

November 24, 2025

**VIA EMAIL ONLY**

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**VIA EMAIL ONLY**

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Steele County Attorney's Office  
303 S Cedar Ave  
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**Re: *In the Matter of Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman vs Steele County***  
**CAH 22-0305-40882**

Dear Parties:

Enclosed and served upon you please find the **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** in the above-entitled matter. The Court of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7970, [cara.hunter@state.mn.us](mailto:cara.hunter@state.mn.us), or via facsimile at (651) 539-0310.

Sincerely,



CARA HUNTER  
Legal Assistant

Enclosure

cc: Docket Coordinator  
Tamar Gronvall

STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of Owatonna East Side  
Corridor Residents c/o Matt Sennott &  
Melissa Zimmerman vs. Steele County

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER**

This matter came before Administrative Law Judge Christa L. Moseng for a hearing on October 10, and 17, 2025. The first day of the hearing took place remotely and exclusively involved procedural matters. The second day of the hearing took place at the Steele County Administration Building, 630 Florence Avenue, Owatonna, Minnesota. Both parties filed written closing arguments on November 7, 2025, at which time the hearing record closed.

Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman (Complainants) appeared on their own behalf and without counsel. Mary Haasl and Margaret Skelton, Ratwik, Roszak & Maloney, P.A., appeared on behalf of Steele County (Respondent or County).

On May 30, 2025, Complainants filed a Data Practices Complaint (Complaint) with the Court of Administrative Hearings alleging that the County violated the Minnesota Government Data Practices Act (MGDPA or Act).<sup>1</sup> On June 3, 2025, the undersigned issued an order requiring Complainants to file an amended version of the large exhibit attachment to the Complaint limited to MGDPA claims, serve a copy on the County, and stayed the County's response deadline until the amended attachment were served on the County.<sup>2</sup>

Complainants filed amended attachments to the Complaint on June 17, 2025.<sup>3</sup> Complainant served the MGDPA Complaint and amended supporting evidence on the County on July 16, 2025.<sup>4</sup> The County filed a request for an extension of their response deadline on July 25, 2025.<sup>5</sup> The Judge granted the County an extension of seven days for its response, and the County timely filed an Answer to the Complaint on August 15, 2025.<sup>6</sup>

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<sup>1</sup> Minn. Stat. §§ 13.01–.99 (2024).

<sup>2</sup> Order Ensuring Expeditious Service of Complaint Under Minn. Stat. § 13.085, subd. 2(d) (Jun. 3, 2025) (a more detailed discussion of the procedural posture is included in the attached Memorandum).

<sup>3</sup> Complaint and amended supporting evidence (June 17, 2025).

<sup>4</sup> Complainant Affidavit of Service (Jul. 18, 2025).

<sup>5</sup> Motion to Extend Deadline to File a Response (Jul. 25, 2025).

<sup>6</sup> Order Granting Extension for Time to File a Response (Aug. 1, 2025); Notice of Motion and Motion to Dismiss (Aug. 15, 2025).

On September 15, 2025, the Judge determined that Complainant's claims against Respondent for violations of Minn. Stat. § 13.03, subd. 2(a) and 3 were supported by probable cause and would proceed to a hearing.<sup>7</sup>

Complainant's exhibits 1-44 were received into evidence. Respondent's exhibit marked 100, with attachments marked 100A-100K, was received into evidence.

### **STATEMENT OF THE ISSUES**

1. Did Respondent violate Minn. Stat. § 13.03, subd. 3, by charging a fee in response to a request to inspect public government data?
2. Did Respondent violate Minn. Stat. 13.03, subd. 2(a) by failing to put in place procedures that ensured prompt and appropriate responses to requests for public data?
3. If so, what remedy is appropriate to address the violation(s)?

### **SUMMARY OF CONCLUSIONS**

Respondent violated Minn. Stat. § 13.03, subd. 3 by informing Complainants, who requested access to government data for purposes of inspection only, that payment of a \$0.25 fee for any photographs taken of the data was required. The County admitted it violated the MGDPA and has remedied the violation by eliminating this procedure.

Respondent's procedure of addressing multiple requests for government data from a single requestor exclusively in the order in which those requests were received violated Minn. Stat. § 13.03, subd. 2(a), because it resulted in responses to requests that were not prompt, as required by statute. The County has remedied this by moving to a more flexible procedure that allows smaller data requests to be handled more rapidly.

Respondent's procedure for responding to requests submitted to the Responsible Authority resulted in multiple inappropriate responses to data requests in violation of Minn. Stat. § 13.03, subd. 2(a).

Based on the record and pursuant to Minn. Stat. §§ 13.085, subd. 5(a)(3) and (b), a \$300 civil penalty is assessed against the County.

The Complainants have substantially prevailed in this matter. Under Minn. Stat. § 13.085, subd. 6(c), \$950 of their original filing fee will be refunded and the County will be billed for the Court's costs in conducting this matter, up to a maximum of \$1000.<sup>8</sup>

Based on the evidence in the hearing record, the Judge makes the following:

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<sup>7</sup> Notice of Probable Cause Determination and Order for Prehearing Conference (Sep. 19, 2025).

<sup>8</sup> Minn. Stat. § 13.085, subd. 6(c).

## FINDINGS OF FACT

### I. Background

1. Steele County is located in Southeastern Minnesota and contains both the City of Owatonna and Owatonna Township within its borders.<sup>9</sup> The County is involved in an ongoing infrastructure project known as the East Side Corridor Project (ESC Project or Project).<sup>10</sup>

2. The goal of the ESC Project is to build a new road along the eastern edge of the City of Owatonna, largely within Owatonna Township.<sup>11</sup> The project aims to reroute traffic out of the city center and onto this new road.<sup>12</sup>

3. Residents who live near the proposed location of the new road have organized to advocate and provide input regarding the ESC Project.<sup>13</sup>

4. Complainants made multiple requests to the County for government data in connection with the ESC Project under the MGDPA.<sup>14</sup>

5. Robert Jarrett (County Attorney Jarrett) is the County Attorney in Steele County, the Responsible Authority for the County under the MGDPA, and the County's Data Practices Compliance Officer.<sup>15</sup> Renae Fry (County Administrator Fry) is the Steele County Administrator and is the formal Designee under the MGDPA for the County's Administration department.<sup>16</sup>

6. The County's MGDPA procedures and guidelines were formally updated by the Steele County Board on August 12, 2025.<sup>17</sup> Prior to that, the last update to the MGDPA procedures and guidelines took place on August 1, 2019.<sup>18</sup> The MGDPA procedures and guidelines form an "overarching policy" for data practices in Steele County.<sup>19</sup>

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<sup>9</sup> See Steele County Demographics and Geography, [https://www.steelecountymn.gov/visitors/about\\_steele\\_county/facts\\_and\\_figures.php](https://www.steelecountymn.gov/visitors/about_steele_county/facts_and_figures.php) (last visited Nov. 17, 2025).

