

*This opinion is nonprecedential except as provided by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
A25-1100**

Lauren Ann Hoffman, petitioner,
Respondent,

vs.

Commissioner of Public Safety,
Appellant.

**Filed February 23, 2026
Affirmed
Kirk, Judge***

Ramsey County District Court
File No. 62-CV-24-8101

Lauren Ann Hoffman, Roberts, Wisconsin (respondent pro se)

Keith Ellison, Attorney General, Zoe Graham, Assistant Attorney General, St. Paul,
Minnesota (for appellant)

Considered and decided by Wheelock, Presiding Judge; Reyes, Judge; and Kirk,
Judge.

NONPRECEDENTIAL OPINION

KIRK, Judge

Appellant Commissioner of Public Safety appeals the district court's order
rescinding the suspension of respondent Lauren Ann Hoffman's driver's license. The

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

commissioner argues that the district court erred by concluding that Hoffman's conviction for refusing to submit to a chemical blood test in Wisconsin did not support the suspension of her driving privileges in Minnesota. Because the district court correctly concluded that the elements of the Wisconsin offense for which Hoffman was convicted would not necessarily result in a conviction under Minnesota law, we affirm.

FACTS

In February 2023, Hoffman was arrested in Wisconsin for operating a vehicle while impaired. In September 2024, Hoffman was convicted in Wisconsin for refusing to take a test for intoxication after arrest pursuant to Wisconsin Statutes section 343.305(9)(a) (2023-24). In November 2024, the Wisconsin Division of Motor Vehicles reported Hoffman's conviction to the Minnesota Department of Public Safety and Driver Vehicle Services and the Minnesota Department of Public Safety (the department), and the department suspended Hoffman's Minnesota driving privileges pursuant to Minnesota Statutes section 171.18 (2024).

In December 2024, Hoffman petitioned the district court for judicial review of her license revocation and generally requested that the district court rescind the suspension. At the hearing, Hoffman called the arresting officer as a witness. The officer testified that she performed a drunk-driving investigation of Hoffman, after which she placed Hoffman under arrest. The officer also testified that she asked Hoffman to take a chemical blood test, that Hoffman refused the blood test, and that the refusal was the basis for Hoffman's driver's license revocation in Wisconsin.

At the hearing, Hoffman argued that although “the Commissioner is absolutely entitled to [revoke an individual’s driver’s license] if a person sustains a revocation in another state based on laws in that state that are sufficiently similar to those laws in the State of [Minnesota],” the Wisconsin law under which her license was revoked was not sufficiently similar to its Minnesota counterpart. Specifically, Hoffman argued that the laws do not conform because the Wisconsin statute authorizes revocation for the refusal to submit to a warrantless blood test, whereas the Minnesota statutes authorize revocation for refusal to submit to a blood test that is supported by a search warrant. The commissioner argued that the relevant Minnesota and Wisconsin statutes conform because the statutes prohibit the same conduct—“operating or driving under the influence and . . . refusing tests.”

In May 2025, the district court ordered that the commissioner’s suspension of Hoffman’s license be rescinded. The district court concluded that the relevant laws were not sufficiently similar to justify suspension because “[t]he two states laws do not prohibit the same conduct.”

The commissioner appeals.

DECISION

On appeal, the commissioner challenges the district court’s order rescinding the suspension of Hoffman’s driver’s license. Hoffman did not file a responsive brief. However, we have an independent obligation to decide cases according to the law. *State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990); *see also* Minn. R. Civ. App.

P. 142.03 (“If the respondent fails or neglects to serve and file its brief, the case shall be determined on the merits.”).

