The Dirty Dozen: 12 Hot Topics in 2 Hours

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Compensation for the Wrongly Convicted and Incarcerated: The Minnesota Imprisonment and Exoneration Remedies Act of 2014

Steven Z. Kaplan

In 2014, the Legislature enacted the Minnesota Imprisonment and Exoneration Remedies Act ("Act") providing compensation for persons who are actually innocent of the felony for which they were incarcerated and who are exonerated in post-conviction. Minn. Stat. §§ 590.11 and 611.362 through 611.368. The Act provides not only substantial compensation for such persons, but also establishes a process that seeks to minimize delay.

Claim Procedure

For purposes of the Act, a person is considered "exonerated" if (1) the conviction was vacated or reversed on grounds "consistent with innocence" and the prosecutor dismissed the charges; or (2) a court ordered a new trial on grounds consistent with innocence and (i) the prosecutor dismissed the charges or (ii) the person was found not guilty at the new trial. Minn. Stat. § 590.11, Subd. 1.

To establish entitlement for compensation under the Act, the exoneree must, within two years of release from prison, petition the court where the conviction was obtained for an order certifying that exoneree is eligible for compensation. The district attorney may stipulate to or contest the petition.

If the court finds that the original complaint or indictment would not have been filed or sought or would have been dismissed if all of the facts ascertained in post-conviction had been known, it will then issue an order declaring that the petitioner is eligible to file a compensation claim under the Act .

The petitioner then files a claim with the Minnesota Supreme Court requesting that the Chief Justice appoint a three-person panel of attorneys or judges who are experienced in tort claims and the determination of damages to set the amount of compensation to which the petitioner is eligible. Minn. Stat. § 611.362. Subd. 1.

In the first two cases arising under the Act, the Chief Justice appointed panels consisting of a district court judge and two lawyers, one who usually practices on the plaintiff's side and the other on the defendant's.

The State is represented before the panel by the Department of Management and Budget ("Department") and the Attorney General's Office. Minn. Stat. § 611.362, Subd. 2. Any settlement reached or any final compensation determination made by the panel (or any appellate court) is then submitted by the Department to the Legislature for approval and funding at the next legislative session. Minn. Stat. §§ 611.636 and 611.367.

If the Legislature approves the settlement or panel award, it will include the amount of the claim in the Department's budget and the Department then remits payment to the claimant.

Claim Amounts and Limitations

Section 611.365, Subd. 2 provides that the claimant is entitled to the following compensation amounts:

1. Reimbursement for all restitution, assessments, fees, court costs, and sums paid by the claimant as required by the judgment and sentence. (Note: If a family member or friend paid any such expense on the claimant's behalf, the Department has allowed compensation for that amount, subject to the claimant's stated intention to repay it to that person.)

2. The claimant's economic damages incurred during the criminal proceeding, including reasonable attorney's fees, lost wages, and reimbursement for other criminal defense costs.

If the claimant was represented by a public defender or pro bono counsel, the Department has not regarded the value of that representation to be compensable.

If the claimant was in school or vocational training before being charged or tried, the Department has allowed compensation for the wages that the claimant will never earn for the amount of time spent in prison. If, for example, the claimant was studying for a position that would pay $40,000 per year upon completion of the educational or training program and was then incarcerated for four years, the Department will consider treating the amount of "lost wages" as $160,000.

4. Reimbursement for medical and dental expenses incurred or to be incurred in the future as a result of imprisonment.

5. Non-economic damages for personal physical injuries or sickness and non-physical injuries or sickness incurred as a result of imprisonment.

6. Reimbursement for tuition and fees for each semester of education or employment or developmental training up to the equivalent value of a four-year degree at a public university and reasonable payment for future unpaid costs for education and training, not to exceed the anticipated cost of a four-year degree at a public university.

7. Reimbursement for unpaid child support payments and accruals on those payments arising during the period of imprisonment

8. Re-integrative costs of housing, transportation, subsistence, re-integrative services, and medical and dental expenses immediately following release.

9. Reasonable attorney's fees incurred in bringing the claim for compensation.

There is no overall damage limitation for the amount that can be awarded under § 611.365, except that the aggregate amounts payable for reasonable criminal defense attorney's fees and expenses, lost wages, education/training/developmental services, unpaid child support, and re-integrative services and expenses cannot exceed $100,000 for each year of

incarceration or $50,000 for each year of supervisory release or registered predatory offender status.

