

STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1489



Kayla Renee Johnson, petitioner,

Appellant,

vs.

Commissioner of Public Safety,

Respondent.

ORDER OPINION

Hennepin County District Court
File No. 27-CV-23-9148

Considered and decided by Schmidt, Presiding Judge; Worke, Judge; and Harris, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. In this appeal from the district court's order sustaining the revocation of her driving privileges, appellant Kayla Renee Johnson argues that the district court erred by denying her petition to reinstate her driver's license and by sustaining the extension of her ignition-interlock requirement.

2. Johnson's license was revoked in November 2013 due to multiple driving-while-impaired offenses. The revocation required Johnson to enroll in the ignition-interlock program for the reinstatement of her license. Johnson enrolled in the ignition-interlock program in August 2020.

3. Johnson failed an ignition-interlock breath test on March 12, 2023, with a registered alcohol concentration of 0.051. She also failed multiple retests and did not provide a passing sample within the required 15-minute window.

4. The Minnesota Department of Public Safety (the department) issued a notice to Johnson of her ignition-interlock alcohol-monitoring violation in March 2023. The department stated that Johnson's enrollment in the ignition-interlock program had been extended for a period of three years because it had received notification of Johnson's positive alcohol reading equal to or greater than 0.02 on March 12, 2023. *See* Minn. Stat. § 171.306, subd. 4(d) (2022). The department issued an administrative-review determination in April 2023 that sustained the decision.

5. Johnson petitioned for a hearing on the reinstatement of her driver's license in June 2023 and the district court held a hearing in August 2023. Johnson testified at the hearing but did not introduce any exhibits. Respondent Commissioner of Public Safety (the commissioner) did not cross-examine Johnson or call any witnesses, relying instead on a memorandum submitted to the court along with the accompanying affidavit and exhibits.

6. The district court found that there was

sufficient evidence based on the evidence submitted . . . to believe that [Johnson was] required to do the ignition interlock program. That based upon the information that the [department] received from their vendor about [Johnson's] test on March 12, 2023, that there was sufficient evidence for them to proceed in requiring to extend [Johnson's] ignition interlock by an additional three years. That based upon the information they received from the vendor that [Johnson was] in fact consuming alcohol.

7. The district court gave the information and evidence provided by the commissioner “a great deal of weight” while also finding that Johnson’s testimony “largely . . . brought up issues . . . outside the scope of what [the court is] required to consider.” The district court stated that it was “not persuaded . . . that this device was not operating appropriately, particularly when it’s been given precise readings as to the alcohol levels on March 12th.”

8. The district court issued an order sustaining the revocation of Johnson’s driving privileges in August 2023.

9. The decision whether to cancel a driver’s license rests with the commissioner. *Constans v. Comm’r of Pub. Safety*, 835 N.W.2d 518, 523 (Minn. App. 2013). A person whose driver’s license has been refused, revoked, suspended, or canceled by the commissioner may generally petition the district court for reinstatement under Minnesota law. *See* Minn. Stat. § 171.19 (2022). In a reinstatement proceeding, “the district court conducts a trial de novo and independently determines whether a driver is entitled to license reinstatement.” *Pallas v. Comm’r of Pub. Safety*, 781 N.W.2d 163, 166 (Minn. App. 2010) (quotation omitted); *see also* Minn. Stat. § 171.19. The district court “must weigh witness credibility and all of the evidence, and independently determine whether the cancellation is justified.” *Constans*, 835 N.W.2d at 523 (quotation omitted); *see also* Minn. Stat. § 171.19. The petitioner in reinstatement proceedings bears the burden of proving entitlement to reinstatement. *Constans*, 835 N.W.2d at 523; *Underhill v. Comm’r of Pub. Safety*, 989 N.W.2d 909, 914 (Minn. App. 2023).

10. Appellate courts review *de novo* the district court’s application of the law and defer to the district court’s credibility determinations and ability to weigh the evidence. *Constans*, 835 N.W.2d at 523. The district court’s findings will not be reversed on appeal unless they are clearly erroneous. *Id.*; *Underhill*, 989 N.W.2d at 914.

11. Under the relevant portion of the statute, if an ignition interlock participant’s “ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner *shall extend* the time period that the participant must participate in the program until the participant has reached the required abstinence period described in [the statute].” Minn. Stat. § 171.306, subd. 4(d) (emphasis added); *see also* Minn. Stat. § 169A.55, subd. 4(c) (2022) (noting that the minimum abstinence period required under the statute is three years).

12. The district court found that there was “sufficient evidence” for the commissioner to extend Johnson’s ignition-interlock period for an additional three years. This finding is not clearly erroneous because evidence was presented to the district court that showed Johnson’s several failed ignition-interlock breath tests on March 12, 2023, multiple of which registered an alcohol concentration above 0.02, and her failure to provide a passing test in the required retest window. Johnson’s breath test registering an alcohol concentration above 0.02 required the commissioner, by statute, to extend the period of Johnson’s participation in the ignition-interlock program for the required abstinence period. *See* Minn. Stat. § 171.306, subd. 4(d).

13. Because the commissioner presented sufficient evidence to show Johnson’s ignition-interlock device registered an alcohol concentration of 0.02 or higher, and that

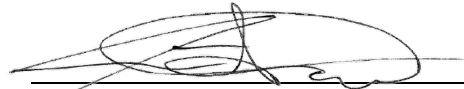
violation required the commissioner to extend the duration of Johnson's participation in the program, the district court did not err by determining that Johnson was not entitled to reinstatement of her driver's license and sustaining the extension of her ignition-interlock program participation for three years.

IT IS HEREBY ORDERED:

1. The district court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: June 14, 2024

BY THE COURT



Judge Jon Schmidt