A person whose driver’s license has been suspended pursuant to Minnesota Statutes section 171.18 may challenge the suspension by petitioning the district court. Minn. Stat. § 171.19 (2024). The district court must independently determine whether the licensure determination is justified. *Underhill v. Comm’r of Pub. Safety*, 989 N.W.2d 909, 914 (Minn. App. 2023). In performing de novo review, the district court is permitted to examine new evidence. *See Madison v. Comm’r of Pub. Safety*, 585 N.W.2d 77, 82 (Minn. App. 1998) (clarifying “a district court taking new evidence under Minnesota Statutes section 171.19 conducts a trial de novo”), *rev. denied* (Minn. Dec. 15, 1998). But it is the petitioner’s burden to prove that the commissioner erred. *Underhill*, 989 N.W.2d at 914.

The district court, as with this court, “may reverse the commissioner’s licensure determination if it 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). The commissioner’s determination is arbitrary if the commissioner:

(1) relied on factors that the legislature had not intended it to consider, (2) failed to consider an important aspect of the problem, (3) offered an explanation for the decision that runs counter to the evidence, (4) rendered a decision that is so implausible that it could not be ascribed to a difference in view or the product of agency expertise, or (5) if the agency’s decision reflects the agency’s will and not its judgment.

Id. This court has also held that a licensure determination made by the commissioner was arbitrary when the commissioner acted inconsistent with its statutory authority. *See Id.* at 168-69 (holding that the commissioner acted arbitrarily when it imposed a condition on an

applicant seeking to reinstate his license that went beyond the investigative process authorized by statute).

“[T]his court applies a de novo standard of review to the district court’s determination of legal issues and a clear-error standard of review to the district court’s findings of fact.” *Underhill*, 989 N.W.2d at 914.

The commissioner contends that the district court erred by concluding that it “could not suspend Hoffman’s driving privileges.” The commissioner generally argues that, contrary to the district court’s conclusion, the commissioner was authorized to suspend Hoffman’s license and did so properly.

Pursuant to Minnesota Statutes section 171.18, subdivision 1(a), the commissioner is permitted to suspend a person’s driver’s license for any of the 13 statutorily enumerated reasons. Relevant here, the commissioner is authorized to suspend a person’s driver’s license if that person “has committed an offense in another state that, if committed in this state, would be grounds for suspension.” Minn. Stat. § 171.18, subd. 1(a)(7).

In determining whether the requirements of section 171.18, subdivision 1(a)(7), are satisfied, the question for the court is whether the elements of the out-of-state offense, if proved in Minnesota, would justify a conviction for the same offense. *Underhill*, 989 N.W.2d at 914-15; *Anderson v. State, Dept. of Pub. Safety*, 305 N.W.2d 786, 787 (Minn. 1981). However, “if the elements of the out-of-state offense could be proven without proving a violation of Minnesota law, then the out-of-state conviction would not be a violation of a Minnesota offense.” *State v. Martin*, 941 N.W.2d 119, 124 (Minn. 2020) (applying the analysis from *Anderson* to determine whether an out-of-state conviction

qualified as a violation of Minnesota law under Minnesota Statutes section 243.166, subdivision 1b(b)(1) (2012)).

In relevant part, the commissioner argues that the district court erred because Wisconsin Statutes sections 343.305, subdivision 3(a) (2023-24), and 344.305, subdivision 9(a)—under which Hoffman was convicted—and Minnesota Statutes sections 169A.51, subdivision 3(a) (2024), and 171.177, subdivision 4(a) (2024), prohibit the same conduct. The commissioner argues that the conduct prohibited by both statutes is “refusing to submit to a lawfully requested test.” We disagree.

Wisconsin Statutes section 343.305, subdivision 3(a), provides that, after arrest for a violation of Wisconsin’s operating-while-under-the-influence laws, “a law enforcement officer may request the person to provide one or more samples of his or her breath, blood or urine.” And Wisconsin Statutes section 343.305, subdivision 9(a), authorizes the revocation of a person’s driver’s license who refuses a test under subdivision 3(a). The Wisconsin statutes, however, do not require that an officer obtain a warrant to request any sample.