<sup>10</sup> See Exhibit (Ex.) 9.

<sup>11</sup> Ex. 13 at ESC-67.

<sup>12</sup> Ex. 43 (Showing a local news report discussing the overall purpose of the East Side Corridor Project as well as responses from the public to it.).

<sup>13</sup> See Ex. 45; *and* Complaint at 3 (May 30, 2025) (The two named Complainants, Matt Sennott and Melissa Zimmerman "are representing a group of 60 (i.e. East Side Corridor Residents) residents and 500+ petition signers who support our cause of getting access to public data via our data request(s).").

<sup>14</sup> See, e.g. Steele County's Post-Hearing Brief at 1 (Nov. 7, 2025) ("Steele County ("County") received eleven data requests and one preservation request under the Minnesota Government Data Practices Act ("MGDPA") from Complainants Matt Sennott, Melissa Zimmerman, and the Owatonna East Side Corridor Residents (hereinafter, "Complainants") from October 2024 through July 2025.").

<sup>15</sup> Ex. 100A at 33; Ex. 37 at ESC-278.

<sup>16</sup> Ex. 100A at 33; Ex. 37 at ESC-278.

<sup>17</sup> Test. Fry; Ex. 38 at ESC-244.

<sup>18</sup> Ex. 100B; Ex. 37 at ESC-196.

<sup>19</sup> Testimony of Renae Fry (Test. Fry).

7. Under the August 12, 2025 procedures, data requests made to the County are first routed to County Administrator Fry, who determines whether they can be answered solely with public-facing or other easily accessible data, or if further work with specific departments or staff will be necessary.<sup>20</sup> If a request involves only easily accessible or public facing documents, County Administrator Fry can often complete the request entirely on her own.<sup>21</sup>

8. More complicated requests, on the other hand, require coordinating with other departments, in particular the information technology (IT) Department.<sup>22</sup> The County Attorney's office is also involved in reviewing data requests to ensure coordinated, uniform responses and to review for private or otherwise non-public data.<sup>23</sup>

9. Currently, the IT Department employs four people, though one is assigned full-time to supporting the MNPrairie Human Services organization.<sup>24</sup> The County IT Department is involved in data requests because the County uses Microsoft Onedrive for backups of its government data.<sup>25</sup>

10. Onedrive is a "cloud-based storage tool" used to create a backup of "anything that is generated electronically within the county."<sup>26</sup> Every County employee has an account on Onedrive. This results in a massive database, but access to that data is limited such that each employee can access only the data needed for their work.<sup>27</sup> In order to search for government data across multiple, or all, individual accounts, assistance from the IT Department is required.<sup>28</sup>

11. The IT Department is able to perform keyword searches in order to create a pool of possibly-responsive data for a given data request.<sup>29</sup> This data must then be reviewed by County Administrator Fry or the County Attorney's office in order to ascertain (1) whether it is, in fact, responsive to the request in question and (2) whether it contains any data that cannot be provided under law.<sup>30</sup>

12. The County's policy was to require a fee of \$.25 for every copy of a document a requester made, including creating the copy with their own camera.<sup>31,32</sup>

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<sup>20</sup> Test. Fry.

<sup>21</sup> Test. Fry.

<sup>22</sup> Test. Fry.

<sup>23</sup> Test. Fry.

<sup>24</sup> Test. Fry.

<sup>25</sup> Test. Fry.

<sup>26</sup> Test. Fry.

<sup>27</sup> Test. Fry.

<sup>28</sup> Test. Fry.

<sup>29</sup> Test. Fry.

<sup>30</sup> Test. Fry.

<sup>31</sup> The County admitted that telling requestors it would charge a fee for taking photographs of government data violated Minn. Stat. § 13.03, subd. 3.

<sup>32</sup> Also see Steele County's Post-Hearing Brief at 3 (discussing the fact that the County had already conceded the violation on this issue).

## II. Requests for Data and Responses at Issue

### A. ESC Communications Request

13. On October 25, 2024, Complainants requested from the County the following data:

Any and all email correspondence since 2019 related in any way to the East Side Corridor (ESC) Project, 29<sup>th</sup> Ave, East Beltline study, and infrastructure on the E. Side of Owatonna, going to, from and between:

- County commissioners
- County staff
- City council members
- City staff
- 3<sup>rd</sup> parties (including but not limited to WSB)
- To and from any of the above and members of the public

In addition, please provide any and all documents, studies, and information related to the East Side Corridor (ESC) project, 29<sup>th</sup> Ave, East Beltline study, and infrastructure on the E. Side of Owatonna *not currently (as of today) on the public-facing county website*: <https://eastsidecorridor-wsbeng.hub.arcgis.com/>

This would include but is not limited to information used in determining the purpose and need for the East Side Corridor, 29<sup>th</sup> Ave East beltline study and infrastructure on the E. Side of Owatonna. Also, any information and documentation related to commercial developments in the area of the proposed East Side Corridor “preferred route” and “study area”. This also includes any and all email correspondents[sic] between City and county officials, staff and third parties.<sup>33</sup>

14. Initial responses to this request from the County estimated that it “will likely need several weeks to assemble everything.”<sup>34</sup> As a result, the parties organized that the October 25, 2024, data request would have rolling partial responses from the County, based on priorities set by the Complainants.<sup>35</sup>

15. The IT Department’s initial searches for relevant data generated over 7600 items that required further review.<sup>36</sup> As of the October 2025 hearing dates, just over a year after the October 25, 2024 data request, rolling partial releases of responsive data

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<sup>33</sup> Ex. 1 at ESC-1 - ESC-2.

<sup>34</sup> Ex. 27 at ESC-167.

<sup>35</sup> See Exs. 26-27.

