STATE OF MINNESOTA

IN SUPREME COURT

A19-0237

Court of Appeals Anderson, J.

In the Matter of Midway Pro Bowl
Relocation Benefits Claim.

Filed: January 15, 2020
Office of Appellate Courts

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S Y L L A B U S

To secure judicial review of a decision in a contested case, an aggrieved person must serve a petition for a writ of certiorari on all parties to the contested case not more than 30 days after receiving the final agency decision, as required by Minn. Stat. § 14.63 (2018), but this 30-day deadline does not apply to the agency-service requirement in Minn. Stat. § 14.64 (2018).

Affirmed.

O P I N I O N

ANDERSON, Justice.

Respondent Bowl-Rite, Inc., d/b/a Midway Pro Bowl (Midway) had its lease of a bowling alley prematurely terminated because of the construction of Allianz Field in Saint

Paul. Midway sought relocation benefits under the Minnesota Uniform Relocation Act, Minn. Stat. §§ 117.50–.56 (2018), but appellant City of Saint Paul (City) denied the request. The dispute proceeded to a contested-case hearing before an administrative law judge at the Office of Administrative Hearings. The administrative law judge denied Midway's claim.

Midway then sought review of this decision under the judicial review procedures of the Administrative Procedure Act. Minn. Stat. §§ 14.63–.69 (2018). Midway filed a petition for a writ of certiorari with the court of appeals and served the petition on the City within 30 days of receiving the decision, as required by Minn. Stat. § 14.63. The City moved the court of appeals to discharge the writ and dismiss the appeal, alleging that Midway failed to serve the petition on the agency, as required by Minn. Stat. § 14.64, within the 30-day deadline set forth in section 14.63. The court of appeals held that the 30-day deadline in section 14.63 does not apply to the requirements of Minn. Stat. § 14.64, and denied the motion to discharge the writ. We affirm the decision of the court of appeals.

FACTS

The facts in this appeal are undisputed. Midway sought relocation benefits under the Minnesota Uniform Relocation Act after Midway's lease of a bowling alley was prematurely terminated due to the construction of the Allianz Field soccer stadium and related infrastructure. The City denied Midway's claim for relocation benefits, arguing that a private party, rather than the City, had acquired the property. The Office of Administrative Hearings (OAH) conducted a contested-case proceeding. *See* Minn. Stat. § 117.52, subd. 4 (requiring a contested case proceeding under the Administrative

Procedure Act if the denial of relocation benefits is challenged). In an order issued on January 18, 2019, an administrative law judge affirmed the City's denial of Midway's claim for relocation benefits. The decision of the administrative law judge was the final agency decision. *See id.*

On February 7, 2019, Midway sought judicial review of the decision under the Administrative Procedure Act by filing a petition for a writ of certiorari with the court of appeals. *See* Minn. Stat. § 14.63. The Clerk of the Appellate Courts issued the writ of certiorari that same day. As requested in the proposed writ, the writ issued by the court of appeals was directed to the City. On February 9, 2019, Midway served both the petition for the writ of certiorari and the issued writ on counsel for the City, by certified mail, and served the issued writ on the OAH, by first-class mail.

On February 25, 2019, the City moved to discharge the writ of certiorari for lack of jurisdiction, claiming that Midway had failed to comply with the judicial review procedures of the Administrative Procedure Act. Specifically, the City argued that (1) Midway failed to serve the petition for the writ of certiorari on the OAH—the agency that issued the final decision—within the 30-day period in section 14.63 and (2) Midway improperly served the writ of certiorari on the City rather than the OAH. Midway opposed the motion and, two days later, on February 27, served the petition for the writ of certiorari on the OAH by certified mail.

On April 16, 2019, the court of appeals denied the City's motion to discharge the writ of certiorari. *In re Midway Pro Bowl Relocation Benefits Claim*, No. A19-0237, Order (Minn. App. filed Apr. 16, 2019). The court of appeals held that Midway had invoked the

court's jurisdiction by timely filing the petition for the writ of certiorari and timely serving the petition on the City, in compliance with section 14.63. *Id.* at 1. But the court of appeals also concluded that Midway had "incorrectly directed the writ of certiorari" to the City rather than to the agency. The court of appeals ordered Midway to file "a corrected proposed writ of certiorari" and, once the Clerk of the Appellate Courts issued a new writ, to serve the corrected writ on the OAH and the City. *Id.* at 2. Because the court of appeals "determined that publication of a special term opinion [would] be beneficial to the bench and bar," it announced that a "forthcoming special term opinion [would] constitute [its] final ruling on the jurisdictional issues." *Id.* The next day, Midway served the corrected writ on the OAH.

