STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

[redacted]

[redacted]

Petitioner,

v.

ORDER

Commissioner of Public Safety,

Respondent.

INTRODUCTION

The above-entitled matter came on for a hearing before the [redacted] on [redacted] pursuant to Petitioner's request for a hearing under the authority of Minn. Stat. §§ 169A.50-.53; 171.177 (2026), Minnesota's Implied Consent Law. Chuck Ramsay appeared on behalf of Petitioner, [redacted] Assistant Attorney General for the State of Minnesota, appeared on behalf of Respondent, the Commissioner of Public Safety. All appearances were made remotely via Zoom.

At the hearing, Petitioner sought rescission of his driver's license revocation under a theory of spoliation, alleging that the Minnesota Bureau of Criminal Apprehension ("BCA") prejudiced him by destroying his urine test sample after Petitioner requested its preservation in his Petition filed [redacted]

The court did not hear testimony at this hearing. The court received and admitted the following exhibits into evidence:

- Ex. 101: AGO Mandatory Discovery Letter and Disclosures [redacted]
- Ex. 102: Defendant's Notice of Motion and Motion to Compel Discovery in related criminal matter, dated [redacted]

- Ex. 103: Partial Discovery Packet from the Minnesota Bureau of Criminal Apprehension, dated July 28, 2025.
- Ex. 104: Evidence Destruction per BCA Custody Chain, dated [redacted]
- Ex. 105: Petitioner's Request for Release of Biological Sample (Urine) for Independent Analysis, dated [redacted]
- Attachment A: Evidence Destruction Email Thread Between Shelley K. Arndt and [redacted] dated August 12, 2026.

Petitioner and Respondent submitted legal arguments on the issue presented to the court. Petitioner's brief was submitted o [redacted] Respondent's brief was submitted on [redacted] The matter was taken under advisement.

Based on all the files, pleadings, records, and proceedings herein, and on the arguments and submissions of the parties, the court makes the following:

ORDER

1. Petitioner's motion for sanctions is granted, and Respondent's revocation of Petitioner's driving privileges is revoked.

2. The attached memorandum is incorporated herein as part of this order.

It is so ordered.

BY THE COURT:

[redacted]

Dated: October 19, 2026

MEMORANDUM

FACTUAL BACKGROUND

On [redacted] the Minnesota State Patrol investigated an incident involving Petitioner [redacted] Ex. 101, 22. During that investigation, the State Patrol obtained a urine sample from [redacted] and submitted it to the Bureau of Criminal Apprehension (BCA) for chemical analysis. *Id.* The results of that analysis of Petitioner's urine formed part of the basis for the revocation of [redacted] driving privileges.

On April 14, 2025, the BCA issued its laboratory report. The report stated that the laboratory would destroy the evidence twelve months after the date of the report unless the submitting agency requested its return. *Id*. at 26.

On April 18, 2025 [redacted] filed a Petition for Judicial Review challenging the revocation. Pet. for Jud. Rev. at 1. (Apr. 18, 2025). The Petition placed the reliability and accuracy of the chemical testing at issue, questioning the testing method and whether the laboratory followed accepted scientific procedures. *Id.* The Petition also included a preservation demand directing the government to "preserve and maintain all evidence" concerning [redacted] "including, but not limited to," "all biological samples." *Id.* at 9. That same day, [redacted] served the Petition on the Commissioner of Public Safety by mail and on the Attorney General's Implied Consent Division through the District Court's electronic filing system. Index 2 (April 18, 2025).

The twelve-month retention period stated in the BCA's report expired on April 14, 2026. The BCA destroyed the urine sample, identified as sample U236983, on June 2, 2026. Ex. 104, 1. On July 24, 2026, the BCA received a request to release the sample and responded that it had already been destroyed. Arndt Decl. Attachment A.

As a result of the destruction, the urine sample is no longer available for independent laboratory testing, and Petitioner cannot independently reproduce the analysis or verify the BCA's reported findings.