<sup>36</sup> Ex. 26 at ESC-158.

by the County continue.<sup>37</sup> To date three releases of data have been completed by the Respondent.<sup>38</sup>

16. There has been conflict and confusion between the parties over multiple aspects of these reviews. These issues have included technical issues with the computers and software used to review the data and conflict over scheduling, availability, and locations for the reviews.<sup>39</sup>

17. These issues have stemmed from factors outside of either parties' control – such as technical issues with software or computers – or from confusion or miscommunication regarding dates, times, and places.<sup>40</sup>

## **B. Engineering Service Proposals Data Request**

18. On January 13, 2025, Complainants requested:

copies of the professional engineering service proposals for the East Side Corridor. These proposals should have been included in the commissioners' board meetings packet which is available online for the 12/14/2021 meeting, as is standard for all other projects. However, they appear to be missing.<sup>41</sup>

19. On January 16, 2025, County Attorney Jarrett informed Complainants that their request was ready to be picked up at the County Attorney's Office or via electronic delivery, and that the cost of the copies would be \$12.50 for 50 pages total.<sup>42</sup>

20. Complainants paid the County \$12.50 on January 22, 2025.<sup>43</sup>

## **C. Joint Transportation Committee Request**

21. On January 31, 2025, Complainant Melissa Zimmerman emailed County Administrator Fry stating that she was "looking for the meeting minutes from the Joint Transportation Committee meeting referenced in the board meeting minutes."<sup>44</sup> After determining that County Administrator Fry was out of the office until February 10, 2025, and contacting another County staff member, her email was forwarded to County Attorney Jarrett.<sup>45</sup>

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<sup>37</sup> Test. Fry.

<sup>38</sup> Test. Fry.

<sup>39</sup> Testimony of Melissa Zimmerman (Test. Zimmerman); Testimony of Matthew Sennott (Test. Sennott); Test. Fry; See *generally* Exs. 26-28 (showing a large number of emails between the parties attempting to negotiate and coordinate the timelines and data inspections involved in this request).

<sup>40</sup> Test. Zimmerman; Test. Sennott; Test. Fry.

<sup>41</sup> Ex. 2 at ESC-7.

<sup>42</sup> Ex. 2 at ESC-8 – ESC-9.

<sup>43</sup> Ex. 100H.

<sup>44</sup> Ex. 3 at ESC-14; Ex. 100C.

<sup>45</sup> Ex. 3 at ESC-12-13; Ex. 100C.

22. On February 4, 2025, County Attorney Jarrett replied stating in relevant part that 1) “[f]rom this point forward, please direct any requests for documents/questions regarding the East Side Corridor to only myself and [County Administrator]. Fry. We will track the requests, provide data in the order it was requested, and in compliance with the Chapter 13 Government Data Practices Act” and 2) “Related to your request below for ‘Joint Transportation Committee’ minutes, Steele County does not maintain those minutes, so therefore does not have the minutes to provide you.”<sup>46</sup>

23. On March 31, 2025, Complainant Zimmerman sent the County a second data request relating to the “Joint Transportation Committee.”<sup>47</sup> The form stated:

I am requesting any and all information regarding the Joint Transportation Committee including but not limited to:

When was it created?

Why was it created?

Who created it?

What is its purpose?

What are the by-laws or operating procedures?

How many members?

Member names and terms?

When does it meet?

Attendance Information?

What projects and initiatives has it worked on?

Financial information and budget impacts?

Committee’s charter or purpose and any amendments?

Minutes, Agendas, Files, Accounts, and any other documents that a governmental body is required to maintain?

And any other information that may pertain[sic] to the Joint Transportation Committee.<sup>48</sup>

24. On April 1, 2025, County Attorney Jarrett replied by email, stating: “This is not a data request. Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act (MGDPA), requires government entities to allow the public to view or obtain copies of government data. Chapter 13 does not require government entities to answer specific questions, to create data, or to reorganize data into a particular format in order to answer questions. This request will be closed.”<sup>49</sup>

25. On April 2, 2025, Complainant Zimmerman sent the County another data request form that was identical to the March 31, 2025, request, except all question marks had been deleted.<sup>50</sup>

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<sup>46</sup> Ex. 3 at ESC-12; Ex. 100C.

<sup>47</sup> Ex. 3; Ex. 100D.

<sup>48</sup> Ex. 3; Ex. 100D.

<sup>49</sup> Ex. 100E

<sup>50</sup> Compare Ex. 5 at ESC-17 – ESC-18 with Ex. 3 at ESC-10 – ESC-11.



26. On April 8, 2025, County Administrator Fry observed Complainant Zimmerman in conversation with County Commissioner Krueger.<sup>51</sup> County Administrator Fry heard Commissioner Krueger explain to Complainant Zimmerman that the Joint Transportation Committee was “not a body of Steele County, it is not a committee where there is a quorum present of either Steele County Board members or City of Owatonna City Council members.”<sup>52</sup>

27. On April 10, 2025, and April 14, 2025, Complainant Zimmerman followed up with County Attorney Jarrett by email, requesting confirmation of receipt or updates regarding the April 2, 2025 data request.<sup>53</sup>

28. On April 18, 2025, Complainant Zimmerman sent a third copy of the data request to both the County and the Administrator of the City of Owatonna. It was identical to the April 2, 2024, request, and the form explicitly noted that it was a resubmission of the prior request.<sup>54</sup>

29. County Attorney Jarrett did not reply to any of Complainant Zimmerman’s follow up emails because he did not believe they were proper data requests, but rather sought answers to questions. Moreover, Jarrett “had already informed Complainant Zimmerman that the County did not maintain data on the Joint Transportation Committee.”<sup>55</sup>

#### **D. Noise Studies Data Request**

30. On April 2, 2025, Complainant Zimmerman sent another request for data to the County, stating:

I am requesting copies for inspection of all noise studies conducted for the East Side Corridor (ESC) project that were initiated on or after January 1, 2020. This includes, but is not limited to, initial assessments, updated analyses, modeling data, and any related reports or documentation. Please provide both draft and final versions, along with any supporting materials used in these studies.<sup>56</sup>

31. Complainant Zimmerman followed up on the request with County Attorney Jarrett by email on April 10, and April 14, 2025.<sup>57</sup>

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<sup>51</sup> Test. Fry.

<sup>52</sup> Test. Fry.

<sup>53</sup> Ex. 5 at ESC-19 – ESC-20.

<sup>54</sup> Ex. 100D; Test. Fry (identifying the City of Owatonna official who received the data request).

<sup>55</sup> Ex. 100 at 5.

<sup>56</sup> Ex. 100F; Ex. 6 at ESC-22.

<sup>57</sup> Ex. 100G; Ex. 6 at ESC-23 – ESC-24.