The amounts awarded for non-physical illness and legal fees/expenses incurred in pursuing a claim for compensation are not capped and are based on their actual amounts.

The wild card relates to the amounts that can be awarded for psychological damage which can be significant. "*Psychological Consequences of Wrongful Conviction and Imprisonment*," Grounds, Canadian Journal of Criminology and Criminal Justice, January 2004; "*It Never Ends": The Psychological Impact of Wrongful Conviction,*" Scott, American University Criminal Law Brief, 5, no.2, (2010); "*The Psychological and Legal Aftermath of False Arrest and Imprisonment*," Simon, Bull Am Acad. Psychiatry Law, Vol. 21, No. 4, 1993; "*Rebuilding a Life: The Wrongfully Convicted and Exonerated*," Weigand, Public Interest Law Journal, Vol. 18:427; and "*Psychological Consequences of Wrongful Convictions*," Konvisser, published online, August 31, 2010.

Placing a value on the mental and emotional harm that an actually innocent person suffers as a result of incarceration is difficult, but the following cases reflect the compensatory amounts awarded to exonerees for such harm: *Odom v. District of Columbia*, Case No. 2013 CA 3239 (Sup. Ct. D.C.) ($1,000 per day of incarceration for emotional harm); *Restivo & Halstead v. Nassau County, et. al.*, ($1 million for each of the 18 years of

incarceration); *Jimenez v. City of Chicago*, 732 F.3d 710 (7th Cir. 2013) ($1.5 million for each of the 16 years of incarceration); *Slevin v. Bd. of Comm'rs for Cnty of Dona An*a, 934 F.Supp.2d 1270, 1274-78 (D. N.M. 2012) ($15.5 million for 22 months of wrongful solitary confinement); *White v. McKinley*, 605 F.3d 525 (10th Cir. 2010) ($2.5 million for each of the 5.5 years of wrongful incarceration); *Newton v. City of N.Y.*, (S.D.N.Y) (approximately $1.5 million for each of the 12 years of wrongful incarceration); *Johnson v. Guevera & City of Chicag*o, (N.D. Ill.) (approximately $1.8 million for each of the 11.5 years of wrongful incarceration); *Waters v. Town of Ayer*, 2009 U.S. Dist. LEXIS 98741 (D.Mass. 2009) (approximately $580,000 for each of the 18.5 years of wrongful incarceration); *Limone v. U.S.*, 579 U.S. 79, 103-07 (1st Cir. 2009) ($1 million for each year of wrongful incarceration); *Dominquez v. Hendley*, 545 F. 3d 585 (7th Cir. 2008) ($2.25 million for each the four years of wrongful incarceration that was followed by six years of registration as a sex offender); *McGee v. City of Toledo*, (N.D. Okla.) (approximately $1.04 million for each of the 14 years of incarceration); *Newsome v. McCabe*, 319 F.3d 301 (7th Cir. 2003), ($1 million for each of the 15 years of wrongful incarceration); *Smith v. City of Oakland*, 538 F. Supp. 2d 1217 (N.D. Cal. 2008) ($3 million for 4½ months of wrongful conviction); *Sarsfield v. City of Marlborough*, (D. Mass. 2006) (approximately $1.37 million for each of the 9.5 years of wrongful incarceration); *Ayers v. City of Cleveland*, (N.D. Ohio 2014), (approximately $1.2 million for each of the 11 years of wrongful conviction); *Bravo v. Giblin*,

(Ca. Ct. App. 2002) (approximately $1.1 million for each of the 3.23 years of wrongful incarceration); *Ramirez v. Los Angeles County Sheriff's Office*, 2006 WL 1428310 (C.D. Cal. 2006) ($18 million).

In no event, however, will the total amount that any claimant receives under § 611.365 for all claims be less than $50,000 for each year of incarceration or $25,000 for each year on supervisory release or on registered predator offender status.

Income Tax Treatment

When the Act was passed 2014, federal and Minnesota income tax law treated exoneree compensation or damage awards as taxable, except to the extent that such were for a physical injury. 26 U.S.C. §104. That exception, however, did not include any amount for "emotional distress" (unless and to the extent that such caused a physical injury).

