

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

OAH Docket No. 22, 0305, 40882

Owatonna East Side Corridor Residents
c/o Matt Sennott & Melissa Zimmerman,
Complainants

v.

Steele County,
Respondent

CLOSING ARGUMENT

Submitted November 7, 2025

Submitted by:
Owatonna East Side Corridor Residents
c/o Matt Sennott & Melissa Zimmerman
(Pro Se Complainants)

Your Honor,

This case — *Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman v. Steele County* — is not about a highway a few feet from our homes. The East Side Corridor (ESC) was merely the catalyst that revealed something far deeper: a sustained failure of transparency, accountability, and good faith within Steele County government, which has had real and significant consequences for the ESC project and the residents it impacts.

For more than three years, ESC residents have worked in good faith to avoid the courtroom — to find collaborative, community, based solutions that serve everyone. Each attempt was met instead with exclusion, deflection, and denial. Only after repeated attempts at open dialogue with the County failed, did we turn to the primary mechanism Minnesota provides for public accountability, the Data Practices Act. Yet even that process, designed to ensure transparency, was met with obstruction .

This case is not about one missing document, a single delayed response, or even a single day of denied inspection^(39 & 40). It is about a systemic failure of process; a pattern of conduct that has repeatedly denied residents access to the very data informing the decisions shaping their community.

The delays, denials, and obstruction of data practices are only one part of a much larger, ongoing pattern within Steele County; a pattern that has eroded public trust entirely.

Our goal in bringing this complaint is not retribution. It is restoration; the restoration of transparency, accountability, and trust between Steele County's government and its residents, both now and for generations to come.

I. Overview of MGDPA Violations and Procedural Background

This hearing is brought under the Minnesota Government Data Practices Act (MGDPA), *Minn. Stat. ch. 13*,

and seeks a determination that Steele County willfully and repeatedly violated its obligations under three primary categories:

1. **Charging for Copies of Inspected Data** (Minn. Stat. § 13.03, subd. 3)
2. **Ordering of Responses to Data Requests** (Minn. Stat. § 13.03, subd. 2(a))
3. **Inappropriate Responses to Data Requests** (Minn. Stat. § 13.02, subd. 2(a))

For years, residents attempted to work cooperatively with the County to obtain the same public data officials were using to make decisions. After repeated failures to receive that information, residents learned about the public data request process.

Ms. Zimmerman submitted the first formal data request in January 2024, under the prior County administration^(20, 106-110). At that time, the established process designated Ms. Rebecca Kubicek as the responsible contact. Because Ms. Zimmerman was unfamiliar with the process, there were several initial questions, but the County was very helpful and responsive.^(20, 107-110) During inspection, Ms. Zimmerman was told she could take photographs of the data, setting a precedent for Steele County's approach to data access: prompt responses, cooperation, and permission to use personal devices to capture public data.

Residents continued to follow this same procedure, submitting all subsequent requests to Ms. Kubicek. Steele County's data practices policy and related guidelines were several years outdated,^(37, 196-243) and it was never made clear that the process for submitting requests had changed. When first requests were later forwarded to Ms. Fry and Mr. Jarrett, residents included both of them in subsequent correspondence but continued to copy Ms. Kubicek.

Beginning in October 2024, three separate entities, Mr. Sennott, Ms. Zimmerman, and the ESC Residents group, submitted a total of thirteen data requests, including a request to preserve data. These requests, summarized in Table 1, form the basis of this complaint. Together, these requests illustrate both the scope of the residents' efforts and the County's pattern of delay and noncompliance.

