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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A11-623**

In re the Marriage of:  
Bronwen Remich Compagnon n/k/a Bronwen Remich Tynndol, petitioner,  
Respondent,

vs.

Jean-Charles Vincent Compagnon,  
Appellant .

**Filed October 31, 2011  
Affirmed  
Peterson, Judge**

Hennepin County District Court  
File No. 27-FA-000270724

Bronwen Remich Tynndol, Minneapolis, Minnesota (pro se respondent)

Jean-Charles Vincent Compagnon, Edina, Minnesota (pro se appellant)

Considered and decided by Johnson, Chief Judge; Peterson, Judge; and Larkin,  
Judge.

**UNPUBLISHED OPINION**

**PETERSON**, Judge

In this child-support dispute, pro se appellant-father argues that the district court erred in denying his motion to reduce his child-support obligation and in reinstating

retroactively the prior support obligation, which had been temporarily reduced. We affirm.

## FACTS

The parties are the parents of one minor child. In 2008, appellant-father Jean-Charles Vincent Compagnon's child-support obligation was reduced to \$248 per month with a medical support offset of \$86 based on father earning a gross monthly income of \$7,797 and respondent-mother Bronwen R. Compagnon, n/k/a Bronwen R. Tynndol, earning a gross monthly income of \$5,287.

In August 2009, father moved to modify child support, claiming that he was unemployed and receiving \$549 per week in unemployment benefits. In an October 2009 order, the child-support magistrate (CSM) (1) reduced father's child-support obligation to \$58 per month and set his medical-support obligation at \$100 based on father's receipt of unemployment benefits and mother's gross monthly income of \$1,690 and (2) continued the matter for review. In a December 2009 order, the CSM ordered father to provide verification of a diligent job search and any employment and all income received and again continued the matter for review.

In a June 2010 order, the CSM found:

8. [Father] testified that he has done some cash jobs during the last three months and earned about \$500 over that period.

9. [Mother] testified, and [father] admitted, that he had done some work for a company called M Design earning \$50 per hour. [Father] claimed to have received a total of \$462.50 in October 2009 for work done in September of that year. This income was not reported at the 12/2/2009 hearing.

10. [Father] also admitted that he is claiming one-half of his [second] spouse's business, Lucky Banana, in their dissolution proceeding. In several previous hearings in this matter, [father] has denied any interest in that business. He now states that he "discovered" he is a partner and entitled to one-half of the business income which was reportedly close to \$40,000 in 2009.

11. The cash income received by [father] is not, at least as reported, significant enough to materially alter the child support obligation. The income from Lucky Banana would affect the support although it is not clear that it has actually been received yet. However, [father's] lack of candor regarding his income is a concern and calls into question his present claims regarding his financial circumstances.

The CSM ordered:

3. *[Father] shall provide:* verification of a diligent job search; verification of any employment; verification of all income received; copies of tax returns, business and personal, for the years 2008 and 2009 including all schedules and attachments.

4. *If [father] fails to provide the verification* set forth above at the next hearing, the prior support amount may be reinstated.

Following an evidentiary hearing, in a December 2010 order, the CSM found:

12. [Father] provided his individual 2009 tax return. [Father] failed to provide his business 2008 and 2009 tax returns. [Father] failed to provide his individual 2008 tax return. [Father] provided a profit and loss statement for 2010 indicating a loss of approximately \$4,000.

13. [Father] failed to comply with the order requiring him to provide documentation regarding his economic circumstances. The court draws an adverse inference regarding [father's] assertions of minimal income and reduced earning capacity based upon [father's] failure to provide his economic data. . . .

14. [Father] claims that he is unemployed and also self-employed with a business through the internet selling wigs. [Father] failed to initially disclose that he also has an internet business selling computers as well as computer parts. [Father's] profit and loss statement does not include income from his computer business. [Father] indicated that the profit and loss statement reflected income from his business regarding wigs.

15. [Father] with his prior spouse maintained an internet business selling wigs. [Father] recently went through a dissolution in his second marriage. [Father] in his child support hearings had indicated that the internet business was his spouse's and in the dissolution claimed that the business was half his.

16. [Father] failed to provide accurate verification of his economic circumstances. [Father] willfully deceived the Court regarding his economic circumstances and sources of income by withholding information regarding his computer internet business. [Father] failed to establish that his income has reduced such that his support should be modified.

Based on father's previous gross monthly income of \$7,797, the CSM found that father's basic support obligation was \$566 per month and reinstated the \$248 monthly support amount in effect before father brought his August 2009 motion to modify. The CSM made the order retroactive to September 2009 and also ordered father to pay \$128 for his proportionate share of the child's health-care coverage and 81% of unreimbursed medical expenses.

Father sought review of the CSM's decision in district court. Except for correcting a typographical error, the district court denied father's motion. This appeal followed.

## DECISION

### I.

When a district court affirms a CSM's decision, the CSM's decision becomes the district court's decision, and this court reviews the district court's decision. *Kilpatrick v. Kilpatrick*, 673 N.W.2d 528, 530 n.2 (Minn. App. 2004). Child-support matters are within the district court's discretion, and its decision will not be reversed absent an abuse of discretion. *Blonigen v. Blonigen*, 621 N.W.2d 276, 282 (Minn. App. 2001), *review denied* (Minn. Mar. 13, 2001). An abuse of discretion occurs only if the district court resolved the matter in a manner that is against logic and the facts on record. *Putz v. Putz*, 645 N.W.2d 343, 347 (Minn. 2002).