In the Wrongful Conviction Tax Relief Act of 2015, however, Congress **excluded** exoneree compensation and damage awards from gross income if the individual: (1) was convicted of a state or federal offense; (2) served all or part of a prison sentence for that offense; (3) was pardoned, granted clemency for the offense, or had the conviction reversed or vacated; or (4) the indictment, information, or other accusatory instrument was dismissed or the person was found not guilty at a new trial after reversal or vacating of the conviction. 26 U.S.C. § 139F.

Because this federal tax law change excludes these amounts from federal gross income, they are also not subject to Minnesota individual income tax. Minn. Stat. § 290.01, Subd. 20.

The significance of this tax law treatment cannot be minimized. Before this change, the claimant would be taxed on the entire amount received, but could not deduct the amount of legal fees and expenses incurred to secure the award or settlement.

If, for example, the claimant received $1,000,000, paid legal fees, expert witness fees, and other litigation expenses totaling $400,000, and owed $300,000 in federal and Minnesota income taxes on the $1,000,000, the claimant would net only $300,000. Even if the judgment or settlement included a specific award of attorney's fees in addition to the amount payable to the claimant, that attorney's fees amount was also taxable to the claimant and non-deductible.

In the typical case, the process for obtaining compensation under the Act will be far less time-consuming and costly than would be the case if the claimant had to pursue civil litigation for damages under state and/or federal civil rights laws which are subject to defense claims of absolute and qualified immunity. That said, a claimant under the Minnesota Imprisonment and Exoneration Remedies Act without prejudice to the right to pursue any other state or federal claims that may be available.

"Phone Psychics" and "Theatrical Understud[ies]:"[1]
Standby and Advisory Counsel.

Matthew Frank

I. Substitute Counsel

A. Hearing?

A court may have to conduct a hearing when the defendant raises substantial complaints about the representation amounting to exceptional circumstances, "particularly when a defendant voices serious allegations of inadequate representation before trial has commenced." *State v. Clark*, 722 N.W.2d 460, 464 (Minn. 2006).

If necessary, a record should be made by any means necessary to preserve the attorney-client relationship. *Id.* at 464 n.2 (citing *State v. Eling*, 355 N.W.2d 286, 294-95 (Minn. 1984)).

"But here it is evident from the record that the trial court was satisfied that appointed counsel had conducted a proper investigation, was thoroughly prepared for trial, and had, in fact, maintained contact with Clark." *Clark*, 722 N.W.2d at 464.

B. Standard

A defendant does not have the right to appointed counsel of his choosing. *State v. Fagerstrom*, 176 N.W.2d 261, 264 (Minn. 1970).

A request for substitute counsel will be granted "only if exceptional circumstances exist and the demand is timely and reasonably made." *State v. Vance*, 254 N.W.2d 353, 358 (Minn. 1977).

While not specifically defined, "exceptional circumstances are those that affect a court-appointed attorney's ability or competence to represent the client." *State v. Gillam*, 629 N.W.2d 440, 449 (Minn. 2001). This is referred to as the "ability or competence" standard. *Id.*

See also State v. Voorhees, 596 N.W.2d 241, 255 (Minn. 1999) ("personal tension" not enough).

II. Advisory and Standby Counsel

A. Minn. R. Crim. P. 5.02, subd. 2. Appointment of Advisory Counsel

". . . court may appoint . . . waives the right to counsel."

[1] *State v. Richards*, 552 N.W.2d 197, 205 (Minn. 1996).

(1) ". . . because of concerns about fairness of the process . . ."
- record and advise

(2) ". . . because of concerns about delays in completing the trial, the potential disruption by the defendant, or the complexity of length of the trial . . ."
- record and advise

(3) ". . . must be present . . . and served with all documents . . ."

A defendant has the right to self-representation. *Faretta v. California*, 422 U.S. 806, 832 (1975). Recognizing that a defendant may choose to represent himself "ultimately to his own detriment" and that some criminal defendants may use the right "for deliberate disruption of their trials," the Supreme Court noted that "a State may – even over objection by the accused – appoint a 'standby counsel' to aid the accused if and when the accused requests help, and to be available to represent the accused in the event that termination of the defendant's self-representation is necessary." *Id.* at 834 & n.46.

