

**5000.0800 CONCILIATION AND SETTLEMENT.**

Subpart 1. **Invitation to conciliation.** When the commissioner has determined after investigation that there is probable cause to believe that the respondent has engaged in an unfair discriminatory practice, the commissioner shall serve upon the respondent by certified mail a written notice of the determination which may include a written invitation to participate in a conciliation conference, as provided in part 5000.0580, subpart 2, for the purpose of attempting to eliminate the unfair discriminatory practice by informal means. The invitation shall set a ten-day limitation on the time in which the respondent shall respond to the invitation. For good cause the commissioner may grant an extension of time.

Subp. 2. **Termination of conciliation.** If a respondent fails or refuses to respond to the commissioner's invitation to participate in a conciliation conference, or if the respondent fails or refuses to make a good faith effort to conciliate, the commissioner may terminate attempts to conciliate the matter and shall issue a complaint in accordance with the act and parts 5000.0050 to 5000.2400, unless the commissioner determines to dismiss the charge pursuant to part 5000.0400, subpart 6, 5000.0520, or 5000.0540. Conciliation efforts may be resumed at any time upon written request of the commissioner to the respondent.

Subp. 3. **Settlement agreements.** The commissioner and a respondent may at any time enter into an agreement or stipulation to conciliate, settle, or compromise the subject matter of a charge or a complaint. The agreement or stipulation may provide for the commissioner to waive the right to proceed against the respondent under the act and for the respondent to take such affirmative actions as may effectuate the purpose of the act. The affirmative actions may include, but are not limited to, the payment of money damages, the hiring, reinstatement, or upgrading of an aggrieved person, or the sale or lease of real property. Any agreement entered into by the commissioner and the respondent shall be reduced to writing and is enforceable in the same manner as a final decision of the department. An administrative law judge may issue an order embodying the terms of any agreement or stipulation entered into by the commissioner and a respondent. The order is enforceable as a final decision of the department.

Subp. 3a. **Monitoring agreements.** The commissioner shall monitor all settlement and conciliation agreements requiring specific performance. If the commissioner believes a respondent may not have complied with an agreement, the commissioner shall notify the respondent by certified mail. The notice shall specify the part of the agreement the respondent is believed to have violated. After permitting the respondent 15 days after the receipt of the notice to respond, the commissioner shall commence investigation of the respondent's possible noncompliance with the agreement. If noncompliance is determined, the commissioner shall commence proceedings to enforce the agreement, unless the commissioner determines that to do so would not warrant use of department resources.

Subp. 4. **Confidentiality.** The commissioner shall not disclose any information concerning efforts to eliminate an unfair discriminatory practice by way of conciliation, except as provided by Minnesota Statutes, sections 363A.06, subdivision 4, and 363A.35.

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

**History:** *L 1984 c 640 s 32; 11 SR 740*

**Published Electronically:** *June 11, 2008*