Antony, Edina, Minnesota (pro se appellant)

Lori Swanson, Attorney General, Cory Beth Monnens, Assistant Attorney General, St. Paul, Minnesota (for respondent)

Considered and decided by Jesson, Presiding Judge; Cleary, Chief Judge; and Connolly, Judge.

U N P U B L I S H E D O P I N I O N

JESSON, Judge

After appellant Smeeta Antony made odd remarks to a state trooper during a traffic stop, respondent Commissioner of Public Safety asked her to submit a medical statement discussing her ability to safely drive her car. Antony failed to provide the statement and, as a consequence, the commissioner revoked her driver's license. Antony asked the district

court to reinstate her driver's license, but, after a reinstatement hearing, the court upheld the commissioner's decision. Antony appealed. Because the commissioner's decision was neither arbitrary nor unreasonable, we affirm the district court.

FACTS

In July 2016, a state trooper watched as a car with visible damage struggled to stay in its lane and maintain a steady speed. The trooper pulled the car over and encountered the driver, appellant Smeeta Antony. Antony accused the trooper of tailing her and refused to explain her erratic driving until the trooper "put her house and vehicle under surveillance."

After the stop, the state trooper consulted with local law enforcement who were familiar with Antony because of prior contacts for medical issues. The state trooper then submitted an official request to the Minnesota Department of Public Safety asking that Antony take an examination in order to gauge her driving abilities.

On August 1, 2016, respondent, Commissioner of Public Safety, sent Antony a letter with a request. That request was for Antony to meet with a medical professional and then have that professional submit a statement to the commissioner discussing Antony's mental and physical abilities to safely drive her car. The commissioner gave Antony one month—until September 2, 2016—to provide this medical statement. If she failed, the letter stated, she would lose her driver's license. This deadline passed and the commissioner did not receive the statement. On September 19, 2016, the commissioner sent Antony a letter stating that her license would be revoked on September 23.

Antony protested losing her driving privileges, and on October 28, 2016, she filed a petition in district court for reinstatement of her license. A few days after filing this petition, Antony met with a medical professional, but the report from this meeting failed to address the commissioner's concerns about her driving abilities. In December 2016, the district court continued Antony's reinstatement case until March 2017 and ordered her to submit a statement from a psychiatrist or psychologist addressing her ability to safely drive her car.

In early January 2017, Antony met with a nurse and requested an examination so she could resume driving. The nurse referred her to an insurance company for an evaluation.[1] Also in the early part of 2017, Antony asked officials in Scott County for a medical evaluation. But the county replied in March that it does not perform the kind of evaluation Antony was asking for.

By the time Antony's reinstatement case reconvened for a hearing on March 30, 2017, she had not submitted the required medical statements. Lacking the requested statements, the district court sustained the commissioner's revocation of her license. Antony appealed.

D E C I S I O N

Antony asks us to reverse the district court's decision sustaining the commissioner's revocation of her driver's license. We will not reverse a licensing decision from the

[1] The record is not clear what came of this referral. Antony testified at her reinstatement hearing that she met with a medical professional but did not have the results due to insurance issues.

commissioner unless we determine that the decision was "fraudulent, arbitrary, unreasonable, or not within its jurisdiction and powers." *Pallas v. Comm'r of Pub. Safety*, 781 N.W.2d 163, 167 (Minn. App. 2010). We step into a licensing matter such as this presuming that events were handled with regularity and correctness. *Id*.

Before we address the underlying issues in this case, we note that Antony appears before us pro se—that is, she is not represented by a licensed attorney. The justice system is here for everyone and we allow for a little flexibility to accommodate pro se parties like Antony, so long as there is no prejudice to the other side. *Kasson State Bank v. Haugen*, 410 N.W.2d 392, 395 (Minn. App. 1987). That being said, pro se parties are held to the same standards as professional attorneys and are obligated to adequately communicate what they want. *Carpenter v. Woodvale, Inc.*, 400 N.W.2d 727, 729 (Minn. 1987) (stating that pro se litigants retain the burden of communicating the relief they are seeking to a court); *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001) (emphasizing that pro se litigants are generally held to the same standards as attorneys).

We raise these points about pro se parties because, while we understand what Antony is ultimately seeking (reinstatement of her driver's license), her legal arguments are somewhat difficult to decipher. After parsing her written argument and the record below, and allowing for some flexibility, it appears that Antony is making three arguments about why the commissioner acted arbitrarily or unreasonably when it revoked her driver's license:

- The commissioner acted arbitrarily or unreasonably by not giving Antony enough time to submit the medical statement addressing her driving abilities;

- The commissioner acted arbitrarily or unreasonably by not making the arrangements for her medical statement under Minnesota Statutes section 171.13, subdivision 1(a), (c) (2016); and

- The commissioner acted arbitrarily or unreasonably by ignoring the fact that Antony complied with the plain language of Minnesota Rules 7410.2700, subpart 3 (2015), which entitles her to reinstatement of her license.

We address each argument below.

The thirty days the commissioner gave Antony to submit a physician statement was not unreasonable.

