

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Marvin Koppen,
Complainant,
v.
Maplewood Firefighters Association and
Erik Hjelle,
Respondents.

**RULING ON COMPLAINANT'S
MOTION TO QUASH**

The above matter is pending before the assigned panel of Administrative Law Judges on Complainant's objection to Respondent Hjelle's subpoena duces tecum request requiring a "Representative of Honsa Printing" to produce certain documents. Respondent Hjelle filed his subpoena requests on January 24, 2006. The subpoena requests were granted and the subpoenas issued on January 24, 2006. Complainant filed a letter in opposition to one of the subpoena requests on January 25, 2006. The panel is treating Complainant's objection to the subpoena request as a motion to quash. This matter is scheduled for hearing on Friday, January 27, 2005.

Jay Benanav, Weinblatt & Gaylord, PLC, Suite 300 Kellogg Square, 111 East Kellogg Boulevard, St. Paul, MN 55101, represents Marvin Koppen (Complainant). Jill Clark, P.A., 2005 Aquila Avenue North, Golden Valley, MN 55427 represents Erik Hjelle. The Maplewood Firefighters Association (MFA), 4505 White Bear Parkway, Ste. 1200, St. Paul, MN 55110 is not represented by counsel.

Based on the file, record and proceedings herein, and for the reasons set forth in the accompanying Memorandum, the panel makes the following:

IT IS ORDERED:

ORDER

That Complaint's motion to quash the portion of Respondent Hjelle's subpoena relating to "documents that show whether Marvin Koppen, Kathy Juenemann, Will Rossbach, Jay Benanav, or the St. Paul Firefighters' union are or have been customers of Honsa, or have been customers of companies that have subcontracted with Honsa [Printing Co.]" is **GRANTED**. Thus, Honsa Printing need not provide documents responsive to that portion of the subpoena request.

Dated: January 26, 2006.

/s/Richard C. Luis
RICHARD C. LUIS
Presiding Administrative Law Judge

/s/ Barbara L. Neilson
BARBARA L. NEILSON
Administrative Law Judge

/s/ Bruce H. Johnson
BRUCE H. JOHNSON
Administrative Law Judge

MEMORANDUM

This is a campaign complaint matter concerning the Maplewood City elections that took place on November 8, 2005. There are five allegations remaining for hearing: (1) whether Respondent MFA and/or Respondent Hjelle violated Minn. Stat. § 211B.06 by preparing and disseminating false campaign material with respect to a statement about development of public land; (2) whether Respondent MFA and/or Respondent Hjelle violated Minn. Stat. § 211B.06 by preparing and disseminating false campaign material with respect to a statement concerning the number of patrol officers in the Maplewood Police Department; (3) whether Respondent MFA and/or Respondent Hjelle violated the \$300 financial contribution limits set forth at Minn. Stat. § 211A.12; (4) whether Respondent MFA violated Minn. Stat. § 211B.15, subd. 2, by making corporate contributions to Hjelle; and (5) whether Respondent Hjelle violated Minn. Stat. § 211B.13 by accepting corporate contributions from Respondent MFA. The fourth and fifth allegations concern, in part, contributions of lawn signs and other printed campaign material from Respondent MFA to Respondent Hjelle, some or all of which were printed by Honsa Printing Co.

Respondent Hjelle requested a subpoena duces tecum for:

Documents that show whether Marvin Koppen, Kathy Juenemann, Will Rossbach, Jay Benanav, or the St. Paul Firefighters' union are or have been customers of Honsa, or have been customers of companies that have subcontracted with Honsa [Printing Co.]

The subpoena request was granted and the subpoena issued on January 24, 2006. Complainant objected to the subpoena request on January 25, 2006. In his response, Respondent Hjelle argued that the documents are relevant to show potential bias on the part of Honsa Printing witnesses, due to the allegation that Honsa received significant business from Koppen or those associated with Koppen. Since Honsa's printing of the campaign materials is at least in part at issue in the fourth and fifth allegations, Respondent Hjelle maintains he has a right to show bias on the part of Honsa witnesses. Apparently, Respondent Hjelle suggests that Honsa's business dealings with the Complainant, the Complainant's attorney, and Complainant's associates, may cause its witnesses to give biased testimony relating to payments for printing of campaign material contributed to Hjelle.

Evidence is relevant for purposes of admissibility at trial if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."¹ After considering Complainant's objection and Respondent Hjelle's response, the panel concludes that the requested documents are immaterial and too remote to the issues before the panel in this matter. Although Hjelle may inquire of the Honsa witnesses to establish bias, prejudice or interest, the panel concludes that the documents sought in the portion of the subpoena challenged in the motion to quash are immaterial to the matters at issue because the existence of business relationship[s] between Honsa and

¹ Minn. R. Evid. 401.

the other persons mentioned are not consequential to determining whether MFA made a contribution to Hjelle, or whether Hjelle received a contribution from MFA. Therefore, Complainant's motion to quash the portion of the subpoena duces tecum directed to Honsa Printing and requesting documents that show whether Marvin Koppen, Kathy Juenemann, Will Rossbach, Jay Benanav, or the St. Paul Firefighters' union are or have been customers of Honsa, or have been customers of companies that have subcontracted with Honsa Printing Co. is granted.

R.C.L. B.L.N. B.H.J.