Table 1. Summary of Data Requests

#	Requester	Date	Data Request	Status	Days
1	Mr. Sennott	Oct. 25, 2024	Data Request ^(1,1)	- Incomplete ^(26,148-168;33,183-185) - Less than half the data provided ^(26, 158) - Denied Photographs ^(21, 111-112;25,135-137)	378
2	Ms. Zimmerman	Jan. 13, 2025	RFP Data Request ^(2,7)	- Fulfilled ^(2, 8-9) - Charged for inspection ^(2, 8-9) - 3 documents	3
3	Ms. Zimmerman	Mar. 31, 2025	Joint Transportation Committee ^(3,10)	- Denied & closed ^(3, 10; 5,20) - Claimed improper format ^(5, 20)	1
4	Ms. Zimmerman	Apr. 2, 2025	Joint Transportation Committee Resubmission ^(5,17)	- No written acknowledgement ^(5, 19-20) - follow-ups citing MGDPA ^(5, 19) - Data Practices Policy requested, not provided ^(5, 19-20)	219
5	Ms. Zimmerman	Apr. 2, 2025	Noise Study ^(6,22)	- No data provided & closed ^(6, 23) - Proof data exists provided, no response ^(6, 23) - Ms. Fry testified to incomplete search, no legal basis or retrieval effort shown	203
6	Ms. Zimmerman	Apr. 9, 2025	Federal Fund Transfer ^(7,25-30)	- Acknowledged after 1 day ^(7, 31) - 43 minutes later declared vague & closed ^(7, 33) - follow-ups citing MGDPA ^(7, 32) - Data Practices Policy requested, not provided ^(7, 32)	196
7	Ms. Zimmerman	May 6, 2025	County Ethics, Conduct, and COI Policies ^(11, 50-54)	- Acknowledged after 2 days ^(11, 55) - 6, month estimate provided ^(11, 55) - follow-ups citing MGDPA ^(11, 55) - Fulfilled ^(11, 56-57) - 3 public facing documents ^(11,57)	147
8	Ms. Zimmerman	May 6, 2025	Annexation and Township Communications ^(12, 58-62)	- Acknowledged after 2 days ^(12,63) - Remains unresponsive ^(12,63) - follow-ups citing MGDPA ^(12,63)	185
9	Ms. Zimmerman	May 15, 2025	Data Preservation ^(14, 69)	- Acknowledged June 3 2025 after data complaint, commissioners copied on MGDPA, cited follow-up ^(14, 72-73)	19
10	Owatonna East Side Corridor Residents	May 9, 2025	Bond Information ^(16,84)	- Fulfilled May 15, 2025 after phone calls - 9 pages ^(17, 85-93)	6
11	Owatonna East Side Corridor Residents	May 29, 2025	Truck Traffic ^(15,76-80)	- No data provided & closed ^(15,76-83) - Metadata missing (response post, departure) ^(15, 81)	12
12	Owatonna East Side Corridor Residents	Jul. 1, 2025	2012 County Roadway Safety Plan ^(18,94-98)	- Acknowledged after 4 days ^(19, 104-105) - As of hearing unfulfilled ^(19, 104-105) - 1 document ^(19, 94)	129
13	Owatonna East Side Corridor Residents	Jul. 1, 2025	Owatonna High School Traffic Impact Study ^(19,99-103)	- Acknowledged after 4 days ^(19, 104-105) - As of hearing unfulfilled ^(19, 104-105) - 1 document ^(19,99)	129

Days = number of days from request submission to fulfillment, closure, or November 7, 2025 (if unfulfilled).

As shown in Table 1, of the 13 data requests submitted, only 4 have been fully completed. 3 were improperly closed without legal explanation or supporting documentation, and 2 were expressly denied, even though the County conceded that all requests were legitimate. A small number were completed within a reasonable timeframe. The resubmission of the Joint Transportation Committee request remains unacknowledged after 219 days, and 9 requests have been pending or took more than 125 days (over four months) to fulfill. The first data request, submitted more than a year ago, remains incomplete despite the County repeatedly estimations that production would take “several weeks.” To date, none of the thirteen data requests submitted by residents have been fulfilled without procedural or statutory violations.

Six of the requests explicitly sought 3 documents or fewer, and aside from Mr. Sennott’s single large request, each was narrowly tailored to a specific document or subject matter. Despite being submitted by three separate entities, Steele County grouped them collectively, basing all progress on the status of Mr. Sennott’s data. Ms. Fry testified that this combined request policy applied only to Mr. Sennott and Ms. Zimmerman, which effectively restricted ESC residents’ access to public data while unrelated requests from other residents continued to be fulfilled. Notably, even requests unrelated to the ESC, such as public policies (Data Request 7, Table 1), were delayed and took months to complete, indicating that this was a resident, specific policy rather than a data-driven one.

After the first few data requests were met with improper responses, delays and denials, residents found a form that included the applicable MGDPA provisions directly on the form itself.^(7,11,12,15,18,19, 25,50,58,76,94,99)

We started using this for future requests to ensure staff were aware of the statutory requirements and response timelines. Extensive time was spent following up on requests and further citing MGDPA provisions to support compliance, most of which has not been acknowledged. Eight data requests remain insufficiently fulfilled.

Both Ms. Fry and Mr. Jarrett hold law degrees and were fully aware of the County's obligations under Minn. Stat. ch. 13, as reflected in Ms. Fry's testimony and Mr. Jarrett's affidavit, reinforcing that these duties were well understood by County leadership.^(100,1)

II. Procedural Irregularities and Denied Testimony

Before addressing the specific statutory violations, it is important to note several procedural irregularities during this proceeding that mirror the same structural and accountability problems present in Steele County's handling of data requests.

This matter was scheduled over two hearing days, October 10 and October 17, 2025, to accommodate the County Attorney's schedule, yet he was not included on the witness list. The County proceeded first on October 17, reversing the established witness order previously established on October 10. Midway through the Complainants' testimony, the County also objected to the structure that had already been agreed upon, interrupting presentation of evidence while still completing its own cross-examination. These disruptions limited the Complainants' ability to present their case in a consistent and complete manner and mirror the shifting expectations and procedural barriers residents faced throughout this process.

