

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1719**

Troy Kenneth Scheffler,
Relator,

vs.

Joshua Heintzeman,
Respondent.

**Filed August 4, 2025
Affirmed
Reyes, Judge**

Office of Administrative Hearings
File No. 25-0320-40310

Troy Kenneth Scheffler, Merrifield, Minnesota (self-represented relator)

R. Reid LeBeau, II, Chalmers, Adams, Backer and Kaufman, LLC, St. Paul, Minnesota
(for respondent)

Considered and decided by Cochran, Presiding Judge; Reyes, Judge; and Schmidt,
Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

In this certiorari appeal, relator challenges the dismissal by an administrative-law judge (ALJ) of his administrative complaint for unfair campaign practices, asserting that (1) the hearing process violated his due-process rights and (2) the ALJ erred by applying a more stringent standard than probable cause. We affirm.

FACTS

Appellant Troy Kenneth Scheffler filed a complaint alleging that respondent State Representative Joshua Heintzeman violated the Fair Campaign Practices Act by intimidating the City of Pequot Lakes (the city) Police Chief Davis for supporting Scheffler as a candidate in an upcoming election against Rep. Heintzeman. Scheffler alleged that Rep. Heintzeman made a series of calls to the city Mayor Gardner, the city administrator, the Minnesota Police Chiefs Association (the association), and the Minnesota Peace Officer Standards and Training Board (the POST board), all in an attempt to convince Chief Davis not to vote for Scheffler. Specifically, the complaint alleged that Rep. Heintzeman called the city administrator and “falsely accused [Chief] Davis of committing crimes and demanded the City force him to cease support” of Scheffler. The complaint further alleged that Rep. Heintzeman contacted the POST board, that he accused Chief Davis of breaking the law by supporting Scheffler, and that he also requested that Mayor Gardner “convince” Chief Davis not to support Scheffler.

Prior to a probable-cause hearing, the ALJ excluded an article from the Star Tribune that discussed the case. The ALJ also quashed a subpoena for the Executive Director of the Minnesota Police and Peace Officers Association (MPPOA), Brian Peters. Scheffler sought to have Peters testify that Rep. Heintzeman contacted him “in retaliation [against] Chief Davis” for his support for Scheffler. Peters, through his counsel, requested that he be relieved of his obligation to appear at the hearing because he had a medical appointment scheduled for that day and that he could not offer any relevant information at the hearing because “he ha[d] no personal knowledge of the facts relating to [the] dispute.” Based

upon that information, the ALJ quashed Scheffler's subpoena to have Peters testify at the hearing.

At the probable-cause hearing, Chief Davis testified that he contacted Rep. Heintzeman via text to serve him with documents regarding a civil lawsuit filed by Matthew Zinda against Rep. Heintzeman and asked if he would accept service via email.¹ Rep. Heintzeman declined to do so and stated that he believed Chief Davis's attempt to serve him via email in Pequot Lakes "may be crossing the lines of ethical conduct" and that he intended to contact the MPPOA, which had endorsed Rep. Heintzeman, to "see if this is activity they condone." Chief Davis testified that Rep. Heintzeman's comment "didn't make [him] feel good" because the MPPOA had "influence" with law-enforcement officials, including over their pay and pensions, and that his comment "intimidated" him because he "didn't break any policy by attempting to serve him." Chief Davis also testified that the calls Rep. Heintzeman made to the MPPOA, Mayor Gardner, and the association did not make him "feel good" and that he felt "somewhat intimidate[ed]" because he did not understand what he had done wrong.

On cross-examination, Chief Davis admitted that his entire affidavit that was attached to the complaint had been drafted by Scheffler and that he made no revisions to it. In contrast to the complaint, Chief Davis testified that (1) the POST board never contacted him and threatened his employment; (2) his superiors did not put pressure on him to vote for or against Scheffler; (3) Rep. Heintzeman did not contact him and threaten

¹ Mr. Zinda also ran against Rep. Heintzeman in the 2024 primary election but lost. Mr. Zinda then a filed lawsuit against Rep. Heintzeman.

his employment; and (4) Rep. Heintzeman did not talk to the city administrator and accuse Scheffler of committing crimes because the administrator saw but did not answer his phone call.

