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**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-897**

Ramsey County,
Appellant,

Hodan M. Askar,
Respondent,

vs.

Abdi-Habib M. Sharif,
Respondent.

**Filed June 3, 2008
Affirmed
Willis, Judge**

Ramsey County District Court
File Nos. FX-03-01462, F6-02-50681

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respondent)

Considered and decided by Willis, Presiding Judge; Shumaker, Judge; and
Poritsky, Judge.*

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

UNPUBLISHED OPINION

WILLIS, Judge

Appellant challenges the district court's affirmance of a child-support magistrate's decision to reinstate respondent's driver's license. We affirm.

FACTS

This appeal arises from proceedings regarding respondent father Abdi-Habib M. Sharif's child-support obligation for two of his children. At a hearing on a motion by Sharif to modify his support obligation, appellant Ramsey County told the child-support magistrate (CSM) that Sharif's driver's license had been suspended because of the amount of his support arrears. The CSM asked respondent mother Hodan M. Askar if she had any objection to the court provisionally reinstating Sharif's driver's license, and she said that she did not. The CSM then stated that he would reinstate Sharif's driver's license if Sharif agreed to enter into a payment agreement requiring that he pay at least \$150 per month toward his child-support obligation. The CSM explained that he was reinstating Sharif's driver's license because he wanted to make it possible for Sharif to be able to drive to work.

The CSM also asked the county if it had any objection to the provisional reinstatement of Sharif's driver's license. The county had no objection but requested that the payment agreement be between Sharif and the county instead of between Sharif and the court. The CSM denied the county's request, Sharif entered into a payment agreement with the court, and the CSM provisionally reinstated Sharif's driver's license.

The county filed a motion for review of the CSM's decision to reinstate the license, and the district court affirmed the decision. This appeal by the county follows.

DECISION

When a district court affirms a CSM's ruling, the CSM's ruling becomes the ruling of the district court, and this court reviews the district court's decision. *Kilpatrick v. Kilpatrick*, 673 N.W.2d 528, 530 n.2 (Minn. App. 2004). And we review the district court's decision in a child-support matter for an abuse of discretion. *Davis v. Davis*, 631 N.W.2d 822, 825 (Minn. App. 2001). A district court abuses its discretion when its ruling is against logic and the facts on record, *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984), or when it misapplies the law, *Ver Kuilen v. Ver Kuilen*, 578 N.W.2d 790, 792 (Minn. App. 1998). The county argues that (1) the district court erred by concluding that the CSM had the authority to reinstate Sharif's driver's license sua sponte and (2) the county's due-process rights were violated as a result of the CSM's consideration of the reinstatement of Sharif's driver's license without the county having notice that this would be an issue considered at the hearing.

When the CSM asked the county if it had any objection to the reinstatement of Sharif's driver's license subject to compliance with the terms of a payment agreement, the county did not object. And when the CSM asked the county at the close of the hearing if it had anything further, the county requested only that it wanted the order to clearly state that if Sharif missed even one payment under the payment agreement, his driver's license would again be suspended.

Because the county acquiesced in the CSM's decision to reinstate Sharif's driver's license, the county has waived its arguments on appeal that the CSM had no authority to do so and that the procedure violated the county's due-process rights. *Cf. N. States Power Co. v. Gas Servs., Inc.*, 690 N.W.2d 362, 366 (Minn. App. 2004) (stating that "a party may not consent to a legal proceeding . . . and later challenge the validity of the procedure, or . . . take a contradictory position on appeal"); *Am. States Ins. Co. v. Ankrum*, 651 N.W.2d 513, 522-23 (Minn. App. 2002) (stating that a party who acquiesced in the submission of a question to a jury cannot argue on appeal that the district court erred by submitting the question); *Koes v. Advanced Design, Inc.*, 636 N.W.2d 352, 363 (Minn. App. 2001) (concluding that an appellant's argument challenging a district court's ex parte communication with a non-party was waived on appeal when, after the district court specifically asked whether the appellant had any objection, the appellant failed to object), *review denied* (Minn. Feb. 19, 2002).

Although we conclude that the county has waived the arguments that it makes on appeal, we nevertheless will address those arguments briefly.

I. The district court did not err by concluding that the CSM had the authority to reinstate Sharif's driver's license sua sponte.

