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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1240**

Heather Marie Romanowicz,
Respondent,

vs.

Steven Penttila,
Appellant.

**Filed April 8, 2019
Affirmed
Connolly, Judge**

Ramsey County District Court
File No. 62-HR-CV-17-736

Terri A. Melcher, Fridley, Minnesota (for respondent)

John P. Guzik, Guzik Law Office, P.A., Roseville, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Florey, Judge; and Kirk,
Judge.*

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

UNPUBLISHED OPINION

CONNOLLY, Judge

Appellant challenges the district court's grant of a harassment restraining order to respondent, arguing that the record does not support the district court's findings and the findings do not support the harassment restraining order against him. Because the record supports the findings and we see no abuse of discretion, we affirm.

FACTS

Appellant Steven Penttila and respondent Heather Marie Romanowicz were friends for 20 years. In 2016, Romanowicz and her two children moved into the upper level of a duplex. Penttila subsequently moved into the lower level of the same duplex. Penttila's girlfriend lived with him until their relationship ended in August 2017. Following the breakup, the friendship between Romanowicz and Penttila became strained, which Romanowicz believes was due to her support of Penttila's ex-girlfriend.

In October 2017, Romanowicz petitioned for a harassment restraining order (HRO) against Penttila alleging that, amongst other things, he had been yelling at her outside of the duplex, blocking her from getting into the duplex, threatening to call the police on her, making child-abuse allegations against her, standing in the yard and staring at her, and that she had friends escorting her to and from the duplex for her safety. The district court issued an ex parte HRO against Penttila. Penttila petitioned for an HRO against Romanowicz, which the district court denied. Penttila requested a hearing on both the issuance of the ex parte HRO against him and the denial of his petition.

There was a two-day consolidated evidentiary hearing on both petitions. Romanowicz testified and presented testimony from the landlord of the duplex, her roommate, and two friends. Penttila testified and presented testimony from a friend and Romanowicz's ex-husband. The district court granted Romanowicz's petition and issued an HRO against Penttila, which Penttila appeals. The district court denied Penttila's petition, which is not challenged on appeal.

DECISION

We review the issuance of an HRO for an abuse of discretion. *Peterson v. Johnson*, 755 N.W.2d 758, 761 (Minn. App. 2008). "A district court's findings of fact will not be set aside unless clearly erroneous, and due regard is given to the district court's opportunity to judge the credibility of witnesses." *Kush v. Mathison*, 683 N.W.2d 841, 843-44 (Minn. App. 2004), *review denied* (Minn. Sept. 29, 2004). Whether the facts as found by the district court satisfy the definition of harassment is a question of law reviewed de novo. *Peterson*, 755 N.W.2d at 761. We will reverse the issuance of an HRO if it is not supported by sufficient evidence. *Kush*, 683 N.W.2d at 844.

Penttila argues first that the district court's findings of fact are clearly erroneous because they are not supported by the record. We disagree. "Findings of fact are clearly erroneous only if the reviewing court is left with the definite and firm conviction that a mistake has been made." *Fletcher v. St. Paul Pioneer Press*, 589 N.W.2d 96, 101 (Minn. 1999) (quotation omitted).

Penttila challenges numerous findings by the district court including whether he contacted a city building inspector after watching Romanowicz carry insulation to the

upper duplex, whether he prevented Romanowicz from entering common areas of the duplex, and whether he threatened to report Romanowicz to Child Protective Services (CPS). Romanowicz and the landlord testified that Penttila contacted a city building inspector about work being done in the upper duplex. Although Penttila claims he did not contact the building inspector to inspect the upper duplex, he testified that he took classes with the building inspector, discussed the repairs Romanowicz was doing with the building inspector, and believed she was going “well beyond the scope of what you can do without a permit.” The building inspector later inspected the upper duplex, but did not find anything that needed to be corrected.

Although there was conflicting testimony about whether Penttila blocked Romanowicz from entering the common areas of the duplex and whether Penttila had threatened to call CPS, there was testimony to support both findings by the district court, and we give due regard to the district court’s opportunity to judge the credibility of the witnesses. *See Kush*, 683 N.W.2d at 843-44. Romanowicz and her friend testified about an incident where Penttila or his dog had blocked her from accessing the common area of the duplex, but Penttila and his friend testified that this never happened. Romanowicz also testified that she overheard Penttila yelling at one of her friends, accusing her of drinking during her parenting time and threatening to turn her in. Penttila denied this, but he testified that he reported alleged child abuse to Romanowicz’s ex-husband, primarily that Romanowicz had used hot sauce once as punishment. This report led to a CPS investigation, where CPS reviewed the information and closed the case. In reviewing the record, we are not left with a definite and firm conviction that a mistake has been made.

See Fletcher, 589 N.W.2d at 101. Accordingly, the district court’s findings of fact are not clearly erroneous.

Penttila argues next that the district court’s findings do not support the grant of an HRO against him. A district court may grant an HRO if “the court finds . . . that there are reasonable grounds to believe that the respondent has engaged in harassment.” Minn. Stat. § 609.748, subd. 5(b)(3) (2018). Harassment includes “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.” *Id.*, subd. 1(a)(1) (2018).

The district court determined that “Penttila committed repeated incidents of intrusive and unwanted acts and words that had a substantial adverse effect, or were intended to have a substantial adverse effect, on the safety, security, and privacy of Romanowicz.” The incidents identified by the district court are: Penttila repeatedly confronting Romanowicz with accusatory statements at the duplex, Penttila following Romanowicz on the highway, Penttila posting derogatory statements about Romanowicz (without using her name) on social media, Penttila reporting alleged child abuse to Romanowicz’s ex-husband, Penttila making repeated complaints about Romanowicz to the landlord, Penttila obstructing Romanowicz’s access to the duplex common area, and Penttila contacting a building inspector about Romanowicz. The district court concluded that, “The totality of Penttila’s acts constitute objectively unreasonable conduct that would lead a reasonable person, like Romanowicz, to objectively believe that she was subject to harassment.” *See Kush*, 683 N.W.2d at 845 (“The determination of whether certain

conduct constitutes harassment may be judged from both an objective standard, when assessing the effect the conduct has on the typical victim, and a subjective standard, to the extent the court may determine the harasser's intent.”).

Penttila argues that there was no “hard evidence” to support the district court's conclusion that he repeatedly harassed or intended to harass Romanowicz. We are not persuaded. There was sufficient testimony by Romanowicz, the landlord, her roommate, or her friends to support every one of the above-listed incidents. Penttila himself also testified that he contacted the landlord five or six times, the police five times, Romanowicz's ex-husband, and a building inspector regarding concerns with Romanowicz. Penttila's actions in repeatedly reporting Romanowicz were unwanted, intrusive, and had a substantial adverse effect on Romanowicz's privacy. It is clear that his actions also had a substantial adverse effect on Romanowicz's safety and security because Romanowicz, the landlord, her roommate, and her two friends testified generally that she is afraid of Penttila, feels unsafe around him, and asks for friends to escort her into the duplex, which the district court credited.

With deference given to the district court's credibility determinations, we find that the record amply supports the district court's conclusion that Penttila committed repeated incidents of intrusive and unwanted acts and words that had a substantial adverse effect, or were intended to have a substantial adverse effect, on Romanowicz's safety, security, and privacy. Because the HRO is supported by sufficient evidence, we conclude that the district court did not abuse its discretion.

Affirmed.