

October 15, 2007

Via: Fax to 651-361-7936

Office Of Administrative Hearings
600 North Robert Street
St. Paul, Minnesota

**RE: Robert Schmidt and Stephan Flister,
Complainants,
vs.
Candidate Rebecca Cave and the Maplewood Firefighters Association, Inc.,
Respondents.**

Dear OAH:

On behalf of myself, Rebecca Cave, I am asking for reconsideration of the determination set forth in the FINDINGS OF FACT, CONCLUSIONS, AND ORDER in the above referenced matter pertaining to Complainant, Cave. I represent myself and do not submit this request for reconsideration on anyone's behalf other than my own.

I would like to list the reasons the OAH should reconsider their determination as to Rebecca Cave in the above matter:

1. In the September 14, 2007 Probable Cause Order, the Court stated that the Maplewood Voters Coalition was to provide evidence of being a legal entity or the matter would proceed with Robert Schmidt as the Complainant. Sometime after this order, Stephen Flister requested to be added as a Complainant, citing no reason for his request other than he wanted to. I objected on the basis that Mr. Flister did not present a proper petition for his request, was not an attorney, his request was not properly served, and he failed to show how his legal rights, duties or privileges would be determined or affected by the outcome of the case or why his participation was authorized or if he had a statutory right to intervene. Further, I objected in a responsive email when Mr. Flister's request (with no substantiation) was circulated by email. Mr. Flister has also failed to show how his legal rights, duties, privileges or damages are any different from Mr. Schmidt. The court in its final Order did not address the issue of whether Maplewood Voters Coalition provided evidence of being a legal entity, Mr. Flister's request to be added as a party, the basis for Mr. Flister's request, the fact that I objected and the basis for my objection, and the ruling of the court on this matter and why. I believe it was improper to add Mr. Flister the day of the hearing on many legal grounds and the court's adding Mr. Flister at the evidentiary hearing prejudiced my ability to properly defend my good name, conduct additional crucial

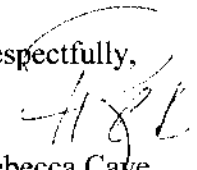
investigation and his last minute addition as a Complaint injured my campaign during a critical period.

2. At the evidentiary hearing, I brought it to the Court's attention that I had not been served, and did not receive, the additional exhibits and the witness list of the Complainants. Complainants claim they served me at City Hall. City Hall is neither my place of business or my home. Maplewood City council is a part time council in a plan B city. We don't even have a real office at City Hall or take telephone calls at City Hall! Because I never saw the packet of new "evidence", I asked for a continuance so I could properly defend my good name. This request was denied and I was handed the packet of information and told I had 40 minutes to look at it. This did not give me the adequate opportunity to subpoena people not present at the hearing whose statements were then used as "evidence" nor was I able to round up rebuttal information. Therefore, the "evidence" submitted by Complainants was left unchallenged and their argument was in part based upon crucial false assumptions. My request to the Court for a continuance and the basis for my request was not acknowledged in the court order or ruled upon with a rational basis. I believe the improper service and lack of sufficient time to review the exhibits and additional evidentiary information of the complainants prejudiced my ability to properly defend my good name and injured my campaign during a critical period.
3. At the evidentiary hearing, I objected to the Star Tribune survey being classified as "campaign material" under the law. I stated I felt it was an exception under the news items exception. My objection was not acknowledged in the court order or ruled upon with a rational basis settling forth why the Star Tribune survey, which the Star Tribune subsequently corrected, is campaign material under the law and subject to further analysis in this matter. Is a newspaper publication campaign material under MN 211B.01 Subd. 2?
4. It is my position that the Complainants have not met their burden of proof as to my state of mind. The evidence presented at the evidentiary hearing did not sufficiently compel the final order and penalty issued. I am not the same as the Maplewood Fire Fighter's Association Inc. and that organization's state of mind as to if some act was done knowingly, purposely or recklessly is not the same as mine. I do not belong to the organization. Further, I provided the Court with my paid campaign materials (my mailers) that were distributed to Maplewood voters which clearly state I was endorsed by the Maplewood Fire Fighter Association, Inc. A analysis of the alleged knowingly, intentional or reckless mind set was not sufficient.

Over all, I was not treated fairly under the rules of procedure and they were not followed in a standard and consistent manner. Among other things, most important fundamental constitutional guarantees were not granted, including but not limited to my first amendment rights, my ability to campaign and my ability to be involved in political

debate or discussion. I believe this order has chilled the political debate in our community in many ways including side tracking the discussion from significant issues important in Maplewood and to intimidating my supporters. Many of my supporters are fearful that they are next and that they will be retaliated against by the Maplewood Voters Coalition who have systematically been aggressively showing up at people's doors, waving the court order around in the face of supporters and defaming my good name and campaign. Finally, I request that the fine assessed in this matter be due after January 1, 2008 because of financial hardship. My family of 7 lives on the primary full time income of my husband and my part-time income.

Respectfully,



Rebecca Cave

cc.

Robert Schmidt, Chairman

Stephan Flister, Member

Mark Wersal, Attorney at Law

on behalf of the Maplewood Firefighters Association, Inc.