

5000.0550 PRIVATE CIVIL ACTION; NOTICE TO DEPARTMENT.

When a person who has filed a verified charge as provided in part 5000.0400 indicates to the commissioner an intent to bring a private civil action in the matter pursuant to Minnesota Statutes, section 363A.33, subdivision 3, the commissioner shall suspend processing of the charge and request the charging party to execute, within 30 days, either:

A. a statement of withdrawal signed by the charging party or attorney of record declaring that a private action will be commenced within 90 days of the initial notice; or

B. a request to resume processing the case to a disposition consistent with other provisions of the statute and parts 5000.0050 to 5000.2400.

If neither is received within 30 days of delivery of the request to the charging party, the commissioner shall process the case as consistent with the provisions of the act and parts 5000.0050 to 5000.2400.

A copy of a summons and complaint served upon the respondent, whether submitted to the commissioner by the charging party, the respondent, or obtained from the court administrator in which it was filed, shall be sufficient to permit the commissioner to terminate all proceedings in the department relating to the charge.

Statutory Authority: *MS s 363.05; 363A.06*

History: *11 SR 740; L 1986 1Sp3 art 1 s 82*

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