LEGAL ANALYSIS

A. Implied Consent Revocations Generally

A proceeding to challenge an implied consent license revocation "is civil in nature, not criminal." *Harrison v. Comm'r of Pub. Safety*, 781 N.W.2d 918, 919–920 (Minn. App. 2010). It is treated as a "special proceeding," and the Rules of Civil Procedure apply. *Welch v. Comm'r of Pub. Safety*, 545 N.W.2d 692, 694 (Minn. App. 1996); Minn. Stat. § 169A.53 (2026).

A party in pending or future litigation has a duty to preserve property for another's use as evidence. *Miller v. Lankow*, 801 N.W.2d 120, 127–128 (Minn. 2011). The duty to preserve "exists not only after the formal commencement of litigation, but whenever a party knows or should know that litigation is reasonably foreseeable," and a breach of that duty "may be sanctioned, under a court's inherent authority, as spoliation." *Id.* 127-128. In *Miller,* the Minnesota Supreme Court further noted that "even when a breach of the duty to preserve evidence is not done in bad faith, the district court must attempt to remedy any prejudice that occurs as a result of the destruction of the evidence." *Id.* The destruction thus need not be culpable in any heightened sense; once critical evidence is gone, "the trial court is not only empowered, but is obligated to determine the consequences of the evidentiary loss." *Patton v. Newmar Corp*., 538 N.W.2d 116, 119 (Minn. 1995).

To seek sanctions under the civil rules, the moving party must establish that the custodial party had the evidence within its exclusive possession and control. *Wajda v. Kingsbury*, 652 N.W.2d 856, 861–862 (Minn. App. 2002). Minnesota law "permits an unfavorable inference to

be drawn from failure to produce evidence in the possession and under the control of a party to a litigation," and "the doctrine of spoliation applies where the party responsible for the evidence's destruction had exclusive control and possession of the evidence."

There is one narrow statutory exception to the broad rule that the Rules of Civil Procedure govern implied consent proceedings. Under Minnesota Statutes section 169A.53 prehearing discovery is mandatory and limited to: (1) the notice of revocation; (2) the test record or, in the case of blood or urine tests, the certificate of analysis; (3) the peace officer's certificate and any accompanying documentation submitted by the arresting officer to the commissioner; and (4) disclosure of potential witnesses, including experts, and the basis of their testimony. The Court of Appeals has understood these provisions "as intending to relieve the commissioner of time-consuming disputes over discovery, by stating exactly what the commissioner needs to provide and requiring the petitioner to convince the court of the need for anything else." *Abbott v. Comm'r of Pub. Safety*, 760 N.W.2d 920, 925 (Minn. App. 2009)

While the statute appears to address mandatory discovery provisions, it is silent on situations where a party makes an express evidence preservation demand on the Commissioner of Public Safety, and the BCA, a division of the Department of Public Safety, destroys that evidence notwithstanding that demand. *See*, Minn. Stat. § 299C.01 (2026).

B. Respondent Destroyed Evidence That Was Subject to an Express Preservation Demand

Here, Petitioner filed his petition for judicial review on April 18, 2025. His petition included a demand that Respondent preserve all biological test samples. Pet. For Jud. Rev. at 2. In keeping with its typical evidence destruction procedures, Respondent destroyed the biological test sample at issue on June 2, 2026, notwithstanding Petitioner's demand. Ex. 104, 1.

Respondent asserts that the urine sample is outside of the scope of the mandatory discovery contemplated by section 169A.53 and that he complied with those rules. Had the Petitioner not made the express demand in a document served on Respondent in this civil action on April 18, 2025 that the evidence was to be preserved, Petitioner would be correct. But that is not what happened here.