The commissioner has the statutory power to request that a licensed driver submit to an examination of her driving abilities to "determine incompetency, physical or mental disability or disease, or any other condition which might affect the driver from exercising reasonable and ordinary control over a motor vehicle." Minn. Stat. § 171.13, subd. 3 (2016). If the examination results show that the driver cannot drive safely, the commissioner "may cancel the driver's license of the person." *Id*. If the driver does not submit to the examination, the commissioner has the power to cancel the driver's license. Minn. Stat. § 171.13, subd. 4 (2016). The commissioner's own administrative rules dictate that if any physician's statement is requested from this examination, that statement should be submitted within 30 days or within a reasonable time that the person may need. Minn. R. 7410.2700, subp. 2 (2015).

The commissioner gave Antony 30 days to submit the medical statement. Antony argues that this was not enough time and was an arbitrary or unreasonable deadline. We disagree; there was nothing arbitrary or unreasonable about giving Antony one month to meet with a medical professional. And even if Antony's life and schedule could not

accommodate this request, she only needed to reach out to the commissioner and arrange for additional "reasonable time" that she "may require to obtain a physician's statement." Minn. R. 7410.2700, subp. 2. She did not.

Especially when we view this original 30-day deadline as being interconnected with the district court's decision to continue her reinstatement case for over three months, just so Antony could submit the physician's statement before her hearing—which she also failed to do—we cannot conclude that these timelines were arbitrary or unreasonable. The commissioner's 30-day deadline was proper.

The commissioner was not required to make arrangements for Antony's physician statement.

Antony also argues that the commissioner was required to make arrangements for her to meet with a medical professional for a driving statement under Minnesota Statutes section 171.13, subdivision 1(a), (c) (2016). Those provisions read,

> (a) Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include: . . . other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways . . . .
>
> . . . .
>
> (c) The commissioner shall make provision for giving the examinations under this subdivision either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

It is true that these twin provisions require the commissioner to take the lead on arranging driving examinations, but this requirement only applies to "each *applicant* for a

driver's license." Minn. Stat. § 171.13, subd. 1(a) (emphasis added). Although the term "applicant" is not defined in this section, we interpret the word according to its plain and ordinary meaning: "[o]ne who applies or makes request." *The Compact Oxford English Dictionary* 64 (2d ed. 2007); *see also Black's Law Dictionary* 120 (10th ed. 2014) (defining "applicant" as "[o]ne who requests something; a petitioner"); *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 290-91 (Minn. 2013) (stating that if there is no statutory definition, the words in a statute should be interpreted according to their plain and ordinary meaning).

Antony was not an applicant in this situation—she was not making any request. Instead, she was the one *receiving* the request, a request that came from the commissioner based on her statutory power to demand medical evaluations from already licensed drivers. Because Antony was not an applicant for a driver's license, section 171.13, subdivision 1(a), (c), did not apply in this context and the commissioner was not required to make arrangements for her medical examination.

Antony did not comply with Minnesota Rules 7410.2700, subpart 3, and is not entitled to reinstatement.

Lastly, Antony argues that she complied with the plain language of Minnesota Rules 7410.2700, subpart 3, and is entitled to reinstatement of her driver's license. This agency rule provides a mechanism for reinstating a driver's license in situations just like Antony's: where the commissioner demands a physician's statement commenting on the driver's ability to drive safely. *Id.* The agency rule states, "[f]or reinstatement, the commissioner shall require a satisfactory statement from any institution in which the person has been

treated, from any treating physician, or from any competent authority demonstrating that the individual is competent to drive safely." *Id.*

When the language of an administrative rule is clear and capable of understanding, interpreting that rule presents a legal question that appellate courts review de novo. *Jasper v. Comm'r of Pub. Safety*, 642 N.W.2d 435, 440 (Minn. 2002). Antony claims she complied with the plain language of rule 7410.2700 by submitting three statements:

- A 2012 report from Scott County;
- A letter from the Scott County Health and Human Services Division stating that its office does not perform evaluations to determine driving abilities; and
- A certificate showing that Antony successfully completed a driver education course.

But none of these documents satisfy what the commissioner wanted: a statement from a licensed health professional commenting on Antony's ability to safely operate a motor vehicle. First, the 2012 psychiatric report was made prior to the 2016 driving incident triggering this case and it does not address her driving abilities. Second, the letter from Scott County only reveals that the county does not perform certain types of examinations, which says nothing about Antony's driving skills. And finally, the driver's education certificate does not speak to the commissioner's current concerns about Antony's capabilities. The documents Antony provided to the commissioner were not satisfactory within the meaning of Minnesota Rules 7410.2700, subpart 3, and Antony did not meet the plain language of the agency regulation.

In summary, the commissioner did not act fraudulently, arbitrarily, unreasonably, or outside the scope of its jurisdiction and powers when it revoked Antony's driver's license. *Pallas*, 781 N.W.2d at 167. The district court was correct to uphold the commissioner's revocation and we therefore affirm.

Affirmed.