On the other hand, Minnesota Statutes section 169A.51, subdivision 3(a), provides that “a blood or urine test may be conducted only pursuant to a search warrant or a judicially recognized exception to the search warrant requirement.” And Minnesota Statutes section 171.177, subdivision 4(a), provides that upon certification of “probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle . . . and that the person refused to comply with the execution of the search warrant, the commissioner shall revoke the person’s license or permit to drive.”

In comparing the statutes here, the elements necessary to prove the offense of refusing to submit to a test in Wisconsin, if proved in Minnesota, would not necessarily justify a conviction under Minnesota law. As the district court aptly explained, “if a driver refuses a warrantless blood test as provided for in Wisconsin, it would not justify a conviction for test refusal in Minnesota, because warrantless blood tests in Minnesota are unlawful.” Stated differently, to be convicted of the offense of refusing to test for intoxication in Wisconsin, a person would only have to refuse any test for intoxication regardless of whether a search warrant was obtained to support that request. Wis. Stat. § 343.305, subds. 3(a), 9(a). That same conduct in Minnesota would not justify a conviction because, if a person refused to submit to a warrantless blood or urine test for intoxication, that conduct would not result in a conviction. Minn. Stat. § 169A.51, subd. 3(a); Minn. Stat. § 171.177, subd. 4(a).

Accordingly, because “the elements of the out-of-state offense could be proven without proving a violation of Minnesota law,” the out-of-state conviction is not a violation of the Minnesota offense. *See Martin*, 941 N.W.2d at 124. As such, the prohibited conduct under the Wisconsin statute does not conform with the prohibited conduct of its Minnesota counterparts sufficient to satisfy the requirements of Minnesota Statutes section 171.18, subdivision 1(a)(7). Because the requirements of section 171.18, subdivision 1(a)(7), were not satisfied, the commissioner was not authorized to suspend Hoffman’s license and the commissioner’s initial determination suspending Hoffman’s license was therefore arbitrary. Accordingly, the district court did not err by rescinding the commissioner’s suspension of Hoffman’s license.

To persuade us otherwise, the commissioner raises several related arguments challenging the district court's order. The commissioner argues that: the warrant requirement for a blood test is merely a procedural distinction between the Minnesota and Wisconsin statutes; Hoffman failed to carry her burden to prove that the commissioner acted arbitrarily; the commissioner did not act arbitrarily by relying on the report from Wisconsin; Hoffman cannot collaterally attack the Wisconsin judgment; and allowing Hoffman to maintain her driving privileges is contrary to public safety. None of these arguments persuade us.

Procedural or Evidentiary Difference

The commissioner argues that the warrant requirement for a blood test under Minnesota Statutes sections 169A.51, subdivision 3(a), and 171.177, subdivision 4(a), is a procedural or evidentiary difference from the Wisconsin statutes and is thus immaterial to the analysis of the elements of the offense. The commissioner asserts that the warrant requirement under Minnesota law only requires “the officer to take additional procedural steps prior to obtaining a blood or urine sample,” but does not “change the conduct that is prohibited which is refusing to submit to a lawfully requested chemical test.” The commissioner points to *Anderson*, 305 N.W.2d at 786, and *Hendrickson v. Commissioner of Public Safety*, No. A08-0460, 2009 WL 67417, at *3 (Minn. App. Jan. 13, 2009), in support of its argument.¹

¹ “Nonprecedential opinions and order opinions are not binding authority” but “may be cited as persuasive authority.” Minn. R. Civ. App. P. 136.01, subd. 1(c).