On May 20, 2019, the court of appeals issued a published special term opinion, explaining the reasoning for the decision. *In re Midway Pro Bowl Relocation Benefits Claim*, 930 N.W.2d 7 (Minn. App. 2019). The court of appeals held that the Administrative Procedure Act requires only that the petition for the writ of certiorari be filed with the court of appeals and served on all parties to the contested case within the 30-day appeal period and "does not establish a time limit for service of the petition and the issued writ on the agency." *Id.* at 10. Therefore, the court of appeals concluded, Midway's failure to serve the petition and the issued writ on the OAH within the 30-day appeal period was not a jurisdictional defect. *Id.* at 12.

The City sought further review of the court of appeals' decision. We granted review.

ANALYSIS

The City argues that Midway forfeited its right to judicial review of the OAH decision because Midway failed to institute proceedings for review under Minn. Stat. § 14.64 within the 30-day deadline set forth in Minn. Stat. § 14.63. We are presented here with a statutory interpretation issue, which we review do novo. *State v. Thompson*, 754 N.W.2d 352, 355 (Minn. 2008). When interpreting statutes, we attempt to "ascertain and effectuate the intention of the legislature." Minn. Stat. § 645.16 (2018); *see Eischen Cabinet Co. v. Hildebrandt*, 683 N.W. 2d 813, 815 (Minn. 2004). The clear language of a statute should not be disregarded to pursue the spirit of the law. Minn. Stat. § 645.16.

The court of appeals has appellate jurisdiction over executive branch administrative decisions "as prescribed by law." Minn. Const. art. VI, § 2. For administrative decisions, "[t]he appeal period and the acts required to invoke appellate jurisdiction are governed by the applicable statute." Minn. R. Civ. App. P. 115.01. The court of appeals lacks jurisdiction over an administrative appeal that is not initiated in accordance with the requirements of the Administrative Procedure Act. *In re Risk Level Determination of J.M.T.*, 759 N.W.2d 406, 408 (Minn. 2009).

The Minnesota Uniform Relocation Act expressly incorporates the Administrative Procedure Act and requires that an administrative law judge determine a contested claim for relocation benefits. Minn. Stat. § 117.52, subd. 4 (incorporating by reference Minn. Stat. §§ 14.57–.66 (2018)). The right of judicial review of an executive branch agency decision is invoked by following each of the steps established by the Legislature. *See, e.g.*,

Dennis v. Salvation Army, 874 N.W.2d 432, 435 (Minn. 2016) (explaining that "we adhere strictly to the statutory requirements for appeals from an executive branch agency").

The City argues that the deadline set forth in Minn. Stat. § 14.63, which requires a petition for a writ of certiorari to be served on all parties to the contested case not more than 30 days after the aggrieved person receives the final agency decision, also applies to the service requirements set forth in Minn. Stat. § 14.64. In particular, the City argues that Midway was required to serve the petition for the writ of certiorari on the agency, the OAH, within the same 30-day deadline specified in section 14.63. We disagree.

The first step in statutory interpretation is to determine whether, on its face, the language of the statute is ambiguous. *Staab v. Diocese of St. Cloud*, 813 N.W.2d 68, 72 (Minn. 2012). We interpret the statute as a whole, considering the provision at issue "in light of the surrounding sections to avoid conflicting interpretations." *Am. Family Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 277 (Minn. 2000). "A statute is ambiguous only if it is susceptible to more than one reasonable interpretation." *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 290 (Minn. 2013). "When the language of a statute is clear, we apply the plain language of the statute and decline to explore its spirit or purpose." *Cocchiarella v. Driggs*, 884 N.W.2d 621, 624 (Minn. 2016).

Section 14.63 entitles any person aggrieved by a final agency decision in a contested case to seek judicial review of that decision. To invoke the jurisdiction of the court of appeals, the aggrieved person must (1) file a petition for a writ of certiorari with the court of appeals, (2) serve the petition on all parties to the contested case, and (3) do so within 30 days of receiving the agency decision. Minn. Stat. § 14.63. This language is

unambiguous, and it is undisputed that Midway complied with the plain language of this statute.

Section 14.64, on the other hand, describes the requirements to institute proceedings for judicial review:

> Proceedings for review under sections 14.63 to 14.68 shall be instituted by serving a petition for a writ of certiorari personally or by certified mail upon the agency and by promptly filing the proof of service in the Office of the Clerk of the Appellate Courts and the matter shall proceed in the manner provided by the Rules of Civil Appellate Procedure.