B. *State v. Chavez-Nelson*, 882 N.W.2d 579 (Minn. 2016)

1. Facts:

Six days before trial, Defendant advised the district court that he had discharged his appointed counsel and would retain private counsel. He requested a continuance, which the district court denied.

The district court treated this as a request for substitute counsel, and denied it.

Defendant declined the district court's repeated offers to have the same counsel reappointed.

The trial court determined that because of "complexities and serious issues" in the case, it would appoint advisory counsel as provided by Minn. R. Crim. P. 5.02, subd. 2. The court appointed two lawyers who had no prior involvement.

Just prior to voir dire, Defendant asked the trial court to order his advisory counsel to assume full representation of his case.

The trial court denied the request "because it believed Chavez-Nelson was attempting to use the advisory-counsel mechanism to obtain substitute counsel after the district court had specifically ruled that he was not entitled to substitute counsel." Defendant pointed to Minn. R. Crim. P. 5.04, subd. 2(2)(b), but the court persisted, and offered to reappoint the public defenders at any time.

After two days of voir dire, Defendant told the court he was willing to have his original counsel reappointed to represent him. The court did so, and granted a short continuance to allow them to prepare. They represented him throughout the trial.

2. Holdings:

a) Because the court made the decision to appoint advisory counsel under Rule 5.04, subd. 2(2), "the district court was not free to disregard the text of the rule." *Chavez-Nelson*, 882 N.W.2d at 586. "As a result, Chavez-Nelson had a rule-based right to request that his advisory counsel take over representation of his case, and the district court's denial of that request was an error.[]" *Id.* (footnote omitted).

In the footnote, the Court observed that if the trial court had appointed advisory counsel under Rule 5.04, subd. 2(1), the trial court may have had discretion to decide whether advisory counsel would take over. *Id.* at 586 n.3.

b) Because there is no Sixth Amendment right to advisory counsel and Chavez-Nelson was unrepresented by choice, his Sixth Amendment right to counsel was not violated and so the error was not structural (requiring automatic reversal). Therefore, the harmless-error standard applies to whether he gets a new trial. *Id.* at 587.

c) It appears Chavez-Nelson "ultimately benefited from any error because, in the end, he was represented at trial by his original public defenders." It is highly unlikely his advisory counsel would have provided better representation than his original public defense team. "Therefore, we conclude that Chavez-Nelson suffered no prejudice as a result of the district court's error." *Id.* at 587-88.

C. Minn. Stat. § 611.26, subd. 6

"The district public defender must not serve as advisory counsel or standby counsel."

D. Role of Standby and Advisory Counsel

"Is their role akin to that of the phone psychics . . . [o]r is it more like that of a theatrical understudy . . . ." *State v. Richards*, 552 N.W.2d 197, 205 (Minn. 1996).

