

## Advisory Memorandum

To: Complainants and Respondents

From: Danielle Shelton Walczak  
Director, Complaint Investigations Division  
Minneapolis Department of Civil Rights

Date: February 1, 2018

Subject: *Minneapolis Code of Ordinances, Title 7 Amendments; Service and Response*

### **Expiration**

This memorandum does not expire unless superseded by another technical memorandum or the passage of ordinance amendments regarding the same topic.

### **Implementation**

This Advisory Memorandum is effective immediately and shall affect all cases filed with the Complaint Investigations Division on or after February 1, 2018.

### **Introduction**

This Technical Memorandum contains information concerning respondents' deadline to file a written position statement, failure to do so, and ability to cure.

### **Purpose**

The purpose of this memorandum is to facilitate compliance with the amendments to the Minneapolis Code of Ordinances Title 7 (Civil Rights Ordinance) which passed in December 2017.

### **Applicable Ordinance Amendment**

Minneapolis Code of Ordinances, Title 7, Section 141.50(e) states in pertinent part: that a respondent who fails to respond with a written position statement within twenty (20) days after receipt of service of the complaint is in default. "A respondent who is in default may cure the default by filing a written position statement or requesting a reasonable extension of time to do so. If the respondent does not

cure the default within 10 days, the director may deem the allegations of the complaint admitted and issue a determination of probable cause.”

### **Guidelines**

Upon service of a Complaint, there is an expectation that respondents file a response to the allegations in the form of a written position statement. The position statement must be filed with this office within twenty (20) days of service.

If a respondent does not file their position statement within the allotted time, the respondent will be deemed to be in default. The department will provide a notice of default to the parties involved.

The respondent has ten (10) days to cure the default, either by providing a written position statement or requesting a reasonable extension of time to file their statement. The ten (10) day default window begins accruing on the day after a position statement is due-on the twenty-first (21) day, regardless of when the respondent receives a default notice letter from the department.

If the respondent requests a reasonable extension of time to cure the default, Respondent should be prepared to explain:

1. Why the extension is necessary, and
2. Why they have chosen the particular amount of time requested.

All time extensions must be approved by the department. The department will provide a written confirmation of the extension to all applicable parties.

If the respondent fails to cure the default the Director has within her power to deem the complainant's allegations as admitted by respondent and issue a determination of probable cause against the respondent.

### **Questions**

Any questions regarding the technical provisions of this memorandum can be addressed at the following:

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Complaint Investigations Division

Minneapolis Department of Civil Rights  
612-673-2091