

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Terry Moses,

Complainant,

ORDER DENYING MOTION  
FOR RECONSIDERATION

vs.

Roseville Properties Management  
Company, d/b/a Roseville Properties,

Respondent.

The above entitled matter came on for a probable cause hearing as provided by Minn. Stat. § 211B.34, before Administrative Law Judge Richard C. Luis on October 26, 2005, to consider a complaint filed by Terry Moses ("the Complainant") on October 21, 2005. The complaint alleged that Roseville Properties Management Company ("the Respondent") violated Minn. Stat. § 211B.15, subd. 11, by allowing campaign signs for two Roseville City Council candidates to be posted on three of its commercial properties.

On October 28, 2005, Administrative Law Judge Luis issued an Order, dated October 27, 2005, finding no probable cause and dismissing the complaint. On November 1, 2005, the Complainant submitted a petition for reconsideration of Judge Luis' decision.

Based on the record herein, and for the reasons stated in the following Memorandum, the Chief Administrative Law Judge makes the following:

**ORDER**

Complainant's Motion for Reconsideration of the Order of October 27, 2005, is DENIED.

Dated: November 3, 2005.

s/Raymond R. Krause  
RAYMOND R. KRAUSE  
Chief Administrative Law Judge

## MEMORANDUM

On October 28, 2005 the Administrative Law Judge issued an Order, dated October 27, 2005, dismissing the complaint for lack of probable cause to believe that Roseville Properties Management Company violated the requirements of Minn. Stat. § 211B.15. On November 1, 2005, the Complainant requested reconsideration of the October 27, 2005 Order.

Minn. Stat. § 211B.34 subd. 3(b) provides that the Chief Administrative Law Judge must review the petition for reconsideration within three business days and determine whether the assigned administrative law judge made a “clear error of law”.

The statute at issue, Minn. Stat. § 211B.15, subd. 11, (“the Statute”) prohibits certain corporations from posting messages on their premises if the messages are operated for the advantage of a candidate. The messages in this case were lawn signs endorsing individual candidates. The entity that owns the premises in question is not, however, the corporation named in this complaint. In fact, the entities that own the premises in question are not corporations at all. They are partnerships. The Statute clearly specifies that its provisions apply to corporations. Corporations are defined as not including partnerships. <sup>[1]</sup>

Administrative Law Judge Luis did not make a clear error of law when he dismissed the complaint. Therefore, the motion for reconsideration is denied.

R.R.K.

---

<sup>[1]</sup> Minn. Stat. § 211B.15, subd. 1.