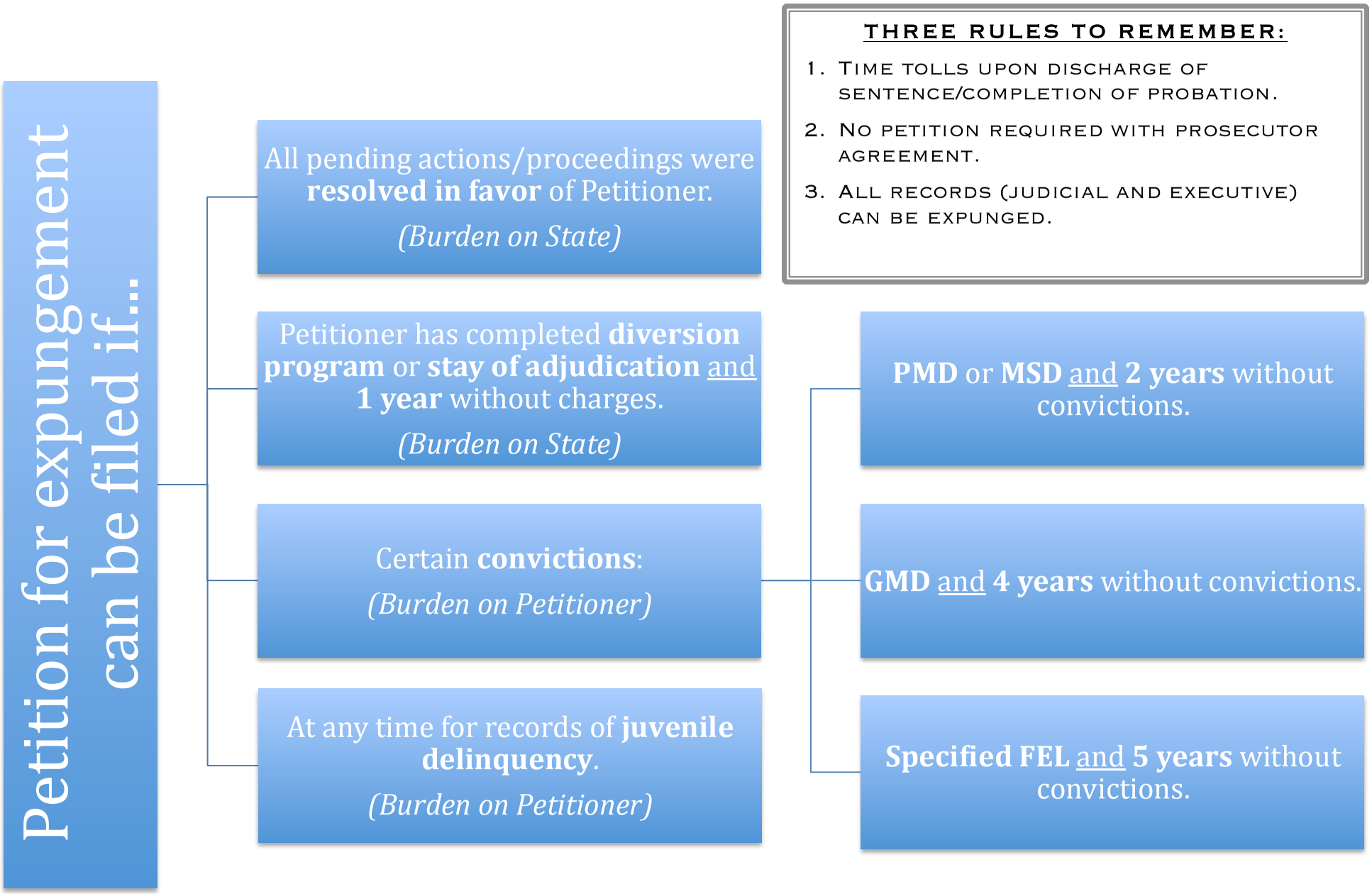
State v. Clark, 722 N.W.2d 460 (Minn. 2006)

McKaskle v. Wiggins, 465 U.S. 168 (1984)

Jona Goldschmidt, *Judging the Effectiveness of Standby Counsel: Are They Phone Psychics? Theatrical Understudies? Or Both?*, 24 S. Cal. Rev. L. & Soc. Just. 133 (2015)

Anne Bowen Poulin, *Ethical Guidance for Standby Counsel In Criminal Cases: A Far Cry From Counsel?*, 50 Am. Crim. L. Rev. 211 (2013)

Anne Bowen Poulin, *The Role of Standby Counsel In Criminal Cases: In the Twilight Zone of the Criminal Justice System*, 75 N.Y.U.L. Rev. 676 (2000)



Christina Zauhar

STRANGULATION IN SEXUAL ASSAULT CASES

Jeanine R. Brand, Assistant Cass County Attorney

- Lethality of Strangulation and Suffocation is often minimized by victims, LE and dispatchers, court personnel, and defendants.
  - Victims of attempted strangulation are 7x or 800% more likely of becoming a homicide victim and 6x or 700% more likely of becoming an attempted homicide victim.
  - 50% of intentional homicides of on-duty LE committed by abusers who have strangled their partner.
  - 50% of the strangulation cases, children were present
  - 50% of the strangulation cases, there are no visible injuries
  - Most often seen in the context of sexual assault or domestic violence
- 25% of sexual assault victims suffer strangulation and 1/4 – 3/4 of domestic violence victims
- It is among the leading risk factors for femicide
- So, if 1 in 4 women are sexually assaulted
  - And 1 in 5 college women are assaulted
  - And 1 in 3 Native American women are assaulted
  - And 25% of them entail strangulation, there are many, many sexual assaults that are not fully investigated or treated.