Indeed, the supreme court in *Anderson* observed that “[w]hen taking into consideration the differing evidentiary standards relating to the admissibility of blood alcohol test results,” the out-of-state offense “undoubtedly requires less proof for a prosecutor in Colorado to prove that a person’s capacity to drive is impaired than it does for a prosecutor in Minnesota to make the same showing.” 305 N.W.2d at 787. But the supreme court concluded that the “elements of the Colorado offense . . . *are the same elements* which, if proven in Minnesota, would justify a conviction for the offense of driving while under the influence.” *Id.* (emphasis added). And we similarly concluded in *Henrickson* that it was “irrelevant that North Dakota and Minnesota use slightly different methods of measuring alcohol concentration,” when “[e]ach statute sets forth the same basic requirements of a DWI offense: (1) physical control of a vehicle, and (2) alcohol concentration of .08 within two hours of that physical control.” 2009 WL 67417, at *3 (quotation omitted).

For the reasons discussed above, the warrant requirement in Minnesota Statutes sections 169A.51, subdivision 3(a) and 171.177, subdivision 4(a), operates as an element of the offense. That is, to be convicted for refusing a blood or urine test in Minnesota, the state is required to prove that a warrant for the blood or urine test existed. *See* Minn. Stat. § 169A.51, subd. 3(a) (requiring the police to obtain a search warrant to conduct a blood or urine test); Minn. Stat. § 171.177, subd. 4(a) (providing that the commissioner shall revoke a person’s driver’s license if the person “refused to comply with the execution of the search warrant”). As such, unlike the different evidentiary burdens in *Anderson* or different blood-alcohol measurement methods in *Henrickson*—neither of

which affected the underlying elements necessary for conviction in each of those cases—the warrant requirement under Minnesota law is an element of the offense which that be proved. The commissioner’s argument that the warrant requirement is only a procedural or evidentiary difference in the statutes is therefore unpersuasive.

Burden to Prove that the Commissioner Acted Arbitrarily

The commissioner also argues that the district court erred because Hoffman failed to carry her burden to prove that the commissioner’s determination was arbitrary. The commissioner argues that Hoffman only “submitted two documents and called one witness” in support of her challenge. The commissioner contends that Hoffman’s evidence fails to show “what procedures were or were not followed,” or “whether the officer had a warrant or could have obtained one.”

However, the central inquiry for a district court reviewing the commissioner’s determination under Minnesota Statutes section 171.18, subdivision 1(a)(7), is whether the elements of the out-of-state offense justify a conviction under Minnesota law. *Anderson*, 305 N.W.2d at 787; *Underhill*, 989 N.W.2d at 914-15. The court is not directed to consider the underlying facts of the out-of-state offense. *See State v. Dumont*, No. A20-0094, 2021 WL 317973, at *2 (Minn. App. Feb. 1, 2021) (applying the *Anderson* analysis in the context of Minnesota Statutes section 243.166, subdivision 1b(b)(1) (2016), and observing that it does not “involve the facts related to the underlying out-of-state offense—only the elements are considered”), *rev. denied* (Minn. Apr. 28, 2021).

Accordingly, questions about “what procedures were or were not followed,” or “whether the officer had a warrant or could have obtained one” when Hoffman was arrested

are irrelevant to the issue of whether the commissioner's initial revocation determination was arbitrary. Moreover, for the reasons discussed above, Hoffman carried her burden to show that the commissioner acted arbitrarily because the elements of Wisconsin Statutes sections 343.305, subdivision 3(a), and 343.305, subdivision 9(a), do not sufficiently conform with the elements of Minnesota Statutes sections 169A.51, subdivision 3(a) and 171.177, subdivision 4(a) for the purposes of satisfying section 171.18, subdivision 1(a)(7). The commissioner's argument that Hoffman failed to carry her burden of proof is therefore unpersuasive.

Remaining Arguments

The record reveals that the commissioner's remaining arguments—that the commissioner did not act arbitrarily by relying on the report from Wisconsin, that Hoffman cannot collaterally attack the Wisconsin judgment, and that allowing Hoffman to maintain her driving privileges is contrary to public policy—were not raised in or decided by the district court. The commissioner therefore forfeited these arguments on appeal, and we decline to address the merits of those claims. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally address only those questions previously presented to and considered by the district court).

Affirmed.