32. The County looked for responsive data by having Paul Sponholtz, a county engineer who was familiar with the East Side Corridor Project, search through emails and records.<sup>58</sup>

33. On April 18, 2025, County Attorney Jarrett replied that “[t]he county does not have any studies or documents related to a noise study for the east side corridor at this time. Since no such data exists at this time, this data request will be closed.”<sup>59</sup>

34. Complainant Zimmerman responded by email noting that public statements about relevant noise studies had been made by the County in the past and requesting further review for relevant data.<sup>60</sup> The County provided no response to the follow up email.<sup>61</sup>

### **E. Transfer of Federal Funds Request**

35. On April 9, 2025, Complainants sent a data request to the County requesting to inspect:

Any and all information relating to the transfer of federal funds from the ESC to the Main St Project. This includes all documentation, emails, written correspondence, text messages, government records, audio or video recordings, and any other data related to the transfer of these funds. Person of correspondence may include but are not limited to ATP members, Paul Sponholtz, Sean Murphy, and County Commissioner, City council, County Administrator, and City Administrator.<sup>62</sup>

36. On April 10, 2025, at 7:41 a.m., County Attorney Jarrett replied via email saying “Received. We begin this following the general ESC requests which is still pending. I suspect it will be several months, likely this fall, before it is ready.”<sup>63</sup>

37. At 8:24 a.m. on that same day, County Attorney Jarrett mistakenly sent a second email to Zimmerman. The email was regarding a different data request, and so indicated to Zimmerman that Jarrett had changed his mind on the request for data on the transfer of federal funds. The message stated:

Ms. Zimmerman, This is not a data request as it is vague and calls for answers to questions. Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act (MGDPA), requires government entities to allow the public to view or obtain copies of government data. Chapter 13 does not require government entities to answer specific questions, to create

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<sup>58</sup> Test. Fry.

<sup>59</sup> Ex. 100G; Ex. 6 at ESC-23.

<sup>60</sup> Ex. 6 at ESC-23.

<sup>61</sup> Ex. 100 at 6.

<sup>62</sup> Ex. 7 at ESC-25; Ex. 100I.

<sup>63</sup> Ex. 7 at ESC-31; Ex. 100J.

data, or to reorganized data into a particular format in order to answer questions.<sup>64</sup>

County Administrator Fry was included as a recipient on this email.<sup>65</sup>

38. Ms. Zimmerman replied to the second email at 8:53 a.m., stating “No, this is absolutely not vague, and there is no ambiguity whatsoever in this request. Just moments ago, you confirmed it was accepted – what changed? This data request is detailed, precise, and explicitly cites the applicable law. You are required to cite the exact provision of Minnesota Chapter 13 that you claim this request fails to meet.”<sup>66</sup> Neither this email nor a second follow up about this data request sent on April 14, 2025, received a reply.<sup>67</sup>

39. County Attorney Jarrett did not realize the mistake had been made until a meeting with the County’s representation in this case shortly before the hearing.<sup>68</sup>

40. The County has not provided the data requested to the Complainants.<sup>69</sup>

#### **F. County Codes and Policies Data Request**

41. On May 6, 2025, Complainants sent the County a data request form requesting inspection of:

1. Any current Code of Conduct applicable to county officials, employees, or board/commission members.
2. Any adopted Code of Ethics governing the actions and responsibilities of county personnel or officials.
3. Steele County’s Conflict of Interest Policy for elected officials, employees, and appointed representatives.<sup>70</sup>

It also stated that “If these documents are already available online, a link to them would be appreciated. Otherwise please provide electronic copies.”<sup>71</sup>

42. On May 8, 2025, County Attorney Jarrett replied by email stating “[r]eceived. This will be added to the current list of requests made by your group. Estimated this fall/winter.”<sup>72</sup>

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<sup>64</sup> Ex. 7 at ESC-33.

<sup>65</sup> Ex. 7 at ESC-33.

<sup>66</sup> Ex. 7 at ESC-32.

<sup>67</sup> Ex. 7 at ESC-32;

<sup>68</sup> Test. Fry.

<sup>69</sup> Test. Fry.

<sup>70</sup> Ex. 11 at ESC-50.

<sup>71</sup> Ex. 11 at ESC-50.

<sup>72</sup> Ex. 11 at ESC-55.

43. On September 30, 2025, County Attorney Jarrett replied again by email, with several attachments. Jarrett stated that the attachments to his email were the County's full reply to the request, and that it would now be closed.<sup>73</sup> No charge was assessed for the digital copies.<sup>74</sup>

#### **G. Communications with Township Data Request**

44. Complainants sent another data request to the County on May 6, 2025.<sup>75</sup> This request was for:

Any and all correspondence, meeting notes, emails, letters, or other communications between Steele County and any township or township officials regarding the East Side Corridor (ESC) project or related annexation matters. This includes, but is not limited to:

- Objections or concerns raised by township representatives
- Records of township approvals, statements of support, or formal positions
- Internal or external memos discussing township responses
- Any documentation regarding the orderly annexation agreement, including discussions related to specific parcels
- Documentation and notes from any meetings occurring with the township

The timeframe for this request is from January 1, 2021, to the present. Please advise if these records are available electronically or if any estimated costs would apply for physical copies. I am willing to clarify or narrow the scope as needed to facilitate a prompt response.<sup>76</sup>

45. On May 8, 2025, County Attorney Jarrett emailed: "Received. This will be added to the current list of requests made by your group. Estimated this fall/winter."<sup>77</sup>

46. The County has not provided the data requested to Complainants.<sup>78</sup>

#### **H. Truck Traffic Data Request**

47. On May 29, 2025, Complainants sent a data request to the County requesting:

1. Any and all traffic studies, reports, or raw traffic count data for Shady Avenue and Crestview Lane NE, with a particular focus on truck

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<sup>73</sup> Ex. 11 at ESC-56 – ESC-57; Ex. 100K.

<sup>74</sup> *Id.*

<sup>75</sup> Ex. 12.

<sup>76</sup> Ex. 12 at ESC-58 – ESC-59.

<sup>77</sup> Ex. 12 at ESC-63;

<sup>78</sup> Test. Fry.

traffic volumes (e.g. counts, classifications, or percentages of heavy vehicles) currently using these roads. Please include the most recent data available, as well as historical data if relevant for comparison.

2. Any projections, Impact analyses, or modeling related to the East Side Corridor (ESC) that estimate or forecast how truck traffic on Shady Ave and Crestview Ln NE would be reduced or diverted if the ESC is built. This includes traffic modelling results, assumptions used, summary tables, and visualizations or GIS data if available.
3. If no such analysis exists regarding projected truck traffic reduction due to the ESC on these roads, please provide documentation showing that the roads were considered (or not considered) in the ESC traffic impact modeling.<sup>79</sup>

48. County Attorney Jarrett confirmed receipt via email on the same day, stating “We received the data request. We have several ESC requests pending, so this will be added to the pending requests. If the data exists, it will not be completed until this fall due to current volume of requests.”<sup>80</sup>

49. On June 10, 2025, County Attorney Jarrett sent Complainants a full response to the May 29, 2025, data request, which said:

We do not have any documentation related to this data request. As such, the request will be closed.