A. § 609.2247 DOMESTIC ASSAULT BY STRANGULATION—a Level 4 Offense

Subdivision 1. Definitions.

(a) As used in this section, the following terms have the meanings given.

(b) "Family or household members" has the meaning given in section 518B.01, subdivision 2.

(c) "Strangulation" means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

B. Criminal Sexual Conduct Definitions-- § 609.341

Subd. 3.Force.

"Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which (a) causes the complainant to reasonably believe that the actor has the present ability to execute the threat and (b) if the actor does not have a significant relationship to the complainant, also causes the complainant to submit.

Subd. 4.Consent.

"Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

C. Permissive Consecutive/Cruelty

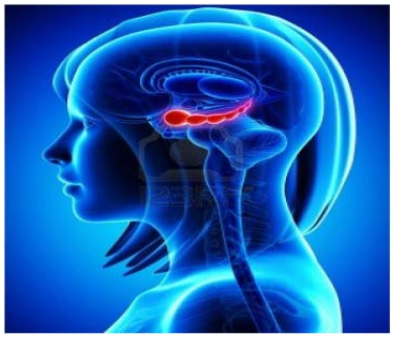
State v. Huffman—2016 WL 3659280 (Minn. Ct. App. July 11, 2016), rev. denied, Sept. 20, 2016. — Consecutive sentences for DMA by Strangulation and Terroristic Threats to the CSC sentence did not unduly exaggerate the criminality of the acts.

State v. Calel—2008 WL 4908689 (November 18, 2008). Kidnapping, Threats, Strangulation and CSC 1 and 2. Acquitted on the CSC. "Particular cruelty" must be defined to the jury.

D. Inability to recall

State v. Williams 2009 WL 2852073 (Minn. Ct. App. Sept. 8, 2009)—Williams was charged with CSC, Strangulation, and Terroristic Threats. He was convicted only on the strangulation and DMA. Victim testified that she "did not remember half the things [she] said" on the recording. Red marks on the neck and her initial statement amounted to sufficient evidence of DMA by Strangulation.

But an expert can explain the neurobiology of the lack of oxygen's effect on the brain.



Hippocampus

The hippocampus is critical for forming memory, organizing and storing.

Hippocampus is most sensitive to lack of oxygen.

If no blood flow, the brain is NOT working.

No blood flow. No memory.

No memory means damage to hippocampus.

Instead of blaming the victim, or jumping to the conclusion that drugs, alcohol, or fabrication is involved, start asking questions about strangulation.

Most CSC/Strangulation cases involve domestic partners. However, many do not, and questions are not being asked. This could affect someone's life.

"I gratefully acknowledge the National Family Justice Center Alliance for allowing me to reproduce, in part or in whole, the Suffocation and Strangulation Seminar of 2015."

Table of Contents

Introduction

The Commissioner of the Minnesota Department of Commerce is responsible for the regulation of laws pertaining to many of the commercial industries in Minnesota, including insurance. Bail bonds are an insurance product marketed and sold by sureties, insurance agencies and insurance producers, commonly called bail bondsman. In Minnesota, bail is a constitutional right required for all persons before conviction except for certain capital offenses.[1]

To sell bail bonds, a person is required to have an insurance producer license with authority to sell under the Property & Casualty line of insurance or the limited line of bail bonds. Any applicant who pays the appropriate fees and is not prohibited from getting a license, unless they have engaged in certain prohibited practices such as having been convicted of a felony involving moral turpitude. Unlike insurance producers who sell life, health automobile or homeowners insurance, the limited line bail bond agent (bail agent) does not have any educational requirements before or after obtaining their license.

A bail bond license does not allow a bail agent to sell bail bonds until they are appointed by a company or surety to sell its bail bond contracts. An appointment is the insurer's grant of permission to sell its bail bonds. The appointment consists of the surety submitting a statutorily required form and paying a fee to the Department of Commerce to notify the Commissioner that the bail bond agent has been approved to sell the surety's bail bonds. Bail agents are agents of the surety, not the person purchasing the bail bond.[2]

Several years ago, the department received several complaints concerning bail agents in Anoka, Dakota and Stearns counties that were engaged in inappropriate activity including disruptive behavior in jail and court buildings, overzealous solicitation of business, payment of commissions to unlicensed individuals, failure to abide by approved rate schedules and offering rebates to customers.

