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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-2057**

Mark Monacelli,
Respondent,

vs.

Stanley R. Henricksen,
Appellant.

**Filed July 2, 2018
Affirmed
Connolly, Judge**

St. Louis County District Court
File No. 69DU-CV-17-1997

Shawn B. Reed, Maki & Overom, Ltd., Duluth, Minnesota (for respondent)

Stanley R. Henricksen, Duluth, Minnesota (pro se appellant)

Considered and decided by Smith, Tracy M., 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

CONNOLLY, Judge

Appellant, pro se, challenges the district court's grant of a harassment restraining order (HRO) to respondent, arguing that the HRO was an abuse of the district court's discretion. Because we see no abuse of discretion, we affirm.

FACTS

In August 2017, respondent Mark Monacelli, a county registrar of titles, sought an ex parte HRO against appellant Stanley Henricksen. The request was based on appellant's repeated trips to the county registrar's office, his demands for nonexistent documents related to litigation that occurred more than ten years ago, his accusations that the office staff had expunged records, his allegations to the staff that respondent was guilty of laziness, stupidity, criminal fraud, and corruption, and his service of two complaints on respondent, the first alleging that respondent violated Minnesota statutes and appellant's constitutional rights and committed a felony, the second alleging that respondent was negligent in performing his duties and demanding that he be fined or imprisoned.

Respondent was granted a temporary ex parte HRO, and a hearing was scheduled. Both parties testified. Following the hearing, the district court granted respondent an HRO against appellant until October 19, 2019. It provides that appellant "shall have no direct or indirect contact with [respondent]" and "may not approach [him] in person at the Recorder's Office or anywhere else." However, appellant may enter the office if he is accompanied by courthouse security and makes advance arrangements with the sheriff's office to be there, and like other members of the public, he may request documents or information in writing or online.

Appellant challenges the grant of the HRO, arguing implicitly that the district court abused its discretion in granting it.¹

¹ Appellant does not actually state a legal issue or make a legal argument challenging the grant of the HRO. Much of his brief pertains to legal disputes over land that occurred in

DECISION

The issuance of an HRO is reviewed for an abuse of discretion. *Kush v. Mathison*, 683 N.W.2d 841, 843 (Minn. App. 2004), *review denied* (Minn. Sept. 29, 2004).

Harassment is defined as “repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another.” Minn. Stat. § 609.748 (2016).

The district court found that:

[Appellant] regularly comes to [respondent’s] place of employment and demands information from [respondent] and his staff despite being told regularly that this information is not available to him and cannot and will not be produced. This has happened between 5-10 times in the past year and [appellant] persists despite knowing he is unwelcome. He has been escorted out by Courthouse security on multiple occasions.

In its memorandum, the district court noted that “[appellant’s] continued presence at the Recorder’s Office angrily demanding a different outcome . . . despite being told he cannot be there” meets the statutory definition of harassment.² The record, specifically appellant’s testimony at the hearing, supports that finding.

Appellant began his statement by saying, “[T]his whole courthouse is a public domain and is open to anyone. . . . [o]pen to the common use.” Asked if he thought the right of access had its limits, appellant replied,

the late 1990’s and early 2000’s and is irrelevant to this appeal; we therefore do not address it. *See State, Dep’t of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to address an inadequately briefed argument).

² *See* Minn. R. Civ. P. 52.01 (noting that findings of fact can be included in a district court’s memorandum accompanying its order).

I have documents to prove everything I say . . . [T]hey tell me that I need a court order when right on the Minnesota Statute it specifically states that no court involvement is necessary. I can go into any office here and ask for a document and have them try to help me produce it, or find it, or pay them a fee to do that. They refuse to do that. . . . [Respondent] has to have something that is . . . immediate danger. He's produced nothing about immediate danger . . . He's violated my constitutional rights left and right by putting his false statements to get a memorial made out, alright? And then this goes on to say that all citizens of every member of every state while a later includes a lesser than and still portion of the community in general (sic).

Asked when he last went into the recorder's office, appellant answered,

The last time I went into the recorder's office I served [respondent] the document stating that he is not lived up to his obligations with the, uh, general rights that he's supposed to have and served him with those paper and immediately because he's known he's done wrong, the people in the courtroom know he's done wrong And then he came storming out of his office when I was talking to three people of his help and they would not find the document for me. This specifically stated no court orders necessary, you need a court order. That's not correct, that's not the way to treat the public. . . . [T]hey called the sheriff at least four or five times and every time they never . . . [I said] well if I'm raising cane here, which I'm not, arrest me. And I said arrest me three or four times, they didn't do it. . . . A Judge reasonably believes that no party will gain a, a procedural subsistence or tactical advantage as a result of ex parte communication, alright?

The district court then asked appellant, "What does ex parte communication with a Judge have to do with this hearing?What Judge, what court proceeding are you talking about?" Appellant answered, "I'm talking about this statute right here . . . Well, this one is not a statute it's the code of [judicial] standards and that is the cannons, too. And that is a rule of court."

The district court asked appellant when he was last at the courthouse prior to serving the complaint. Appellant replied that it was about a week before and said, “I didn’t do anything that [respondent] says I did.” When the district court asked for specifics, appellant replied:

[T]here’s two documents that need to be released to me and they will not do that he will not give them to me period. And . . . a court document that was sent into to court and he will not give me that one and then there’s another one . . . that’s not there. So, this affidavit, he makes these comments, which none of them are true—

The district court asked appellant if he was talking about respondent’s letter applying for an ex parte HRO. Appellant replied:

[I]t’s not signed, there’s nothing valid about it whatsoever and therefore the whole case should be dismissed that [respondent is] bringing and he’s violated two months of my time . . . They don’t care about anybody’s rights at all, just do what they wan[t to] do and make all those comments. . . . And I’ve talked to at least half a dozen of my attorney friends and they say [appellant], you’re right, you never should have been served that in the first place.

When the district court asked appellant, “So you, you were there, you estimate five or six times . . . ?” appellant answered,

In the last year, year and a half, yes. And I can go into that . . . room at any time I feel like under our constitution and ask for documents and they will not present them. . . . I’ve asked . . . the court administrator to go down and get me th[ose] copies and she will not do it.

The district court then asked respondent what the procedure was for people who wanted to get something from his office. Respondent answered,

Individuals can order, they can request it by mail or they can request it online. And [in appellant's] case, the document he . . . seeks, as I said in my statement, doesn't exist and this can be verified by . . . the county attorney [W]e have made arrangements where [appellant] can request if he needs information or requests a copy of a document through the county attorney's office.

The district court observed that "[C]losing the door to even a part of the courthouse to somebody is something I . . . only would do under . . . serious and egregious circumstances" and asked respondent what he had seen that would make this necessary for appellant. Respondent answered,

[Appellant] usually comes to the counter and requests the same thing which is a copy of a document that doesn't exist . . . as those that have looked through the court file have told me. He also would like to argue his points with my staff . . . [T]here's a point to which . . . we do respond but there's a point [at] which it gets to be simple harassment. And I believe . . . he has crossed that line.

When asked for his final statement, appellant repeated his view that respondent should alter the county's property records.

Well, [respondent is] wrong again, Your Honor. He says he has no jurisdiction to do any of these things. He is the only one outside of the court that can change a memorial and that is underneath the rule 508.52, [Conveyance], cancellation of old and issuing a new certificate. And it has to be requested by an owner or person of interest.

Appellant then read parts of a statute to the district court.

The district court's findings of fact are supported by the record, and those findings

support the grant of an HRO. Therefore, on this record, the district court did not abuse its discretion in issuing the HRO.

Affirmed.