A response from Paul:

All we have is staff recollection of numerous phone calls of complaints over the years, and comments received from the public during the East Side Corridor public meetings. Also, I reviewed the state traffic counts, they don’t show anything on their website traffic mapping application.

Paul Sponholtz, P.E. | County Engineer.<sup>81</sup>

50. Any Conclusion of Law more properly designated as a Finding of Fact is incorporated herein.

51. Any portion of the accompanying Memorandum that is more properly considered a Finding of Fact is incorporated herein.

Based on these Findings of Fact, the Judge makes the following:

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<sup>79</sup> Ex. 15 at ESC-76.

<sup>80</sup> Ex. 15 at ESC-82.

<sup>81</sup> Ex. 15 at ESC-81.

## CONCLUSIONS OF LAW

1. Minn. Stat. § 13.085 authorizes the Administrative Law Judge to consider this matter and determine whether a violation of the MGDPA<sup>82</sup> occurred.

2. The Court of Administrative Hearings has complied with all procedural requirements under Minn. Stat. § 13.085. Both parties had proper notice of the hearing and an opportunity to be heard.

3. The decision record comprises all evidence and argument submitted until the hearing record closed.<sup>83</sup>

4. Requests for data and associated responses that took place after the Complaint was filed in this matter are beyond the scope of these proceedings.<sup>84</sup>

5. The MGDPA “regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities.”<sup>85</sup>

6. “Government data” means “all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.”<sup>86</sup>

7. Respondent is a “government entity” subject to the requirements of the MGDPA.<sup>87</sup>

8. The MGDPA provides that all government data collected, created, or maintained by a government entity shall be public unless classified by statute or federal law as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.<sup>88</sup>

9. A “responsible authority” is a designated individual within a government entity responsible for the collection, use, and dissemination of government data.<sup>89</sup> A “designee” is “any person designated by a responsible authority to be in charge of individual files or systems containing government data and to receive and comply with requests for government data.”<sup>90</sup>

10. Government entities and their responsible authority have an obligation to regularly update their written data access policies “no later than August 1 of each year,

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<sup>82</sup> Minn. Stat. §§ 13.01–.991.

<sup>83</sup> Minn. Stat. § 13.085, subd. 4(b).

<sup>84</sup> Minn. Stat. § 13.085, subd. 5(a) (limiting the Judge’s final determination following an evidentiary hearing to violations “alleged in the complaint.”).

<sup>85</sup> Minn. Stat. § 13.01, subd. 3.

<sup>86</sup> Minn. Stat. § 13.02, subd. 7.

<sup>87</sup> Minn. Stat. §§ 13.01, subd. 1, .02, subd. 7a.

<sup>88</sup> Minn. Stat. § 13.03, subd. 1.

<sup>89</sup> Minn. Stat. § 13.02, subd. 16.

<sup>90</sup> Minn. Stat. § 13.02, subd. 6.

and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.”<sup>91</sup>

11. Upon request, a responsible authority or designee shall permit a person to inspect and copy public government data at reasonable times and places. If access to public data is requested for purposes of inspection the responsible authority cannot assess a charge or fee for that inspection.<sup>92</sup>

12. The responsible authority in every government entity “shall establish procedures . . . to insure that requests for government data are received and complied with in an appropriate and prompt manner.”<sup>93</sup>

13. In responding to requests for data, “when the procedures are followed and the requested data are not made available appropriately or promptly, the ‘established procedures’ do not *insure* that government data are properly available.”<sup>94</sup> A single inappropriate or not prompt response is sufficient to support a violation of the MGDPA.<sup>95</sup>

14. Complainants bear the burden of proof to establish by a preponderance of the evidence that Respondent violated the MGDPA.<sup>96</sup>

15. The County’s procedure of charging an individual who requested access to public data for purposes of inspection a fee should the individual take any photos of the data violated Minn. Stat. § 13.03, subd. 2(a).

16. The County’s procedure of addressing requests for government data exclusively in the order in which they were received resulted in responses to the Complainants’ requests for public data to not be promptly and appropriately complied with, in violation of Minn. Stat. § 13.03, subd. 2(a).

17. The County provided Complainants with inappropriate responses to requests for government data in violation of Minn. Stat. § 13.03, subd. 2(a) on two occasions.

18. Where the Judge has determined that a violation of the MGDPA occurred, they must take at least one of the following actions:

- (1) impose a civil penalty against the respondent of up to \$300;

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<sup>91</sup> Minn. Stat. § 13.025, subd. 2.

<sup>92</sup> Minn. Stat. § 13.03, subd. 3(a).

<sup>93</sup> Minn. Stat. § 13.03, subd. 2(a).

<sup>94</sup> *Webster v. Hennepin Cnty.*, 910 N.W.2d 420, 431 (Minn. 2018).

<sup>95</sup> *Webster*, 910 N.W.2d 420.

<sup>96</sup> Minn. R. 1400.7300, subp. 5 (2025). Under Minn. Stat. § 13.085, subd. 5(d), proceedings on a data practices complaint are not a contested case under Minn. Stat. ch. 14; however, the Administrative Law Judge determines that Minn. R. 1400.7300, subp. 5, articulates the correct burden of proof for a data practices case as no other standard is identified in Minn. Stat. § 13.085.

- (2) issue an order compelling the respondent to comply with a provision of law that has been violated, and may establish a deadline for production of data, if necessary; and
- (3) refer the complaint to the appropriate prosecuting authority for consideration of criminal charges.<sup>97</sup>

19. In determining whether to assess a civil penalty, this tribunal must consider whether the governmental entity has substantially complied with general data practices, including but not limited to, whether the governmental entity has:

- (1) designated a responsible authority under Minn. Stat. § 13.02, subd. 16;
- (2) designated a data practices compliance official under Minn. Stat. § 13.05, subd. 13;
- (3) prepared the data inventory that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under Minn. Stat. § 13.025, subd. 1;
- (4) developed public access procedures under Minn. Stat. § 13.03, subd. 2; procedures to guarantee the rights of data subjects under Minn. Stat. § 13.025, subd. 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under Minn. Stat. § 13.05, subd. 5;
- (5) acted in conformity with an opinion issued under Minn. Stat. § 13.072 that was sought by a government entity or another person; or
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.<sup>98</sup>

20. Based on the record, the factors in Minn. Stat. 13.08, subd. 4(b) listed above and for the reasons discussed in the attached memorandum, the Judge concludes that a civil penalty of \$300 is appropriate.