An express demand for preservation of evidence cannot simply be ignored. When a party specifically identifies evidence relevant to a pending or reasonably anticipated proceeding and requests that it be preserved, the responding party must take reasonable steps to ensure that the evidence is not destroyed or, at a minimum, timely acknowledge the request and communicate any objection to or inability to comply with it. Permitting a party to disregard an express preservation demand without response, only to later assert that the evidence was destroyed in the ordinary course of business, would create an absurd result, would undermine the purpose of the demand and deprive the requesting party of a meaningful opportunity to protect evidence potentially central to their claim.

C. Petitioner is Prejudiced by the Destruction of Evidence.

Here, Petitioner is deprived of a meaningful opportunity to present his case because the BCA destroyed his urine sample and he cannot seek independent testing of that sample. The resulting prejudice to Petitioner here is not merely speculative. The prejudice arises from the loss of that sample that may have been critical to establishing that he was not impaired when he was driving on April 5, 2025.

Respondent asserts that Petitioner has not proven bad faith on its part in the destruction of the sample and relies on the framework in *State v. Hawkinson*, to argue that he should not be sanctioned for the sample's destruction. 829 N.W.2d 367, 377 (Minn. 2013). Respondent's

reliance on *Hawkinson* is misapplied here. If the instant matter were a criminal proceeding, Respondent is correct that the materially stricter standard would apply. Where destroyed evidence in a criminal matter is only "potentially useful" - as opposed to apparently and materially exculpatory - the defendant must affirmatively show the State acted in bad faith to establish a due process violation. *Id.*

But the parties here are civil litigants. Respondent destroyed critical evidence that was subject to a preservation demand through inadvertence or neglect – not bad faith – and Petitioner is prejudiced by that destruction. Petitioner has successfully met his burden on this narrow subset of facts, and a spoliation sanction of exclusion is appropriate.

D. Respondent had control of the sample at the time the preservation demand was made.

Respondent cannot avoid sanction by asserting it lacked exclusive control of the evidence at issue. When Petitioner served his petition for judicial review on April 18, it is undisputed that the BCA, a division of Respondent, had control of Petitioner's urine sample. The BCA acknowledges this when it said the sample would be destroyed within twelve months unless the agency requested its return. While Respondent correctly notes that he is not in privity with state and local prosecutors, this case is distinguishable from cases like *Gray v. Comm'r of Pub. Safety* where there was legitimate confusion about where the sample was when it was destroyed. 918 N.W.2d 220, 226 (Minn. App. 2018). Rather, the sample was in Respondent's possession and control when the preservation demand was made. As such, Respondent cannot avoid a spoliation sanction on the grounds it did not know where the sample was.

E. The Statutory Provisions Limiting Discovery Do Not Apply to Petitioner's Preservation Demand.

As noted above, section 169A.53 limits discovery allowed in implied consent proceedings, but does not address the impact of a preservation demand on those proceedings. Here, this Court is not convinced that section 169A.53 prevents Petitioner from expressly requesting the preservation of additional evidence beyond that laid out in the statute. The statutory scope of Respondent's mandatory disclosure obligations is distinct from his obligation to preserve evidence once Respondent has been placed on notice that the evidence may be relevant to pending litigation. Perhaps more significantly, the statute's limited disclosure requirement should not be construed as authorization for Respondent to destroy evidence that is the subject of an express preservation demand.

CONCLUSION

Petitioner's motion is granted, and Respondent's revocation of Petitioner's driving privileges rescinded. This Court emphasizes that its conclusion sanctioning Respondent is narrowly drawn and rests on the particular facts and circumstances of this case. Specifically, Respondent had actual notice of an express demand to preserve evidence that was material to Petitioner's claims, and nevertheless destroyed that evidence. This Court's decision should not be read as a conclusion that Respondent has a general obligation to preserve all potentially relevant evidence beyond the applicable statutory requirements. Rather, its conclusion is limited to the circumstances presented here, where Respondent was expressly placed on notice of the need to preserve specific, material evidence and failed to do so. For the reasons set forth above, Respondent's revocation of Petitioner's driving privileges is rescinded.