After our department completed some initial investigations, we found what appeared to be serious problems in the bail bond industry but it was not clear whether the problems were systemic across the industry or limited to certain agencies and bail agents. To determine if the issues were industry wide, we decided to initiate market conduct examinations to complete our investigations of sureties, agencies and bail agents writing bail bonds in Minnesota. The below systemic issues were found during our market conduct examinations. To resolve the issues, the commissioner entered into consent orders with all of the sureties licensed to write bail bonds in Minnesota. The consent orders can be found on the Minnesota Department of Commerce's website: https://www.cards.commerce.state.mn.us/CARDS/

Market Conduct Findings

Full Premiums

The bail bonds industry is highly competitive. One of the major issues identified was that bail agents were engaged in price competition with each other. Some agents were giving discounts. Others were charging partial payments but never intended to collect the balance due for the bond. In Minnesota, most insurance rates are required to be filed with our department and they must be actuarially supported. Rates shall not be excessive, inadequate or unfairly discriminatory, nor shall an insurer use rates to engage in unfair price competition.[3] Bail bondsman must charge the insurer's filed rates for bonds which in Minnesota are typically 10% of the face value of the bond. The amount charged to defendants for a particular bail requirement must be the same if it is the same risk and one defendant not be given an advantage over another. Further, a decision by the court to set a certain amount of bail or a statutorily required bail amount is set with a purpose and the defendant is required to pay to bail but if that premium amount is not met, it undermines the authority of both the legislature and the courts.

Paying Commissions to Unlicensed Individuals

Bail agents are prohibited from paying or offering to pay, giving incentives or promising other valuable consideration to unlicensed individuals to solicit bail bond business on their behalf.[4] In some instances, we found bail agents paying unlicensed inmates to solicit bail bonds to other inmates needing a bail bond or promising payments to others, such as the inmate's girlfriend, for soliciting bail bonds. These practices violate Minnesota Law.

Rebating

Bail bond industry competition also led bail agents to offer to give the defendant who purchased the bond or their co-signer a kickback of some of the premium charged for the bond, which is called a rebate. Rebating is prohibited by Minnesota law. [5]

Collateral

There were not uniform requirements for the handling of cash or non-cash collateral taken to secure bonds. The consent order created uniform standards for handling, record keeping and the return of collateral, among other things.

Record Keeping

Pursuant to the consent order, sureties agreed to keep and require their bail agents to keep certain bail bond records. The records are subject to audit by the department and the surety.

Surety's Annual Audit of Bail Bondsman Records

In order to resolve the above issues, the consent order requires sureties to audit an adequate sample of each bail agent's financial records annually. The surety must also audit each bail agent's collateral records. Sureties are required to file their annual audits with the department. The audit report must include information about an agency or bail agent's violations that the surety identified during the audit.

Solicitation

Certain bail agents purchase investigation reports about persons who were in jail. The records are used to cold call relatives to see if they were interested in posting bond for the defendant. The department received complaints from individuals who were not happy that a bail agent called their relatives and informed them that the family member had been arrested and was in jail. Minnesota law prohibits the collection and disclosure of personal information about individuals related to an insurance transaction.[6]

State Court Administrator

Finally, bail agents were found to be engaging in improper activity in and around court buildings. To resolve these issues, sureties agreed to make their bail agents comply with the State Court Administrator's Bail Bond Procedures and Standards of Conduct.

Outcome

All sureties issuing bail bonds in Minnesota were invited to participate in the drafting of the consent order to resolve the issues. During the past two years, all sureties have required their bail agents to sign affidavits of compliance with the terms of the order and have provided the affidavits to our department. All sureties that were writing bail bonds at the end of 2015 signed the consent order which became effective 1/1/16. The first surety audit reports were due in June and we are still reviewing those reports.

Footnotes Index:

1. Minnesota Constitution, Art. 1 sec. 5
2. Minn. Stat. § 60K.49
3. Minn. Stat. § 70A.04, subd. 1
4. Minn. Stat. § 60K.48, subd. 1
5. Minn. Stat. § 72A.08, subd 1
6. Minn. Stat. §§ 72A.501 and 72A.502