21. The Complainants in this matter have substantially prevailed. As a result, the Court of Administrative Hearings must refund the filing fee in full, less \$50, and the Court's costs in conducting the matter are billed to the respondent, not to exceed \$1,000.<sup>99</sup>

22. Any Finding of Fact more properly considered to be a Conclusion of Law is adopted herein.

23. Any portion of the accompanying Memorandum that is more properly considered to be a Conclusion of Law is incorporated herein.

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<sup>97</sup> Minn. Stat. § 13.085, subd. 5(a).

<sup>98</sup> Minn. Stat. §§ 13.08, subd. 4(b), .085, subd. 5(b).

<sup>99</sup> Minn. Stat. § 13.085, subd. 6(c).

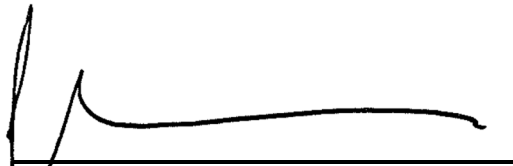


Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Judge makes the following:

### **ORDER**

1. Pursuant to Minn. Stat. § 13.085, subd. 5(a)(4), the County must maintain procedures that ensure appropriate responses to data requests, and in so doing:
  - a. Ensure appropriate ongoing communication with the public about pending data requests; and,
  - b. Mitigate or avoid circumstances where the Responsible Authority, or a Designee, are, in practice or effect, the only check on their own errors, misunderstandings, or miscommunications.
2. Pursuant to Minn. Stat. §§ 13.085, subd. 5(a)(3) and 13.08, subd. 4(b), the County shall pay a civil penalty of \$300.
3. Pursuant to Minn. Stat. § 13.085, subd. 6(c) the Court will refund \$950 of Complainant's filing fee.
4. Pursuant to Minn. Stat. § 13.085, subd. 6(c) the County must reimburse the Court for its costs in conducting this matter, as documented in an invoice to be sent by the Court to Respondent.
5. All other requests for relief are hereby dismissed.

Dated: November 24, 2025

  
CHRISTA L. MOSENG  
Administrative Law Judge

Reported: Digitally Recorded  
No transcript prepared

### **NOTICE**

This Order is the final decision in this case. Any party aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63-.69 (2024).

## MEMORANDUM

### I. Introduction

These proceedings arise out of a Complaint alleging that the County violated the MGDPA. The procedural history of this case is involved; a detailed discussion of the Complaint and the County's initial Response can be found in the September 15, 2025, Probable Cause Determination in this matter.<sup>100</sup>

Between October 2024, and July 2025, Complainants sent the County a dozen requests for government data which generally concerned a municipal project known as the East Side Corridor Project.<sup>101</sup> Each request resulted in communications about the request.<sup>102</sup> Evincing frustration, the data requests evolved to include text colored red for emphasis and significant boilerplate: preemptive clarifications, demands, statutory citations, and legal argument.<sup>103</sup> Complainants also sought information directly from other county staff and officials, outside of the formal data practices process established by the County. The County, in turn, required Complainants' data requests be made directly to the County Attorney and County Administrator.

The parties also detailed considerable work arising out of the requests. Complainants produced hundreds of pages documenting their work on the requests.<sup>104</sup> The County also devoted many hours of work over many months and across multiple departments to respond to the requests—work which continues today.<sup>105</sup>

In total, the record shows nine requests for data made by the Complainants (not counting repeated submissions of the same request) between October, 2024, and May, 2025.<sup>106</sup> The County is currently continuing to work on providing complete, responsive datasets for three of the requests.<sup>107</sup> Two have been completed with all responsive data provided.<sup>108</sup> The remaining three have been closed because the County possessed no responsive data.<sup>109</sup>

Two issues remained for hearing after the probable cause determination:

- a. Charging a fee for inspection of public data, in violation of Minn. Stat. § 13.03, subd. 3, in response to an October 25, 2024 data request.
- b. Failure to establish a procedure, consistent with the Act, to insure that all requests for government data are received and complied with

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<sup>100</sup> See Notice of Probable Cause Determination, and Order for Prehearing Conference at 2.

<sup>101</sup> See *generally* Exs. 21-36 (showing emails and transcripts of conversations between the parties relating to the facts of the case); Complainants' Closing Argument at 3.

<sup>102</sup> See, e.g., Ex. 1, ESC-3 – ESC-6.

<sup>103</sup> See, e.f., Ex. 12, ESC 58 –62 (a data request that takes less than one-half page to describe, cushioned by four-and-a-half pages of additional material).

<sup>104</sup> See Ex. 9.

<sup>105</sup> Test. Fry.

<sup>106</sup> See, e.g., Complainant's Closing Argument at 3 (showing a table of all data requests involved in this matter, along with their data preservation request and the requests sent after the Complaint was filed.).

<sup>107</sup> Test. Fry.

<sup>108</sup> See Complainants' Closing Argument at 3.

<sup>109</sup> Test. Fry; *also see* Complainants' Closing Argument at 3.

in an appropriate and prompt manner, in violation of Minn. Stat. § 13.03, subd. 2(a).

At the hearing, the County conceded that it violated Minn. Stat. § 13.03, subd. 3,<sup>110</sup> by telling Complainants that it would charge a fee for photographing data made available for inspection, the County ultimately never charged the fee.

The sole issue that remains for substantive analysis, then, is whether the County violated Minn. Stat. § 13.03, subd. 2(a).

## **II. Applicable Law**

The Minnesota Government Data Practices Act “governs the storage of government data and public access to that data.”<sup>111</sup> Members of the public who want to inspect or copy public government data submit a request to do so to the relevant responsible authority or designee.<sup>112</sup> Responsible Authorities must, in turn, “establish procedures . . . that insure requests for government data are received and complied with in an appropriate and prompt manner.”<sup>113</sup> The act only requires that procedures be ‘established’, and does not require that they be in any particular form, or even that they be written down.<sup>114</sup>

The question before this Court, then, is not whether every response to a data request was appropriate and prompt—though this would be relevant. Rather, the law requires that 1) “government data be made available” and 2) “that personnel responsible for making it available establish procedures that ensure it is made available.”<sup>115</sup>

The MGDPA places significant burdens on government entities. At the same time, the weight of those burdens speaks to the import the Legislature has placed on the access to data the MGDPA requires. To balance these appropriately, both the Court of Administrative Hearings and the Commissioner of the Department of Administration have concluded that the requirement for prompt and appropriate responses to data requests does not have a mechanical or rote application. Rather, an assessment may consider factors such as: the scope or complexity of the data requested, the resources available to respond to the requests, and the government entities’ communications with requestors while work on the requests takes place.<sup>116</sup>

## **III. Analysis**

Complainants alleged facts that met the probable cause threshold with respect to three of the County’s procedures. First, the County told Complainants it would charge a

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<sup>110</sup> If a person requests access to data “for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee.” Minn. Stat. § 13.03, subd. 3(a).