The POST board executive director testified that he never had a conversation with Rep. Heintzeman. Mayor Gardner testified that he recalled speaking with Rep. Heintzeman on the phone after Chief Davis attempted to serve him and believed that he was upset at Chief Davis for supporting Scheffler and attempting to serve him outside of town. Mayor Gardner recalled that he had spoken with Chief Davis the same evening about his attempt to serve Rep. Heintzeman outside of the city and that Chief Davis expressed concern that he had broken the law. Mayor Gardner further testified that one of the allegations in the complaint, which stated that Rep. Heintzeman demanded that Mayor Gardner speak to Chief Davis and convince him not to vote for Scheffler, was not true. Mayor Gardner specifically recalled Rep. Heintzeman stating, “I don’t give a sh-t who [Chief Davis] votes for” and that Rep. Heintzeman did not state that he wanted Chief Davis fired. Mayor Gardner also explained that he did not tell Chief Davis for whom to vote.

The ALJ dismissed the complaint, determining that Scheffler did not establish probable cause because he did not prove any “perceived threats to Chief’s Davis’s employment that are tied to how Chief Davis would vote in the upcoming election” based on the record.

This appeal follows.

DECISION

A party aggrieved by an ALJ's decision on a fair-campaign-practice complaint is entitled to judicial review. Minn. Stat. § 211B.32 subd. 1 (2023). We may affirm an ALJ's decision or remand for further proceedings; or we may reverse or modify the decision when the substantial rights of the petitioner have been prejudiced by the findings, inferences, conclusions, or decisions of the ALJ which, as relevant here: violate constitutional provisions; exceed the ALJ's statutory authority; or are unsupported by substantial evidence in the record. *Barry v. St. Anthony-New Brighton Indep. Sch. Dist.* 282, 781 N.W.2d 898, 901 (Minn. App. 2010) (quotation omitted); *see also* Minn. Stat. § 14.69 (2024). Under Minn. Stat. § 211B.07 (2024), a person is prohibited from “directly or indirectly us[ing] or threaten[ing] force, coercion, violence, restraint, damage, harm, loss, including loss of employment . . . against an individual to compel the individual to vote for or against a candidate or ballot question.” To survive dismissal under the probable-cause standard, Scheffler must establish facts that show that Rep. Heintzeman's conduct violated the statute. *See Weinberger v. Maplewood Rev.*, 668 N.W.2d 667, 674 (Minn. 2003).

I. The ALJ did not violate Scheffler's due-process rights.

Scheffler appears to argue that the ALJ violated his constitutional due-process rights by (1) allowing Rep. Heintzeman's counsel to call Rep. Heintzeman at the probable-cause hearing and perform direct examination of him; (2) quashing his subpoena for Peters and excluding a Star Tribune article as not relevant; and (3) allowing Rep. Heintzeman's counsel to submit filings after the record closed. We are not persuaded.

“Procedural due process protections restrain government action which deprives individuals of liberty or property interests within the meaning of the due process clause[s] of the Fifth and Fourteenth Amendments of the United States Constitution and Article I, Section 7 of the Minnesota Constitution.” *Sweet v. Comm’r of Hum. Servs.*, 702 N.W.2d 314, 319 (Minn. App. 2005) (quotations omitted), *rev. denied* (Minn. Nov. 15, 2005). “These protections include reasonable notice, a timely opportunity for a hearing, the right to be represented by counsel, an opportunity to present evidence and argument, the right to an impartial decisionmaker, and the right to a reasonable decision based solely on the record.” *Humenansky v. Minn. Bd. of Med. Exam’rs*, 525 N.W.2d 559, 565 (Minn. App. 1994), *rev. denied* (Minn. Feb. 14, 1995).

Courts conduct a two-step analysis to determine whether a person has been deprived of their due-process rights. *Id.* at 566. First, appellate courts identify whether the government has deprived the individual of a protected liberty or property interest. *Carrillo v. Fabian*, 701 N.W.2d 763, 768 (Minn. 2005). Second, appellate courts analyze “whether the procedures followed by the government were constitutionally sufficient.” *Rew v. Bergstrom*, 845 N.W.2d 764, 785 (Minn. 2014) (quotation omitted). When the moving party fails to identify the deprivation of a protected interest, there is no procedural due-process violation, and the court’s analysis ends. *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632-33 (Minn. 2012). Whether an individual’s due-process rights have been violated is a question of law, which appellate courts review de novo. *Id.* at 632.

Scheffler does not identify the specific interest of which he has been deprived nor does he provide any legal support for his arguments that the ALJ’s conduct violated his

due-process rights. We further note that Scheffler appears to raise evidentiary objections framed as due-process arguments. But even then, he fails to establish the connection between the ALJ's evidentiary rulings and how they result in the deprivation of his due-process rights.

A. The ALJ did not commit an error of law by allowing Rep. Heintzeman's counsel to question him during the probable-cause hearing.

