

June 10, 1996

Keith W. Garrett  
514 Mc Intosh Road  
La Crescent, Minnesota 55947

RE: In the Matter of the Appeal of the Determination of the Responsible Authority for the City of La Crescent that Certain Data Concerning Keith Garrett are Accurate and/or Complete; OAH Docket No. 1-0200-10467-2.

Dear Mr. Garrett:

Enclosed are copies of the tapes of the June 20, 1994 City Council meeting. We will forward a copy of the bill as soon as it is received.

I have listened to both the original tapes and the copy. Based upon that review, the record in this matter, and after considering Minn. Rule 1400.6700, subp. 2, I do not believe that there is sufficient justification for the Administrative Law Judge to order additional discovery, such as analysis of the tapes by a sound engineer.

Under Minn. Rule 1400.6700, subp. 2, a party seeking discovery must show that it is necessary for the proper presentation of his case, that it is not for the purpose of delay, and that the issues and amounts in controversy are significant enough to warrant the discovery. It is concluded that this matter can be fairly resolved without a professional analysis of the tapes, since the record does not provide a sufficient basis to believe the tapes have been altered. Additionally, it is important to keep in mind the issue involved in considering how much more process is due in this matter. The question is the accuracy and completeness of the City Council minutes relating to a public hearing on a park and recreation plan. While it is important that the minutes be accurate, and this proceeding is available to ensure that that is the case, the issue does not merit a further expenditure of public money for an expert analysis, given the record in this matter.

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Please regard the foregoing as an Order disposing of your request for an expert analysis of the tapes. I will proceed to consider the Motion for Summary Judgment and your responses. If you wish to make any further comment, the record will remain open through June 19, 1996.

Sincerely,

GEORGE A. BECK  
Administrative Law Judge

Telephone: 612/341-7601

GAB:lc  
enclosure  
cc: Kent Sulem  
William Von Arx