During cross-examination, County counsel focused on isolated incidents to undermine Ms. Zimmerman's credibility, such as a January 2025 data inspection and a February 2025 conversation with Commissioner Krueger, rather than addressing the broader procedural failures at issue. The record shows that any confusion surrounding the January inspection stemmed from the County's own inconsistent communication, not from a failure by residents to follow the process. The County's own correspondence indicated the inspection would occur at the Administration Building,^(26,167) where prior reviews had taken place.

The County's focus on that single day overlooks the broader pattern of conduct that led to this complaint. The issue is not that access was denied once, but that Steele County's procedures resulted in repeated denials, improper charges, and extended delays spanning more than a year^(1,1). Had the requested data been provided at any point along the way, this proceeding would not be necessary. The problem before the Court is the County's ongoing failure to ensure timely, orderly, and meaningful access to public data as required by Minn. Stat. § 13.03.

These procedural irregularities, combined with the absence of the County Attorney as a witness, reflect the same lack of clarity, coordination, and accountability that have characterized Steele County's data practices process from the beginning.

III. Charging for Copies of Inspected Data (§ 13.03, subd. 3)

Under Minn. Stat. § 13.03, subd. 3(a), a responsible authority may not assess a charge or require payment for the inspection of public data. While charges may be imposed for the actual cost of making copies using government resources, the Office of Administrative Hearings (OAH) has repeatedly affirmed that the use of one's own device to capture public data is not subject to a fee. Relevant opinions include Advisory Opinions 01-086 and 04-049.^(22,114) Steele County has conceded that it violated this statute, however, evidence was presented to determine appropriate remedies.

Steele County previously established a clear precedent for allowing requesters to photograph public data. On January 8, 2024, Ms. Zimmerman was expressly encouraged by County staff to freely take as many photographs as needed during inspection under the former administration. Although Steele County's Data Practices Policy was outdated, it contained no prohibition against photographing public data. Despite there being no changes to Steele County's Data Practices Policy, this practice changed after the transition in leadership during June 2024, when a new County Attorney and Administrator took office. On January 6, 2025, in response to an inquiry regarding data format, Mr. Jarrett responded by informing

residents that photographing data was not permitted because inspection was chosen.^(21,111-112) Following this directive, Mr. Sennott contacted the Department of Administration (DoA) for clarification. On January 13, 2025, the DoA provided Mr. Jarrett with advisory opinions confirming that individuals may use their own devices to capture public data.^(23, 113-114) During the next inspection, Ms. Zimmerman referenced that correspondence, at which time she was told that Mr. Jarrett “does not agree with their opinion.”⁽⁴¹⁾

While compliance with advisory opinions is not mandatory, agencies that follow them are granted certain statutory immunities. Despite this, residents were told at least ten times that they were not permitted to photograph public data and/or that charges could be imposed.^(21 & 25 & 41, 111-112 & 135-137) Furthermore, Ms. Fry testified that on April 8, 2025, she informed residents at least four times that Steele County did not need to follow OAH opinions and that the County was instead choosing to follow guidance from “*a network of county attorneys that talk about how they want to handle these things so that practices are standard.*”^(25,135-137) Ms. Fry also testified that, while ESC residents were not charged, because no photos were denied, at least one other county resident had been, demonstrating a continuing failure to follow established state guidance.

On January 13, 2025, after being advised by the County Attorney that he does not answer questions and to submit data requests for what is publicly available RFP documentation for every other project, Ms. Zimmerman filed a request for the ESC RFPs.^(2,7) Three days later, Mr. Jarrett informed her that the cost to obtain the data would be \$12.50, and inspection was never offered.^(2,8-9) At that time, data from Mr. Sennott’s October 2024 request was not available.^(27,169-170;28,172-173) Nearly a month later, residents learned that Mr. Jarrett had combined Ms. Zimmerman’s request with Mr. Sennott’s, increasing the total count to 73 copies, of which 50 originated from Ms. Zimmerman’s request.^(23,116-118) Mr. Jarrett then noted that once the total exceeded 100 copies, residents would be required to pay “actual costs”,^(23, 118) even though only a small fraction of the data had been produced and copied. This was an attempt to shift

additional costs onto the Complainants. After further documentation, explanation, and DoA involvement, Mr. Jarrett eventually treated the requests as separate requests.^(23, 116)

On Feb 14, 2025, residents asked for the “actual cost” of the data request. The question remains unanswered.^(24, 123) Ms. Fry later testified that she did not recall a data request to obtain the cost of a data request, further illustrating how Steele County’s process forced residents to file additional requests to obtain basic information. While the County failed to comply with its obligation under Minn. Stat. § 13.03, subd. 3(c) to provide a written cost estimate upon request, it simultaneously told the local newspaper that the cost of ESC residents’ data requests was \$30,000.^(24, 126) This public statement misrepresented the cost and concealed the County’s failure to provide a lawful estimate to the requestors. The contrast between the County’s external narrative and its internal noncompliance underscores a pattern of misdirection that has eroded public trust.

