

STATE OF MINNESOTA
COUNTY OF WASHINGTON

DISTRICT COURT
TENTH JUDICIAL DISTRICT

Stephen Carl Allwine,

Case File No. 82-CV-22-4952

Appellant,

vs

**ORDER AFFIRMING THE
COMMISSIONER'S DECISION**

Commissioner of the Minnesota Department of
Human Services and Washington County
Community Services,

Respondents.

This matter came before the Honorable Laura A. Pietan, Judge of District Court, on Appellant's Notice of Appeal to Washington County District Court filed on September 2, 2022. The Court issued a Scheduling Order directing Plaintiff to file a legal brief in support of his request for review by December 23, 2022. Washington County filed a response on January 20, 2023, and Appellant filed a Reply to Respondent's Brief on January 31, 2023.

Based on the files, records, and proceedings, the Court makes the following:

ORDER

1. The Commissioner's decision is **AFFIRMED**.
2. The attached Memorandum is incorporated by reference.

LET JUDGMENT BE ENTERED.

BY THE COURT:

Dated: _____, 2023

Laura A. Pietan
Judge of District Court

MEMORANDUM

Facts

On January 31, 2018, Stephen Carl Allwine (“Appellant”) was found guilty by a jury of Murder in the First Degree of Appellant’s wife, Amy Allwine in Washington County (court file no. 82-CR-17-242). The conviction resulted from a murder investigation following Ms. Allwine’s death on November 13, 2016. In addition to criminal charges, the investigation of law enforcement and child protection resulted in a Termination of Parental Rights action in Washington County (court file no. 82-JV-18-1749) and a finding of the Maltreatment of a Minor on February 24, 2017.

As detailed in the criminal Complaint (Appendix 1), the Petition to Terminate Parental Rights (Appendix 2), and the child protection investigation summary (Appendix 3), Appellant and Amy Allwine were the parents of J.L.A., dob 10/24/2007, and resided as a family unit in the City of Cottage Grove, County of Washington. The investigation revealed that after murdering Amy Allwine at the family’s home, Appellant brought J.L.A., then 9 years old, back to the family home from a class at a local gym and dinner; and allowed J.L.A. to find and observe Ms. Allwine’s deceased body in a bedroom with blood pooling around Ms. Allwine’s head. Per J.L.A.’s statement to the police, he asked Appellant why his mother was asleep on the floor, and Appellant responded, “she’s probably dead.” (Appendix 1).

Appellant requested reconsideration of the maltreatment determination, and following the reconsideration decision, Appellant timely appealed the maltreatment determination to the Department of Human Services. Pursuant to Minnesota Statute § 256.045, Subd. 3(b), the administrative appeal was suspended pending the outcome of the criminal case and the termination of parental rights case in District Court. On May 23, 2018, Appellant consented to the adoption of J.L.A. and waived his right for notice of further proceedings regarding the adoption.

Following the affirmation of the conviction for Murder in the First Degree on August 18, 2021, the administrative appeal of the maltreatment determination resumed. Per the Pre-Hearing Conference on March 17, 2022, the parties agreed to submit motions and supporting arguments via written submissions without hearing. Washington County moved for summary disposition based upon Appellant's conviction for murder, which was the basis for the maltreatment determination. Appellant responded opposing the summary disposition.

By Order dated August 4, 2022, the Commissioner of Human Services issued the Decision of State Agency on Appeal, which granted Washington County's Motion for Summary Disposition. Appellant filed his appeal to District Court by letter on August 29, 2022.

Analysis

I. STANDARD OF REVIEW

Minn. Stat. § 256.045 governs the review of decisions of state agencies on appeal. “[A]ny party who is aggrieved by an order of the commissioner of human services ... may appeal the order to the district court of the county responsible for furnishing assistance.” Minn. Stat. §256.045, subd. 7. “The Court may consider the matter in or out of chambers, and shall take no new or additional evidence unless it determines that such evidence is necessary for a more equitable disposition of the appeal.” Minn. Stat. §256.045, subd. 8. “Thus, a district court has the discretion to expand the record only for the purpose of discovering whether the agency properly resolved the matter based on facts *in existence at the time of its decision.*” *Matter of Kindt*, 542 N.W.2d 391, 398 (Minn. App. 1996) (emphasis in original).