Minn. Stat. § 14.64. This language is also unambiguous. As noted above, the City contends that Midway did not comply with the requirements of section 14.64 because the petition for a writ of certiorari was not served on the OAH within the 30-day deadline.

The City urges us to read both statutes together and apply the requirements conjunctively. It argues that, when read together, the 30-day deadline in section 14.63 must also apply to the service requirements in section 14.64. In support of this interpretation, the City argues that the words "shall be instituted" in section 14.64 refer to the commencement of the appellate proceeding and that section 14.64 "explicitly incorporates and applies" the 30-day deadline found in section 14.63. Put another way, the City argues that the 30-day deadline applies to all of the requirements necessary to institute proceedings for judicial review under the Administrative Procedure Act.

The City cites *In re Risk Level Determination of J.M.T.*, 759 N.W.2d 406 (Minn. 2009), in support of this argument. In that case, we held that the service requirements in Minn. Stat. § 14.63 (2008) must be met according to the service methods prescribed in Minn. Stat. § 14.64 (2008). *In re J.M.T.*, 759 N.W.2d at 408. That decision was based on

the fact that section 14.63, at the time, required service of the petition on the agency within 30 days and section 14.64, at the time, specified the methods by which the agency was to be served with the petition. Both statutes addressed the same subject matter: service of the petition for the writ of certiorari on the agency.

The Legislature amended section 14.63 in 2013, changing the previous requirement for the petition to be served "on the agency," to the current requirement that the petition be served "on all parties to the contested case." *See* Act of May 13, 2013, ch. 56, § 1, 2013 Minn. Laws 270. After this amendment, section 14.63 and section 14.64 no longer address the same subject matter. Now, as amended, section 14.63 addresses service of the petition on the parties to the contested case, but section 14.64, which was not amended by the 2013 legislation, still addresses service of the petition on the agency. There are no requirements related to service of the petition on the parties to the contested case in section 14.64. Whatever relevance *In re J.M.T.* might have held before 2013, it simply does not apply to the issue here.

Thus, we decline to import the deadline in section 14.63 into section 14.64. In enacting and amending these statutes, "the Legislature is presumed to have known and had in mind all existing laws relating to the subject-matter, and to have enacted them in the light of such knowledge," and we thus construe those laws "so as to harmonize with each other and give full effect" to all if reasonably possible. *Minneapolis E. Ry. Co. v. City of Minneapolis*, 77 N.W.2d 425, 428 (Minn. 1956) (citation omitted) (internal quotation marks omitted). These statutes serve separate purposes, and each of their parts can be read in harmony without imputing language from one statute to another.

Section 14.63 provides that an aggrieved person, here Midway, invokes the court of appeals' jurisdiction by filing a petition for a writ of certiorari with the court and serving that petition on all parties to the contested case, in this case the City, within the 30-day deadline. Section 14.64 speaks to a different event; it provides that a proceeding for judicial review is instituted by serving a petition for a writ of certiorari on the agency, here the OAH, which puts the agency on notice that the proceeding has begun and that the procedural deadlines and requirements of the Rules of Civil Appellate Procedure now apply. The City argues that this is not how a proceeding for judicial review should begin under the Administrative Procedure Act and that the 2013 statutory amendment did not intend to remove the requirement that the agency be served with the petition for a writ of certiorari within 30 days. We assume, however, that "when the Legislature amends a statute, it intends to change the law." *Hansen v. Todnem*, 908 N.W.2d 592, 596 (Minn. 2018).

The plain language of the statutes at issue here provides a deadline to serve the parties but no deadline to serve the agency.[1] Specifically, we hold that judicial review under the Administrative Procedure Act is invoked by compliance with the provisions of section 14.63, and we also hold that the 30-day deadline in section 14.63 does not apply to

[1] The City also argues that this interpretation leads to a suboptimal result and is not how the judicial review procedures under the Administrative Procedure Act should operate. Although the City's policy arguments may have merit, when interpreting statutes, we "will not supply that which the legislature purposefully omits or inadvertently overlooks." *Green Giant Co. v. Comm'r of Revenue*, 534 N.W.2d 710, 712 (Minn. 1995). If the City wants the agency to be served (or notified or otherwise involved) within 30 days (or by any other deadline), the City should ask the Legislature to amend the statutes accordingly.

the service requirement imposed by section 14.64. Midway served the petition for a writ of certiorari on OAH, as required by section 14.64. More importantly, because Midway filed and served the petition for the writ of certiorari on the City within the 30-day deadline in section 14.63, we conclude that Midway properly invoked the court of appeals' jurisdiction.

CONCLUSION

For the foregoing reasons, we affirm the decision of the court of appeals.

Affirmed.