In May 2025, residents submitted a data request to the Recorder’s Office.^(16, 84) Once staff there were made aware of the request, after follow-up phone calls, they promptly fulfilled it the same day. However, they had been instructed that all copies were to be charged at \$1 per page, resulting in a \$9 charge for that request.^(17, 85-93)

Neither Steele County’s 2019 nor 2025 Data Practices Policy authorizes any of these charges.^(37,196; 38,245) The 2019 policy in effect during this timeframe set the cost for copies made on a network printer at \$0.10 per page^(37,231), not the various higher amounts imposed. During testimony, Ms. Fry, who stated she oversees every aspect of the County’s data request process, also testified that she did not know what a “network printer” was. This lack of understanding further illustrates the County’s failure to ensure that its responsible authorities are properly trained to administer the Data Practices Act or to apply its own policies consistently and accurately.

Residents, acting in good faith, paid the fees without argument.^(100H; 17,85) Nonetheless, Steele County's actions reflect deliberate noncompliance with the MGDPA and longstanding advisory opinions. By knowingly acting in opposition to those opinions, the County not only imposed improper costs but also hindered the public's ability to access and disseminate information about issues directly affecting their community. Steele County's refusal to allow residents to freely inspect and capture public data to share with other residents not only imposed unlawful fees but also undermined the very purpose of the MGDPA, ensuring that public information remains accessible to all, without financial or procedural barriers.

IV. Ordering of Responses to Data Requests (Minn. Stat. § 13.03, subd. 2(a))

Steele County's data-request process demonstrates a sustained pattern of selective enforcement, inconsistent procedures, and unreasonable delays that collectively violate the requirement to provide access to public data in a prompt and appropriate manner.

A. Data Practices Policy and Responsibility

The County's current Data Practices Policy^(38, 245-291) is out of compliance. It was not updated for more than six years, since 2019, despite Minn. Stat. § 13.025 Subd. (2)-(3) requiring annual review by August 1 and revisions following personnel changes. Ms. Fry testified that she began revising the policy shortly after being hired in June 2024, yet the final version, approved by the board on August 12, 2025,^(38,244) contained only minimal changes including formatting.

Although Ms. Fry is not the designated Responsible Authority,^(37,233;38,278) she testified that she oversees every step of the process, including personally providing all estimated timeframes and acknowledgements for submitted data requests. In practice, she provided neither after October 25, 2024 (requests 2-13 in Table1). Residents repeatedly requested a copy of this policy but it was never

provided.^(5,19-20;7,32) The record shows that these policies played no role in the procedures the County applied, operating entirely outside its own framework.

The policy itself acknowledges planned non-compliance^(38,278) and was finalized only after Steele County was formally served with this complaint on July 18, 2025.^(38, 244) That timing, more than a year after Ms. Fry began the update, underscores that compliance occurred only in response to scrutiny, not through proactive adherence to statute. For a process required annually, such prolonged delay by an experienced attorney illustrates deliberate disregard for Minn. Stat. § 13.03 and a broader pattern of procedural neglect.

B. “First-In, First-Out” (FIFO) Application

Ms. Fry testified that the County’s “first-in, first-out” (FIFO) approach applied only to Mr. Sennott and Ms. Zimmerman. Mr. Jarrett says it has been the policy since he became the Responsibility Authority,^(100,8) which was adopted on August 12, 2025 and contradicts his own testimony of changing approaches.^(100,8-9) This process is neither described in Steele County’s Data Practice Policy nor consistently applied to any other requestors. Despite separate individuals seeking distinct data as seen in Table 1, the County grouped all requests from Ms. Zimmerman, Mr. Sennott, and the ESC Residents together, making each dependent on the completion of the others. No legal or practical basis supports such a consolidation, nor has it been applied to any other requester in Steele County. This practice has effectively given the County unilateral control over when, or if, residents are allowed access to public data, contrary to the intent of Minn. Stat. § 13.03.

While the County cited FIFO to justify delays, its own records show the opposite. Several of Ms. Zimmerman’s later requests, specifically requests 2, 10, and 11 in Table 1, were completed in just three to twelve days, while Request 7, seeking public facing County policies, took 147 days despite being far simpler. All of these were completed before requests 3–5 and before Mr. Sennott’s October 2024 data

request. No other requestor in Steele County was required to wait for the completion of Mr. Sennott's request, confirming that the County's claimed FIFO procedure is neither standard practice nor consistent with its own Data Practices Policy, and that its sequencing lacks any legitimate "order, received" system.