When judicial review is authorized by Section 256.045, the Administrative Procedure Act governs the scope of review. *Zahler v. Minnesota Dept. of Human Services*, 624 N.W.2d 297, 301 (Minn. App. 2001); *see also Brunner v. State of Minnesota Dept. of Public Welfare*, 258 N.W.2d

74, 75 (Minn. 1979) (“The district court applied the scope of review set forth in the Administrative Procedure Act ... We apply the same scope of review.”) The reviewing court may: affirm the decision of the agency or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the administrative finding, inferences, conclusion, or decisions are:

- (a) in violation of constitution provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) unsupported by substantial evidence in view of the entire record as submitted; or
- (f) arbitrary or capricious.

Minn. Stat. §14.69.

II. APPELLANT’S CLAIMS ARE BARRED BY THE DOCTRINE OF COLLATERAL ESTOPPEL.

Summary disposition is the administrative equivalent of summary judgment. *See Pietsch v. Minn. Bd. of Chiropractic Exam’rs*, 683 N.W.2d 303, 306 (Minn. 2004). Minnesota Rule of Civil Procedure 56.03 provides that a court shall enter judgment when the moving party shows that the pleadings and discovery responses show that (1) no genuine issue of material fact exists and (2) that the party is entitled to judgment as a matter of law. Minn. R. Civ. P. 56.03; *Fabio v. Bellomo*, 504 N.W.2d 758, 761 (Minn. 1993). Collateral estoppel precludes identical parties or those in privity with them from re-litigating identical issues in subsequent and district proceedings. *State v. Lemmer*, 736 N.W.2d 650, 659 (Minn. 2007) (citing *Willems v. Commissioner of Public Safety*, 333 N.W.2d 619, 621 (Minn. 1983)). The Minnesota Supreme Court has extended the doctrine to apply to administrative agency decisions in which five factors are met:

- (1) The issue to be precluded must be identical to the issue raised in the prior agency adjudication;
- (2) The issue must have been necessary to the agency adjudication and properly before the agency;

- (3) The agency determination must be a final adjudication subject to judicial review;
- (4) The estopped party was a party or in privity with a party to the prior agency determination; and
- (5) The estopped party was given a full and fair opportunity to be heard on the adjudicated issue.

Graham v. Special Sch. Dist. No. 1, 472 N.W.2d 114, 116 (Minn. 1991). Here, it is undisputed that (1) the maltreatment and criminal conviction issues Appellant attempts to litigate have already been addressed by the Commissioner's Decision of State Agency on Appeal; (2) the issue was properly brought before the Commissioner; (3) the Commissioner's decision was final; (4) Appellant was a party to the Commissioner's determination; and (5) Appellant was given a full and fair opportunity to be heard on the issues. As such, Appellant's claims are barred by collateral estoppel.

III. THE COMMISSIONER'S DECISION IS SUPPORTED BY THE EVIDENCE.

Under the umbrella of maltreatment, physical abuse is defined, in part, as "any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained the child's history of injures." Minn. Stat. § 626.556, subd. 2(k). Threatened injury is further defined as "a statement, overt act, condition or status that represents a substantial risk of physical or sexual abuse of mental injury, ... include[ing] ... exposing a child to a person responsible for the child's care, ..., who has (1) subjected a child to, or failure to protect a child from, an overt act or condition that constitutes egregious harm, as defined by section 260C.007, subdivision 14." Minn. Stat. § 626.556, Subd. 2(p). Egregious harm is defined, in part, as "the ... neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care." Minn. Stat. § 260C.007, Subd. 14.

As supported by the jury verdict, the decision of the Minnesota Supreme Court and the denial of multiple post-conviction petitions, the evidence proves beyond a reasonable doubt

Appellant murdered Amy Allwine. In addition, after murdering Amy Allwine and leaving her lying with a pool of blood around her head, Appellant brought the minor child to the family home and allowed J.L.A. to find his mother's deceased body lying on the floor. Appendix 13, p. 5. As cited by the Human Services Judge in the Decision of State Agency on Appeal (Appendix 14), these adjudicated factual findings preclude Appellant from relitigating the underlying murder case under the guise of a fair hearing in an administrative appeal. Based upon the adjudicated factual findings in the criminal case, the Human Services Judge correctly found all material facts necessary for determination of the maltreatment appeal had been adjudicated and supported the finding of maltreatment of a minor.

LAP

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