

15.1 INTRODUCTION

Judicial review of state agency actions in contested cases is most frequently accomplished under the Administrative Procedures Act (APA). Procedures for both obtaining review and limiting the scope of review are enumerated in the APA. Review under the APA is not exclusive, however: it does not prevent the use of other means of review or trial de novo, as may be provided by law.¹ Some statutes provide different procedures for, or avenues of, judicial review. Resort to extraordinary writs or injunctive or declaratory proceedings may also be necessary in some instances.

A contested case is a judicial or quasi-judicial proceeding. For purposes of the APA, it is “a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing.”² Actions of a legislative nature are also subject to judicial review, but a more limited scope of review gives the agency much greater latitude.³ It is therefore to the advantage of the party challenging the agency action to have the action characterized as quasi-judicial rather than legislative.

There is a presumption in favor of judicial review of agency decisions, even if no review is provided by statute.⁴ Liberal interpretations of the “contested case” definition and of appellate jurisdiction are followed in order to ensure a forum for review.⁵

¹ MINN. STAT. § 14.63 (2014); *see Ramsey Cnty. v. Minn. Pub. Utils. Comm'n*, 345 N.W.2d 740, 743 (Minn. 1984).

² MINN. STAT. § 14.02, subd. 3 (2014).

³ *In re Request of Interstate Power Co. for Authority to Change Rates*, 574 N.W.2d 408, 413 (Minn. 1998) (limiting standard of review to whether agency exceeded its statutory authority); *St. Paul Area Chamber of Commerce v. Minn. Pub. Serv. Comm'n*, 312 Minn. 250, 262, 251 N.W.2d 350, 358 (1977).

⁴ *See Minn. Pub. Interest Research Grp. v. Minn. Env'tl. Quality Council*, 306 Minn. 370, 381, 237 N.W.2d 375, 382 (1975); *Kleven v. Comm'r of Pub. Safety*, 399 N.W.2d 153, 155 (Minn. Ct. App. 1987) (recognizing that presumption of judicial review can be overcome where legislative intent of non-reviewability can be demonstrated); *Neujahr v. Ramsey Cnty. Civil Serv. Comm'n*, 370 N.W.2d 446, 448 (Minn. Ct. App. 1985) (“Preclusion of judicial review of administrative actions is not lightly inferred. The fact that a statute provides review of some acts is not sufficient to infer that other acts are not reviewable.”).

⁵ *Minn. Pub. Interest Research Grp.*, 306 Minn. at 380-81, 237 N.W.2d at 381-82; *Minn. Pub. Interest Research Grp. v. N. States Power Co.*, 360 N.W.2d 654, 656 (Minn. Ct. App. 1985).