C. Reasonableness and Promptness

Under § 13.03, subd. 2(a), the County must provide data in a reasonable and prompt manner. Steele County has demonstrated that it is capable of doing so, as shown by four separate requests, including Requests 2, 10, and 11 in Table 1 and a January 2024 request^(20,106-110) that established the precedent for County processes, and again after oversight prompted compliance in the October 2024 request.

However, once residents began requesting data related to specific committees, project accountability, or financial decisions, the County's responsiveness changed drastically.^(5,20;6,23-24;7,31;11,55) The FIFO rule was suddenly applied and requests were indefinitely delayed, even if they only involved public documents such as policies.^(11,55)

Ms. Fry's claim that the County's approach was "reasonable" cannot be reconciled with a timeline in which "several weeks" became more than a year, production occurred only after outside intervention, and unrelated requests remained unfulfilled. When an entity's internal process prevents timely compliance, the procedure itself constitutes a violation of § 13.03. (See *Webster v. Hennepin County*)

D. Joint Transportation Committee Request

The Joint Transportation Committee (JTC) appears on Steele County's own website under "*Joint Powers, Advisory Board, Regional Representation*" listing three commissioners as members (in publicly available County data), meaning their attendance occurs in official capacity. Under Minn. Stat. § 471.59, the participating entities act jointly as one governing body making each responsible for creating and maintaining records under § 15.17, under § 13.03, all such government data is public.

The JTC data request was submitted on March 31, 2025,^(2,7) and denied on April 1, 2025, as “This is not a data request” because it contained questions.^(5,20) Mr. Jarrett provided no legal authority for that denial. The “questions” were merely an attempt to narrow the scope of the request and provide historical data being requested. After receiving no response, Ms. Zimmerman resubmitted the same request on April 2, 2025, without question marks to clarify that it sought existing data, not answers.^(5, 17-20)

Ms. Fry testified that the County had responded to residents that no data existed. No such notice was ever provided,^(5,19) and the October 17, 2025 hearing was the first time residents learned that the County was claiming no data existed. As of today, 219 days later, the April 2 resubmission has never been acknowledged, despite follow-ups citing MGDPA regulations^(5,19) and Ms. Fry’s own statement on April 8 that she considered the request valid and would instruct Mr. Jarrett to respond.^(25,134) Ms. Fry also testified that her conversation with Commissioner Krueger occurred on April 8, 2025, in fact, it occurred on February 11,^(Complaint pg. 12) six weeks before the data request, making it impossible for him to have stated that no responsive data existed, as the County claimed.

Further, the County’s Exhibit 100D is not a true and correct copy of the JTC data request^(100D,4-5), it is in fact a copy of the City of Owatonna request that residents inadvertently included in an earlier compilation. While that was a clerical error on our part, our exhibits clearly show the actual resubmission to the County using their provided form. The County nevertheless adopted our misfiled City request as its own and represented it under oath as authentic. This discrepancy underscores the same lack of verification and procedural care that has characterized the County’s handling of data throughout this case.

This data request arose only because of the complete lack of publicly available information about this committee. When residents asked basic questions, they were met with unusually strong reactions, raising legitimate concern that the County’s claimed “first-in, first-out” and grouped-entity procedures were

used to restrict access to this particular data. This was Ms. Zimmerman's second data request, following one that was promptly filled, and this request was unrelated to the ESC. It concerned a public meeting where transportation projects were discussed, yet the County grouped it under the subject matter of "ESC" denying access.

If indeed no JTC data exists, then the County either failed to maintain required records, destroyed them, or withheld them, all serious violations of §§ 13.03 and 15.17.

E. Pattern of Delay and Selective Treatment

Eight data requests remained open, ranging from 129 to 378 days as seen in Table 1, with multiple improperly closed. The County repeatedly invoked its FIFO policy to justify these delays,^(7,31;11,55;12,63) even for requests involving limited or publicly available materials such as policies.^(11,55) Meanwhile, other residents' requests were processed promptly, revealing inconsistent and inequitable application of procedure.

This pattern indicates selective treatment rather than system overload. Over the past thirteen months, residents submitted thirteen data requests, averaging roughly one per month. Ms. Fry testified that she receives about five requests weekly but claimed that two residents "*overwhelmed the system*." In reality, seven of the residents' requests sought only one to three documents, narrow in scope and largely routine (as seen in Table 1), contrary to Mr. Jarrett's affidavit.^(100,3) The County's refusal to timely provide such straightforward materials deprived residents of information necessary for meaningful oversight and participation in government decisions.

As attorneys, both Ms. Fry and Mr. Jarrett are fully aware of their statutory obligations under § 13.03. Their continued inaction, even after residents provided precise statutory citations, reflects not confusion or workload but a willful disregard for the law's transparency mandate.

