STATE OF MINNESOTA
IN COURT OF APPEALS
A21-0252

Mark Arnold Wadekamper, petitioner,
Appellant,

vs.

Commissioner of Public Safety,
Respondent.

Filed December 20, 2021
Affirmed
Reyes, Judge

Carver County District Court
File No. 10-CV-20-485

Richard L. Swanson, Chaska, Minnesota (for appellant)

Keith Ellison, Attorney General, Ryan Pesch, Assistant Attorney General, St. Paul, Minnesota (for respondent)

Considered and decided by Florey, Presiding Judge; Connolly, Judge; and Reyes, Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues on appeal that the district court failed to provide him meaningful due process by issuing an order sustaining the revocation of appellant's driver's license. We affirm.

FACTS

On June 3, 2020, police arrested appellant Mark Arnold Wadekamper for driving while impaired (DWI). Appellant had five prior impaired-driving incidents for offenses that occurred in 1974, 1977, 1983, 1986, and 1994. Because the June 2020 DWI was his sixth impaired-driving incident, respondent commissioner of public safety (the commissioner) sent appellant a notice and order of revocation revoking his driver's license for six years pursuant to Minn. Stat. § 169A.52, subd. 4(a)(6) (2018) (the license-revocation statute).

Appellant filed an implied-consent petition seeking judicial review and requested a hearing. The district court granted appellant a hearing at which he conceded that there were no factual disputes and that he had already pleaded guilty to the June 2020 DWI. Appellant stated at the hearing that he only wanted to raise the issue of the length of his six-year license revocation. He then told the district court that he only wanted to submit written briefs. The hearing ended with no additional testimony or oral argument.

Appellant submitted a written argument in the form of a letter to the district court, again challenging only the lawfulness of the six-year license-revocation period. He acknowledged that, under the license-revocation statute, the revocation period is not less than six years for a person with four or more prior impaired-driving offenses and conceded that he had more than four prior DWIs. Appellant nevertheless argued that his prior DWIs should not be considered in determining the length of his license revocation because the prior impaired-driving incidents were "stale." Appellant also argued, in a short, three-sentence paragraph, that the license-revocation statute requiring the district court to

consider all prior DWIs, without requiring a prior enhancement warning, violated due process. Appellant cited no legal authority in support of his due-process argument.

The district court rejected appellant's arguments and sustained the commissioner's license revocation. The district court first determined that, because the length-of-revocation issue is outside of the exclusive list of issues that the district court is authorized to review at an implied-consent hearing under Minn. Stat. § 169A.53, subd. 3(b), appellant could not raise it. *See Axelberg v. Comm'r of Pub. Safety*, 848 N.W.2d 206, 208-09 (Minn. 2014) (holding that issues a driver may raise at an implied-consent hearing are limited to those falling within topics listed in Minn. Stat. § 169A.53, subd. 3(b)). The district court then stated that the revocation period is mandated by the license-revocation statute and the commissioner had no discretion to ignore any qualifying prior impaired-driving offenses. The district court noted that appellant cited no legal authority for his claim that the lack of an enhancement-warning requirement in the license-revocation statute violated his due-process rights and declined to consider it. This appeal follows.

DECISION

Appellant's argument is difficult to understand, but he appears to argue, for the first time on appeal, that the district court did not provide him with a meaningful hearing to argue his case. We are not convinced.

As an initial matter, the commissioner argues that appellant raises a new procedural due-process issue that he did not raise before the district court. We agree. Appellant argued at the district court that the license-revocation statute permitting old DWI incidents to be used in imposing a six-year revocation period, *without an enhancement warning*, violated

his due-process rights. Appellant now appears to argue on appeal that his procedural due-process rights were violated because he did not receive *a meaningful hearing* at which to argue his case. Appellant never argued or raised that issue before the district court. As an error-correcting court, we generally do not consider issues that are raised for the first time on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). We also generally decline to address constitutional issues that were not raised before the district court. *See In re Welfare of C.L.L.*, 310 N.W.2d 555, 557 (Minn. 1981). Nevertheless, because the record is clear on this issue, we will address appellant's procedural due-process argument.

Appellant appears to argue that the district court denied him procedural due process by denying him a meaningful hearing. Whether the government violated a person's procedural due-process rights is a question of law that we review de novo. *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012). The United States and Minnesota Constitutions prohibit the state from depriving any person of liberty or property without due process of law. U.S. Const. amend. XIV; Minn. Const. art. I, § 7. The suspension of a driver's license implicates a property interest that triggers due-process protections. *See Mackey v. Montrym*, 443 U.S. 1, 12 (1979). Due process generally requires "adequate notice and a meaningful opportunity to be heard." *Staeheli v. City of St. Paul*, 732 N.W.2d 298, 304 (Minn. App. 2007) (citing *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)).

Here, appellant received a meaningful opportunity to be heard. The district court granted his request for an implied-consent hearing after the commissioner revoked his license. Appellant had an opportunity to argue his case before the district court. At the hearing, appellant stated that "the only issue was the length of his license revocation" and

told the district court that he just wanted to submit briefs. The district court allowed appellant to submit a written argument after the hearing, which he did in the form of a letter. Appellant therefore had every opportunity to argue his case before the district court in both oral and written form. He received a meaningful hearing and all the procedural due process to which he was entitled.

To the extent that appellant's argument on appeal could be construed as a challenge to the district court's denial of his constitutional claim that the lack of an enhancement warning violated his due-process rights, appellant's argument still fails. In his letter to the district court, appellant's only explicit reference to his due-process claim is a single line stating that "The legislation . . . permitting the use of incidents over twenty years ago to be used, without an enhancement warning, as a lifelong stepping stone for six years of ignition interlock is a violation of due process."[1] The district court declined to address appellant's due-process challenge because he cited no legal authority in support of his position. Courts do not consider claims that are unsupported by argument or citation to legal authority. *See Stephens v. Bd. of Regents*, 614 N.W.2d 764, 769 (Minn. App. 2000), *rev. denied* (Minn. Sept. 26, 2000). We therefore discern no error in the district court's rejection of appellant's undeveloped constitutional challenge.

Affirmed.

[1] "The legislation" appellant refers to here appears to be the license-revocation statute, Minn. Stat. § 169A.52, subd.4(a)(6).