Scheffler first appears to argue, without legal support, that the ALJ committed an error of law by allowing Rep. Heintzeman's counsel to question Rep. Heintzeman on direct examination when Scheffler had not finished calling witnesses and by not allowing Scheffler to call Rep. Heintzeman as a witness. However, Scheffler neither subpoenaed Rep. Heintzeman nor disclosed him as a witness. Moreover, before Rep. Heintzeman testified, the ALJ asked the parties if there were any other witnesses they wanted to testify. In response, both Scheffler and respondent's counsel both stated that Rep. Heintzeman would be the last witness and neither party identified any other witnesses they wished to testify. The ALJ therefore did not commit legal error by allowing Rep. Heintzeman's counsel to call and question him at the probable-cause hearing.

B. The ALJ's exclusion of Scheffler's proffered evidence and quashing the subpoena is permitted by law.

Next, Scheffler argues that the exclusion of the Star Tribune article and quashing the subpoena of Peters by the ALJ constituted an error of law.

Minnesota Administrative Rule. 1400.7300, subp. 1 (2023), permits an ALJ to admit evidence "which possesses probative value, including hearsay" and grants it the authority to exclude evidence that is "incompetent, irrelevant, immaterial, or unduly repetitious."

Here, the ALJ properly excluded the Star Tribune article as not relevant to the ultimate issue raised by Scheffler's petition, that Rep. Heintzeman intimidated Chief Davis for his support of Scheffler. Under rule 1400.7300, subp. 1, the ALJ also properly quashed Scheffler's subpoena for Peters because he requested relief from his obligation to appear to address a medical issue. Despite Scheffler's characterization of Peters as a "material witness," Peters informed the ALJ prior to the probable-cause hearing that "he [had] no personal knowledge of the facts relating to [the] dispute" and could not "offer any relevant information at [the] hearing." Scheffler failed to establish the relevance of the Star Tribune article and the necessity of Peters's testimony. We conclude that the ALJ's evidentiary rulings are permitted by rule 1400.7300, subp. 1, and are not legal error.

C. The ALJ did not deny Scheffler's complaint based on the posthearing submissions.

Additionally, Scheffler argues that the ALJ improperly accepted Rep. Heintzeman's written closing argument that he submitted after the hearing concluded. However, posthearing submissions are not prohibited by the Minnesota administrative rules, and Scheffler does not cite any rule which states so. Regardless, it does not appear that the ALJ relied on the posthearing submission in making its final determination to dismiss the complaint. Indeed, the order for dismissal clearly articulates the basis of its decision as the testimony received during the hearing.

In summary, the record shows that Scheffler received notice and had an opportunity to be heard. He also had the opportunity to submit evidence, object to the ALJ's evidentiary determinations, call and question witnesses, and make arguments before the ALJ. We

therefore conclude that the ALJ did not violate Scheffler's due-process rights or commit an error of law.

II. The ALJ did not apply a more stringent standard than probable cause when it dismissed the complaint.

Scheffler challenges the district court's dismissal of his complaint for lack of probable cause, arguing that the ALJ applied a more stringent standard. We are not convinced.

Probable cause in civil cases requires "a bona fide belief in the existence of facts essential under the law for the action and such as would warrant a person of ordinary caution, prudence and judgment, under the circumstances, in entertaining it." *Weinberger* at 668 N.W.2d at 674 (quotations omitted). Appellate courts defer to an ALJ's credibility determinations. *In re Thompson*, 935 N.W.2d 147, 156 (Minn. App. 2019), *rev. denied* (Minn. Dec. 17, 2019).

Scheffler contends that the ALJ applied a more stringent standard than probable cause when it dismissed his complaint because the testimony of Chief Davis established probable cause. However, Chief Davis's complete testimony shows the opposite. Chief Davis's testimony established that (1) he never received a call from any superior threatening his employment; (2) the allegations in the complaint, which were based primarily on purported threats made to him, were untrue; and (3) the affidavit he submitted attached to the complaint had been drafted entirely by Scheffler, with no revisions or input by him. The testimony of the other witnesses, including Mayor Gardner and the POST board executive director, also directly contradicted the allegations in the complaint.

Collectively, the testimony of the witnesses established that Chief Davis did not believe, either directly or indirectly, that Rep. Heintzeman had threatened his employment in order to compel him to vote in any particular manner.

We conclude that the ALJ applied the probable-cause standard when dismissing Scheffler's complaint, which is supported by substantial evidence in the record.

Affirmed.