F. Mr. Sennott's October 25, 2024 Data Request

Mr. Sennott's October 2024 request sought comprehensive public data concerning the County's operations.^(1,1-2) Ms. Fry acknowledged it immediately, estimating fulfillment would take "several weeks."^(26,165-167) Over the following months, he repeatedly received this same vague timeframe.^(26,148-167)

After being told that the County was not subject to the Freedom of Information Act but rather to the MGDPA, which contains no fixed deadline, Mr. Sennott consulted the DoA. The DoA advised that large requests may take time but recommended prioritization and rolling production. He relayed this guidance to the County, which agreed.^(26,164)

The first batch of 1,087 files was announced as "ready" on December 27, 2024,^(26, 157) but inspection was restricted to a single viewing on Mr. Jarrett's personal computer.^(26,155) When residents scheduled follow-up appointments on January 13, 2025, they were told the data were no longer available.^(26, 155-156) That same day, the DoA contacted the County regarding the use of personal devices for inspection.^(22,114) On January 14, residents were again denied access during normal business hours,^(39,40) and on January 15 were informed that data were "ready," but only 350 files were made available, many of which were incomplete or corrupted.^(26,152-154) Full access to the remaining 1,087 files was finally granted on January 17,^(28, 172) four days after external oversight intervened. Numerous access issues were documented on January 15, most of which remain unresolved.^(26, 148-154)

On February 11, residents were again told it would take "several weeks" before the next round of data could be made available, citing staff vacations.^(30,178) After residents addressed these challenges to the County Board publicly that evening, additional data was released three days later, demonstrating that the delay was intentional rather than unavoidable.^(31,179)

The third round of data was made available on June 10, 2025.^(33,183-185) On June 3, residents received responses to other non-responsive data requests stating that the County had received the formal

complaint and would be producing additional data soon.^(14,72-73) Once again, the County's ability to promptly provide data only after external oversight intervened demonstrates that prior delays were not due to capacity but to choice, reflecting willful noncompliance with § 13.03.

The original timeframe was the County's own estimate, based on its knowledge of applicable laws, processes, and workload. It is the government's responsibility to provide accurate timeframes, and while "several weeks" is admittedly vague, it generally means more than three but not many, perhaps three, seven, or even twelve. 54 weeks is far outside any reasonable interpretation of "several" and cannot be considered prompt or appropriate under the County's own estimate. Moreover, "several weeks" was provided as the timeline for the *entire* data request, yet today, even the first prioritized data remains inaccessible for convenient use,^(33,183) and newly adopted policies now prevent access to the software necessary to make it usable.

Despite residents' ongoing cooperation, less than half of the identified 7,600 records have been produced to date.^(1,1;26,158;28,172;31,179;33,185;100,7) Although residents worked collaboratively with the County, disclosure required significant time and external intervention, a pattern consistent with the County's handling of the ESC project. If information could be produced within days of oversight, it could have been provided earlier, the County simply chose not to prioritize it. This pattern demonstrates that the delays were intentional rather than unavoidable and systematically repeated.

G. Barriers to Meaningful Public Involvement

The Annexation and Township data request, submitted on May 6, 2025, was acknowledged on May 8 with an estimated fulfillment of "Fall/Winter."^(12,58-63) Residents immediately followed up citing statutory provisions against unreasonable delay, but no further response was received.^(12,58-63)

On May 27, a township resolution appeared on the County Board agenda originating from the Public Works meeting. The resolution was signed the same day as the 8:00 a.m. Public Works meeting, despite

the next township meeting scheduled later that week.^(12,64-68) This sequence raises serious concerns regarding the County's involvement and compliance with environmental and open meeting requirements and is reflective of the ESC project as a whole.^(36,193-195) Because residents were denied access to the requested background data in advance, they were unable to participate meaningfully in the process, creating a chilling effect on public engagement.

This chilling effect extends beyond a single request. Residents have asked that certain data be preserved with the intention of submitting additional requests, yet the County's continued noncompliance has undermined all trust in its transparency and accountability. As a result, residents see little purpose in pursuing new requests until existing ones are fulfilled and meaningful access to public data is restored, further preventing public participation in decisions being made.

H. Overall Findings

The County withheld data relevant to the ESC's environmental review, federal funding transfers, Joint Transportation Committee records, and township annexations, preventing access for key public meetings. By batching unrelated requests, inventing FIFO dependencies, and providing vague or no timeframes, Steele County effectively froze public access to government data and obstructed civic oversight. These actions formed a consistent pattern across all data requests, one marked by delay, selective responsiveness, and disregard for statutory requirements. The result was an information blackout that eroded public trust and prevented residents from meaningfully participating in government decisions.

V. Inappropriate Responses to Data Requests (Minn. Stat. § 13.03, subd. 2(a))

Steele County's responses to multiple data requests failed to meet the requirements of promptness, completeness, and good faith mandated by Minn. Stat. § 13.03. The record demonstrates repeated patterns of invalid denials, premature closures, and arbitrary restrictions on communication that collectively undermined the statute's purpose of open government.