<sup>111</sup> *Webster*, 910 N.W.2d at 427.

<sup>112</sup> *Id.*

<sup>113</sup> Minn. Stat. § 13.03, subd. 2(a)).

<sup>114</sup> *Webster*, 910 N.W.2d at 432.

<sup>115</sup> *Webster*, 910 N.W.2d at 431.

<sup>116</sup> See, e.g. Depart. Admin. Adv. Ops. 14-003 (Apr. 23, 2014) (University of Minnesota); and *In the Matter of Timothy J. Coughlin vs. City of Deerwood and Deerwood Police Department*, No. 22-0305-39381, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (Minn. Court of Admin. Hearings Nov. 17, 2023).

fee for photographs taken by Complainants of data made available for inspection—which the County concedes violated the MGDPA. Second, the County initially maintained a procedure of responding to data requests from Complainants only in the order in which they were received. Third, the County required all of Complainants’ communications regarding requests for data and the East Side Corridor Project be sent to County Attorney Jarrett and County Administrator Fry.

#### **A. Ordering of County Responses to Multiple Data Requests**

Complainants sent the County twelve distinct data requests in approximately a 10-month span. These requests ranged from extremely wide-ranging (such as the first, sent on October 25, 2024) to very small and precise (such as the May 6, 2025, request for three specific policy documents). In his reply acknowledging receipt of Complainants’ April 9, 2025, data request, County Attorney Jarrett informed Complainants that the County would “begin [work on] this following the general ESC requests which is still pending. I suspect it will be several months, likely this fall, before it is ready.”<sup>117</sup> Similar language regarding the existence of prior data requests from Complainants and a lengthy wait time for completion—couched in terms of months or seasons—also appear in the County’s receipt acknowledgements of multiple subsequent requests.<sup>118</sup> For example, the County (1) predicting that a request for three ostensibly public-facing documents made on May 6, 2025, would be satisfied by “estimated this fall/winter,” after other, larger requests were satisfied and (2) providing three pdfs on September 30, 2025.<sup>119</sup> These responses were neither prompt nor appropriate.

Despite statements regarding the order in which the County would respond to the Complainants’ data requests, however, the record shows that responses were produced in a more flexible fashion and that the County improved its practices through the course of dealing with Complainant’s requests. Data, or responses that no data exists, were provided to a total of five requests while work on the first, and largest, request continued.

County Administrator Fry testified that while the First-In-First-Out procedure was important for maintaining coordinated and orderly tracking, work, and responses—particularly for large requests that required relying on an information technology staffing resource that proved to be a bottleneck—it was not being applied as a mechanical requirement.<sup>120</sup>

As a result, what appears to be at issue more than the County’s ordering of responses is the County’s lack of effective or ongoing communication with Complainants regarding their data requests. Appropriate responses to data requests with lengthy response times should generally include *providing the requestors with updates*.<sup>121</sup> The record does not show a single update from the County to Complainants regarding the status of an initial request beyond acknowledgements of receipt, even when

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<sup>117</sup> Ex. 7 at ESC-31.

<sup>118</sup> See Exs. 11, 12, and 15.

<sup>119</sup> Ex. 11 at ESC-55.

<sup>120</sup> Test. Fry.

<sup>121</sup> See Dept. Admin. Adv. Op. 14-003 (Apr. 23, 2014 (University of Minnesota) (discussing how response to a request for data may still be appropriate and prompt despite a wait time of five months as a result of the complexity of the request and “continual communication” with the requester about their request.).

circumstances warranted revising the timeline for production. This lack of communication, rather than the County's ordering procedure, failed to meet the County's obligation to make appropriate responses to requests.

Going forward, rather than acknowledging receipt and ignoring subsequent contact, as the County appeared to do in this case, the County's procedures must contemplate ongoing communication with the public about pending data requests, particularly when new or better information could affect an earlier-communicated anticipated-completion timeline. Simply articulating the reason for prolonged response time or delay could inform requestors' expectations and forestall future complaints.

## **B. Communication with County Attorney Jarrett and County Administrator Fry**

The MGDPA explicitly requires that requests for government data be made *only* to the Responsible Authority for a given government entity, or their Designee.<sup>122</sup> At the same time, the Responsible Authority and their Designee are required by the Act to establish procedures that ensure appropriate and prompt responses to such requests.<sup>123</sup>

County Attorney Jarrett is the Responsible Authority for the County under the MGDPA, and the County's Data Practices Compliance Officer.<sup>124</sup> County Administrator Fry is the formal Designee under the MGDPA for the County's Administration department.<sup>125</sup>

The record of Complainants' communications with County Attorney Jarrett shows multiple responses, or lack thereof, to their requests for data that were entirely inappropriate. In the worst instances, those decisions resulted in County Administrator Fry providing a final response or novel update during her testimony.

The record of communication between County Attorney Jarrett and the Complainants is sparing. However, the record shows a pattern of construing Complainants' data requests uncharitably to excuse minimal communication and disregard for legitimate data requests and requests for updates from Complainants.

Specifically, County Attorney Jarrett closed a data request initially made on March 31, 2025, with the following reason, in substantive part: "This is not a data request. . . . Chapter 13 does not require government entities to answer specific questions, to create data, or to reorganize data into a particular format to answer questions. This request will be closed." Complainants resubmitted the request, after revising it in an attempt to satisfy the thrust of the County's response by removing the question marks.

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<sup>122</sup> Minn. Stat. § 13.03, subd. 3(a); *also see Scheffler v. City of Anoka*, 890 N.W.2d 437, 447 (Minn. 2017) (holding in part that in order for the MGDPA to have been violated, a request for data must have been made to either the Responsible Authority or their Designee).

<sup>123</sup> Minn. Stat. § 13.03, subd. 2(a).

<sup>124</sup> Ex. 100A at 33; Ex. 37 at ESC-278.

<sup>125</sup> Ex. 100A at 33; Ex. 37 at ESC-278.

County Attorney Jarrett again closed the request, stating: “This is not a data request as it is vague and calls for answers to questions.”<sup>126</sup>

These responses were not appropriate.<sup>127</sup> Ignoring other communications about the request, including attempts to clarify or resubmit the March 31 request, was also not appropriate. These responses and non-responses were inappropriate because, first, the data request on its face is not vague and the “questions” included were precatory and superfluous to a clearly stated data request: “any and all information regarding the Joint Transportation Committee including but not limited to....”<sup>128</sup> Second, even if the request were vague, closing the request immediately without seeking clarification—and ignoring subsequent clarifications and communications about the request—was, in this instance, inappropriate. The County’s response was inappropriate because it construed the data request unfavorably, in a light favoring expeditious summary disposition, and contrary to the purposes of the MGDPA.