Sharif's driver's license was suspended because his child-support arrears were more than three times his monthly support obligation. *See* Minn. Stat. § 518A.65(a), (b) (2006) (explaining procedures for suspending the driver's license of an obligor who is in arrears "in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments" and who is "not in compliance with a

written payment agreement” under Minn. Stat. § 518A.69 (2006)).¹ An obligor whose driver’s license has been suspended under section 518A.65 may have his license reinstated by providing proof that he is “in compliance with all written payment agreements pursuant to section 518A.69,” by bringing a motion in the district court for reinstatement, or by seeking a limited license under Minn. Stat. § 171.30 (2006). *Id.* § 518A.65(e).

The county argues that the district court erred by concluding that section 518A.65 allows a CSM to reinstate an obligor’s driver’s license when the obligor has not first moved for that relief. This argument presents an issue of statutory interpretation, which we review de novo. *See Olmanson v. LeSueur County*, 693 N.W.2d 876, 879 (Minn. 2005).

The object of all statutory interpretation is to ascertain and effectuate the intention of the legislature. Minn. Stat. § 645.16 (2006). The legislature’s intent may be determined by considering, among other things, the need for the law, the circumstances under which it was enacted, the consequences of an interpretation, contemporaneous legislative history, and the object to be attained. *Id.*

¹ The district court cited the former version of sections 518A.65 and 518A.69, which were originally codified in chapter 518 of the Minnesota Statutes. *See* Minn. Stat. §§ 518.551, subd. 13, .553 (2004). Generally, courts use the current version unless it changes or alters a matured or unconditional right of the parties or creates some other injustice. *McClelland v. McClelland*, 393 N.W.2d 224, 226-27 (Minn. App. 1986), *review denied* (Minn. Nov. 17, 1986). The only difference between the current and former versions is the numeration, and, thus, we will refer to the current version.

The county's argument is not persuasive. As the district court aptly noted, section 518A.65 provides "options for recourse that an obligor may pursue when his or her license has been suspended" but does not "delineate the exclusive circumstances under which a [child-support] magistrate may or may not reinstate a driver's license." In addition, the overarching policy of the child-support statutes is to ensure that children's needs are met. See *Strandberg v. Strandberg*, 664 N.W.2d 887, 890 (Minn. App. 2003). And there is a strong interest in ensuring that children have adequate economic support from their parents, while at the same time limiting "the unnecessary drain of scarce . . . judicial resources." *In re Marriage of Crockarell*, 631 N.W.2d 829, 835 (Minn. App. 2001) (quoting *Schaefer v. Weber*, 567 N.W.2d 29, 33 (Minn. 1997)), review denied (Minn. Oct. 16, 2001). Sharif needed a driver's license to drive to work, and the district court noted that both Sharif and Askar recognized that it served the children's best interests for Sharif to be able to drive. We conclude that under circumstances such as those here, allowing a CSM to reinstate an obligor's driver's license sua sponte is consistent with the intent of section 518A.65 and with the legislative policy underlying the child-support statutes. The district court did not err by concluding that the CSM had the authority to reinstate Sharif's driver's license sua sponte.

II. The CSM's consideration of whether to reinstate Sharif's driver's license did not deprive the county of due process.

The county is a legislatively created body. See Minn. Const. art. 12, § 3 ("The legislature may provide by law for the creation, organization, administration, consolidation, division and dissolution of local government units"); *Conaway v. St.*

Louis County, 702 N.W.2d 779, 785 n.2 (Minn. App. 2005) (noting that counties are subordinate agencies of the state government and subject to legislative control); *Mid-City Hotel Assocs. v. Hennepin County Bd. of Comm'rs*, 516 N.W.2d 574, 576 n.1 (Minn. App. 1994) (explaining that counties are distinct legal entities organized as part of the legislature's ability to delegate its power over local matters), *review denied* (Minn. Aug. 29, 1994). And as a legislatively created body, the county cannot be deprived of due-process rights because, unlike individuals, counties have no such rights. *See Indep. Sch. Dist. No. 281 v. Minn. Dep't of Educ.*, 743 N.W.2d 315, 327 (Minn. App. 2008) ("The right of due process . . . was never intended to operate for the benefit of legislatively created bodies." (quotation omitted)); *County of Ramsey v. Town of White Bear*, 469 N.W.2d 479, 482 (Minn. App. 1991) ("[A] county, unlike a person, does not enjoy the due process rights under the constitution."), *review denied* (Minn. July 24, 1991). Therefore, the argument that the alleged lack of notice denied the county due process is without merit.

Affirmed.