A. Valid Requests Improperly Denied or Closed

The County conceded that all thirteen data requests were valid. Yet several were improperly denied, closed without explanation, or never acknowledged as seen in Table 1.

- **Joint Transportation Committee (JTC)** — Initially denied as “improper” for containing questions, later resubmitted, but never acknowledged.^(3,10-11;5,19-20)
- **Federal Funds Transfer** — Acknowledged on April 10, 2025, then forty-three minutes later Mr. Jarrett reversed course, declaring the request “vague” and “calls for questions.”^(7,31-33) His affidavit later characterized this as a “mistake,”^(100,9) but no corrective communication was ever provided to residents.
- **Noise Study Data Request (April 2, 2025)** — Closed on April 18, 2025 with the conclusory statement that “no data exist.” No explanation, search documentation, or legal reasoning was provided as required under Minn. Stat. § 13.03, subd. 3(f), . Ms. Fry testified that nothing more than asking the County Engineer Mr. Sponholz to search his drive was done to locate data. Under Minn. Stat. § 13.05, subd. 11, the County is responsible for obtaining public data held by private contractors such as WSB. Failure to do so and closure of the request without exhausting reasonable efforts constitutes an improper response.^(6, 22-24)

B. Restricting Communication and Misusing Chapter 13

On February 4, 2025, after Ms. Zimmerman emailed the County Administrator, Ms. Fry, seeking basic information about the JTC meeting, a public meeting listed on the County website, Mr. Jarrett responded that all data requests and “ESC questions” must be directed solely to himself and Ms. Fry.^(3,12-14) This was not a data request nor an ESC question, but rather a routine inquiry about a public meeting. In response the County effectively prohibited communication with other officials.

Minutes later, residents received another email from Mr. Jarrett regarding ongoing data-access issues, again limiting contact to himself and Ms. Fry.^(29,174-175) The next day, Mr. Sponholz emailed residents referencing Mr. Jarrett’s message, prompted by a message to Mr. Sponholz from the City Engineer, not residents.^(4, 15-16) Residents have not contacted Mr. Sponholz since early October 2024, before the timeframe of this complaint, contradicting the County’s claim that copious resident data request emails

encumbered with his work.^(100,3) Ms. Fry later testified that Mr. Sponholz consulted her before sending any responses, confirming the restriction was coordinated.

As an Attorney, Mr. Jarrett repeatedly told residents on more than ten occasions, that he “does not have to answer questions,”^(1,3;3,12;5,20;7,33;29,174;34,186-190) citing Chapter 13. This assertion is incorrect. Under Minn. Stat. § 13.03, subd. 3(a), *“upon request a person is entitled to be informed of the data’s meaning.”*

Refusing to provide context or interpretation when explicitly requested violates both the letter and spirit of the statute.

These restrictions forced residents to submit formal data requests for even basic public information, such as County policies and RFP documents, materials that should be publicly posted. Ms. Fry even testified that residents needed to file a data request simply to obtain the cost estimate *for a data request*. Such circular logic created self-imposed bottlenecks that the County later cited as evidence of being “overwhelmed.”

C. Improper Conduct Toward Residents Seeking Oversight of Public Data Access

On April 8, 2025, the County announced that it would reallocate nearly \$4 million in federal funds away from the ESC project, citing “a neighborhood group intended to litigate the project.”^(8, 34-44) Following that meeting, Ms. Fry told residents this claim was due to residents’ GoFundMe campaign to raise funds for a data practices complaint.^(9,46-48;25,138-139) Evidence shows the County acted the day after the GoFundMe was launched on March 24, 2025.^(9,48; 10,49)

The timing and content of these actions suggest that the County’s decision to transfer funds was influenced by residents’ lawful efforts to exercise their rights under the MGDPA. The following day, April 9, 2025, residents submitted a data request seeking documentation of the transfer.^(7, 25-30) It was acknowledged the next day but denied forty-three minutes later, with Mr. Jarrett declaring it “vague.”^{(7,32-}

³³⁾ Residents immediately clarified the request and cited Chapter 13's requirement that closures include a legal reason. The County provided no further response^(7,32) until this proceeding, when Ms. Fry testified that the response had been intended for a different request.

This pattern of penalizing lawful data-related activity, publicly misrepresenting residents' intent, and delaying time-sensitive information, demonstrates bad-faith conduct inconsistent with Minn. Stat. § 13.085, subd. 5(a)(2)-(3) & (5).

D. Misrepresentation of Resident Communication

Mr. Jarrett and Ms. Fry alleged that residents sent "near-daily" emails, a claim not supported by the record. Follow-ups occurred only every few weeks after extended periods of silence or when a reply was required.

For example:

- October 2024 request – No emails between **March 11, 2025** and **June 19, 2025**
- JTC request – last resident response: **April 14, 2025**
- Noise Study – last resident response: **April 18, 2025**
- Federal Funds Transfer – last resident response: **April 14, 2025**
- Township and Annexation – last resident response: **May 8, 2025**
- Preservation Request – submitted **May 15**, followed up **June 2**, County responded **June 3** after being notified of this complaint.