The record does not show that County Attorney’s Jarrett’s responses to this request were the result of an established procedure for responding to data requests, except inasmuch as the procedure provided that that the request would be received and evaluated personally by County Attorney Jarrett. The failure to meaningfully respond to attempts to clarify the request, even if the County believed them to relate back to a previously addressed request, demonstrates that the County’s procedures failed to ensure appropriate responses to those requests.

Additionally, standing alone, the County mistakenly sending a response intended for another pending request is understandable. The volume of communications and pending requests could easily yield an intended reply sent in an inapposite email thread. However, County Attorney Jarrett received multiple replies to his errant email response, requesting more explanation and discussing a different, conflicting response. The Responsible Authority ignored this apparent confusion, which he inadvertently created, for months. These choices resulted in Complainants mistakenly believing a data request had been closed entirely. County Administrator Fry clarified at hearing that, instead, the request was still open with the County and work on a final review of responsive documentation was underway.<sup>129</sup> This, again, was too little and far too late.

The record demonstrates a pattern of responses inappropriate under the MGDPA. This pattern was a consequence of a procedure that seemingly allowed the Responsible Authority to be, in apparent effect, the only check on his own errors, misunderstandings, or miscommunications in the context of an ongoing relationship with multiple active data requests and in which tensions had escalated. Accordingly, to ensure the compliance with

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<sup>126</sup> See, e.g. Steele County’s Post-Hearing Brief at 8, 10; and Exs. 100E, E-217 Ex. 7, ESC-33. The County attorney inadvertently sent this response to a different data request, causing additional confusion among the parties. Test. of Fry. The record offers no *direct* insight into which request County Attorney Jarrett intended this response for. Of the requests pending at the time, it is more likely than not that this response was intended to relate to the March 31 request. Respondent Zimmerman emailed Jarrett at 8:16 a.m. on April 10, 2025, about receiving no response to an attempt to clarify the March 31 data request, and Jarrett sent this email at 8:24 a.m. on the same day.

<sup>127</sup> Ex. 100D, E-217

<sup>128</sup> Ex. 100D, E-205.

<sup>129</sup> Test. Fry.

Minn. Stat. § 13.03, subd. 2(a), the Judge will require the County to maintain procedures that ensure appropriate responses to data requests and, in so doing, address this specific shortcoming.

This requirement is intentionally phrased broadly to ensure that the County has maximum flexibility to address the issue in light of its resource constraints and without impairing the Responsible Authority's ability to carry out the responsibilities and duties of that role. This Judge contemplates a segregation of duties or internal monitor to provide stronger internal quality control over data practices responses, as an entity might implement to avoid a single point of failure in financial controls.<sup>130</sup> But it would be inappropriate to be overly prescriptive about the best manner of implementing such internal control, or which particular circumstances require the additional eyes. The County's decision to employ an attorney whose responsibilities will include data practices reflects a good faith effort toward mitigating this specific source of MGDPA violations. That role will likely be an essential component of any procedure that satisfies the MGDPA's mandate

#### **IV. Civil Penalty**

After consideration of the factors listed in Minn. Stat. § 13.08, subd. 4(b), the Judge concludes that a \$300 civil penalty under Minn. Stat. § 13.085, subd. 5(a)(3) is appropriate. The record shows that the County has designated both a Responsible Authority as well as a data practices compliance official. The County also has published current data inventory and public access procedures documents, though the record also establishes that those documents had been out of date since approximately 2020 prior to these proceedings, including showing entirely incorrect names for the relevant officials.<sup>131</sup> The Department of Administration did not issue an advisory opinion under Minn. Stat. § 13.072 regarding these requests. The County's ongoing training regarding MGDPA requirements reflects improvements since these proceedings began but were inadequate until the challenges presented by these data requests made their inadequacy apparent: relevant personnel have recently provided inappropriate responses to requests made under the Act.

As a result of these facts and the record as a whole, the Judge concludes that a civil penalty is warranted. The record establishes multiple violations of the MGDPA and inappropriate responses by the County in addressing the Complainants' data requests. It is laudable that the County has proactively addressed many of those issues, such as concluding it could not charge a fee for photographs of inspected data and improving its flexibility to respond to requests of varying size. However, the changes implemented during the pendency of these proceedings does not negate that the violations occurred. Similarly, mistaken or inappropriate data request responses by County Attorney Jarrett left Complainants without meaningful updates or responses to multiple requests until the hearing on their Complaint. As a result, a civil penalty is appropriate in this case.

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<sup>130</sup> The Judge notes that it is likely that County Administrator Fry was copied on the emails sent by County Attorney Jarrett. However, the record demonstrates that she did not effectively serve as a check on the erroneous or inappropriate emails.

<sup>131</sup> See Minn. Stat. § 13.025, subd. 3; Test. Zimmerman; Test. Fry.

## **V. Conclusion**

The miscommunication and adverse posture that developed between the parties became so fraught at times that it entirely obscured each party's good faith efforts to engage with the requirements of the MGDPA. Despite clear improvement in its practices during the course of these requests, the County's responses to the Complainants' requests failed to be appropriate on multiple occasions. The inappropriate responses were a consequence of a procedure that provided no mechanism to ensure that the County identified errors or misunderstandings by the Responsible Authority before they grew into conflict.

Complainants' communications with the County undoubtedly contributed to the adversarial atmosphere, including their use of a bespoke data request form that opens with bright red letters declaring "WE ARE FULLY EDUCATED, PREPARED, WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAM[A]GES FOR NONCOMPLIANCE!"<sup>132</sup> Nevertheless, conflict or an adversarial posture taken by data requestors (here, apparently taken in response to growing frustration with inappropriate responses from the County) does not relieve the County of its obligation to respond to properly submitted data requests appropriately.

The record indicates the County has, and continues to, work diligently to produce any and all data responsive to Complainants' open requests. The workload created by the requests, together with mutual miscommunications and misunderstandings, caused strain that highlighted weaknesses in the County's processes. As a consequence, the record shows that the County's processes failed to meet the requirements of the MGDPA. The County neglected to provide ongoing, timely updates regarding the status of data requests and failed to incorporate a means of validating the propriety of responses to requests. These violations warrant an order for compliance and a civil penalty, as articulated above.

**C. L. M.**

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<sup>132</sup> See, e.g. Ex. 7 at ESC-25.