The terms of a child-support order may be modified upon a showing of a substantial change in circumstances that makes the terms of the previous support order unreasonable and unfair. Minn. Stat. § 518A.39, subd. 2(a) (2010). The moving party bears the burden of proof in a child-support-modification proceeding. *Bormann v. Bormann*, 644 N.W.2d 478, 481 (Minn. App. 2002). If application of the child-support guidelines to the parties' current circumstances results in a guideline child-support obligation at least 20% and \$75 different from the existing child-support obligation, it is presumed that there has been a substantial change in circumstances, and there is a rebuttable presumption that the existing child-support obligation is unreasonable and unfair. Minn. Stat. § 518A.39, subd. 2(b)(1) (2010). "When the 20%/\$75 difference is shown, the presumption of substantial change arising therefrom is irrebuttable." *Rose v. Rose*, 765 N.W.2d 142, 145 (Minn. App. 2009).

Father argues that if the district court correctly found that his child-support obligation should be \$566, the court erred in denying father's modification motion because \$566 is more than 20% and \$75 different from the \$248 support obligation in effect when he brought his modification motion. Minn. Stat. § 518A.39, subd. 2(a), states that the district court "may" modify child support upon a showing that a substantial change in circumstances makes the previous order unreasonable and unfair. By using the word may, the statute grants the district court discretion to decide whether to modify child support, even when there has been a substantial change in circumstances. *See* Minn. Stat. § 645.44, subd. 15 (2010) ("May' is permissive."). The presumption that a substantial change makes the existing support obligation unreasonable and unfair is rebuttable.

Because applying the child-support guidelines to the parties' current circumstances results in a child-support obligation that is higher than the \$248 support obligation that father moved to reduce, the district court did not abuse its discretion by denying father's motion and reinstating the \$248 support obligation. The substantial change in the parties' circumstances, which results in a \$566 support obligation for father under the child-support guidelines, is not, by itself, a basis for concluding that the lower \$248 support obligation is unreasonable and unfair to father.

## **II.**

Father does not dispute that the district court has authority to reinstate a child-support obligation retroactively. *See* Minn. Stat. § 518A.39, subd. 2(e) (2010) (stating that support may be modified retroactive from date of service of notice of motion to

modify support). But he argues that he complied with the district court's order to provide his 2008 and 2009 tax returns, and, therefore, the district court erred in drawing "an adverse inference regarding [father's] assertions of minimal income and reduced earning capacity based upon [father's] failure to provide his economic data."

"A party has a duty to supply financial information in a proper fashion to the [district] court. Failure to do so justifies adverse inferences." *Spooner v. Spooner*, 410 N.W.2d 412, 413 (Minn. App. 1987). Father states that he provided his 2008 and 2009 personal tax returns and could not provide business tax returns for those years because they do not exist.

Father did submit his joint tax return for 2008. But there is evidence supporting the finding that father misrepresented his income, including his failure to disclose that he was seeking an interest in Lucky Banana in the dissolution proceeding involving his second wife and his failure to disclose his involvement in another internet business. In addition, the following discussion took place at a November 1, 2010 hearing:

MOTHER: The TPDC Services – the information that [father] provided today to the court, he actually filed an assumed name with the state on 4-13 of 2010. This business was started actually before the last hearing, and he never divulged that information at the last hearing. [Father] also has two domains registered under his name, both Uncle Buck's and Jessy Dus. . . . He's using both of these domains to sell products online. As he stated earlier, he does sell wigs. And through TPDC, according to the website, states that he will do many services, one of which is recycling computer equipment, and that computer equipment is sold through Uncle Buck's Garage and Jessy Dus. And according to E-Bay dated 10-27-2010, he sold at least 227 products at an average price of \$40 a product.

In addition, the wig business that he has now, it is similar, if not identical, to the Lucky Banana that both he and his [second] ex-spouse ran. Their gross margin was 30 percent and with each item averaging – he has wigs selling for upwards of \$180 a wig.

THE COURT: All right. So, [father], do you want to tell me about the Uncle Buck's and Jessy Dus?

FATHER: Yes. They're the name that I sell the wigs and, like she said, some other things that I can, some computer parts.

THE COURT: So I asked you what the business did, did I not?

FATHER: Mostly wigs.

THE COURT: Okay. And you didn't disclose that it has anything to do with your past IT background.

FATHER: I also – I try to keep cats.

THE COURT: [Father], I am just going to note the last magistrate found that you lied. Okay? They were concerned about your candor. I asked you specifically about the information regarding the business. You didn't give me the entirety of the information. Okay? Omission can be considered inappropriate. It can be considered a lie. This is all about economic circumstances. If you don't disclose your circumstances, the court will determine that you are not being forthright and will make an order accordingly.

Appellant argues that he “did not mislead the Court as to his income” and that “[a]ll income was reported and disclosed to the Court.” This argument challenges the district court's assessment of the credibility of the evidence presented by father. This court defers to the district court's credibility determinations. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988).

Citing *In re Livingood*, 594 N.W.2d 889, 895-96 (Minn. 1999) (stating that appellate court may consider uncontroverted documentary evidence not presented to district court when it supports district court's decision), mother seeks to supplement the record with copies of PayPal account statements for business accounts in father's name.

It is not apparent from the statements that the transactions shown represent income to appellant. Therefore, we will not consider them.

**Affirmed.**