This record demonstrates that resident communication was reasonable and proportionate. If the County had responded promptly and appropriately, no follow-up emails would have been necessary.

E. Failure to Provide Accessible Data and Explain Redactions

Mr. Jarrett informed residents that certain files "may not open due to redactions,"^(29,174) yet no notice or explanation of any redactions was ever provided, contrary to Minn. Stat. § 13.03, subd. 3(f). He further stated that some files were "engineering documents" and that the County was not obligated to make

them viewable without specialized software^(32,180), refusing to convert them into accessible formats such as PDF.

Under Chapter 13, all government data is public regardless of format or file type. The statute makes no distinction between a file, document, or image, each must be made available for inspection in a usable form. The County's attempt to distinguish between "files" and "documents" during cross-examination is unsupported by law, Chapter 13's requirements apply to all government data without exception. By refusing to provide access or explain claimed redactions, the County failed to meet its duty to provide both the data and its meaning as required by § 13.03.

F. Mismanagement of Cost Estimates and Request Consolidation

When residents requested cost estimates to pay for data rather than repeatedly inspect data, the County failed to provide estimates^(30,178), contrary to Minn. Stat. § 13.03, subd. 3(c). Mr. Jarrett also combined separate requests, from different requestors^(23, 116-118). Although subjects overlapped, each requestor has an independent right to access data, and nothing in Chapter 13 authorizes merging requests.

This practice complicated data requests, distorted costs, and required substantial effort and oversight. While fee issues are addressed separately, the County's failure to provide cost estimates and its improper consolidation of requests constitute procedural violations of § 13.03.

G. Improper Reliance on Staffing and Workload Excuses

Steele County repeatedly cited staffing shortages and workload to justify delays in fulfilling data requests.^(21, 111-112;25,135- 137;26,148-169) However, Minn. Stat. § 13.03 requires data to be provided "*in an appropriate and prompt manner,*" with no exception for internal resource constraints.

Under oath, Ms. Fry conceded that while 55 employees had left since June of 2024, 54 had also been hired, meaning staffing levels were effectively unchanged. She further testified that most of the County's

two hundred employees work in departments unrelated to data requests and ultimately admitted, *“If you’re asking me to testify as to whether turnover and staff on a generic basis affected our ability to fulfill your data request, my answer is no.”*

This direct acknowledgment eliminates staffing as a legitimate justification for delay. The County’s continued reliance on workload, vacations, and turnover reflects choice, not incapacity, and demonstrates a deliberate pattern of avoiding transparency rather than an inability to provide it.

H. Structural Bottlenecks and Administrative Control

Ms. Fry admitted under oath that she serves as the administrative designee for Data Practices requests and is not the County’s designated Responsible Authority under Minn. Stat. § 13.02, subd. 16. Despite this, she testified that she personally manages every aspect of the County’s data response process. By assuming duties reserved to the Responsible Authority without delegation or oversight, Ms. Fry effectively centralized control of public data access outside the framework established by statute and Steele County’s Data Practice Policy.^(37, 196-243;38, 245-291)

Steele County’s difficulties were not caused by residents, who submitted roughly one request per month on distinct topics, but by an internal structure that funneled all requests through a single administrative gatekeeper who neither delegated tasks nor ensured compliance. Rather than being hindered by workload, the County’s own structure created unnecessary bottlenecks that delayed responses and limited public access to data. This system, maintained by choice, effectively obstructed compliance with § 13.03’s requirement for timely and accessible inspection.

I. Culture of Opposition to Transparency

The MGDPA was enacted to ensure government transparency, accountability, and public trust. Yet, as Ms. Fry admitted on April 8, 2025, when Ms. Zimmerman joked about searching for transparency, Ms. Fry

responded: *"I hate that word. I'm going to tell you right now, I hate that word with a passion. I'm sorry, but I hate the word transparency."*^(25,147)

This statement is emblematic of Steele County's approach to public access. It demonstrates a cultural aversion to openness that has repeatedly undermined compliance with both the letter and spirit of the MGDPA and stands in direct conflict with Minn. Stat. § 13.01, subd. 3, which mandates that Chapter 13 be liberally construed to promote transparency and accountability in government.

J. Summary

The County's handling of data requests was defined by improper denials, arbitrary closures, persistent non-responsiveness, selective communication restrictions, and conduct reflecting bad-faith. Its centralized control structure and dismissive attitude toward transparency transformed what should have been routine public access into a prolonged, adversarial process.

This was not a case of individual error but of an institutional approach that consistently favored concealment over compliance. Steele County's pattern of misdirection and selective enforcement shows systemic disregard for public-access law, not isolated misjudgment. Under Minn. