300.75 PROCEDURE WHEN RESPONSE RECEIVED.

Subdivision 1. **Preliminary determination.** (a) If the filer responds within the period under section 300.73, the office must further investigate the allegations in the declaration and information in the response and make a preliminary determination regarding whether the filing named in the declaration is fraudulent.

(b) The office may request additional information from the complainant and the filer if necessary to make the preliminary determination.

Subd. 2. **Notice of preliminary determination.** The office must send notice of the preliminary determination to the complainant and the filer in the manner described under section 300.72. Notice is deemed received in the manner described under section 300.72.

Subd. 3. **Response.** After notice is received, the nonprevailing party must respond to the preliminary determination within ten calendar days with additional information or evidence in support of the nonprevailing party's position. The prevailing party may send additional information or evidence within the same time period. The response must be received by the office within the time period provided under this subdivision.

Subd. 4. **Procedure if no second response is received.** If the nonprevailing party does not respond as required under subdivision 3, the preliminary determination becomes final and the office must issue a final order under section 300.76.

Subd. 5. **Procedure if second response is received.** If the nonprevailing party responds as required under subdivision 3, the office must consider the additional information provided, make a final determination regarding whether the filing named in the declaration is fraudulent, and issue a final order under section 300.76.

Subd. 6. **Factors.** When making a preliminary or final determination under this section, the office may consider various factors, including but not limited to:

(1) whether the office has previously received declarations of wrongful filing or issued final orders relating to the business, the filer, or the complainant;

(2) the previous filing history relating to the business, the filer, or the complainant;

(3) whether the filer or complainant failed to respond to a request for additional information; and

(4) whether the office is able to independently verify the information provided by the filer or complainant using publicly available information.

History: *2025 c 39 art 5 s 9*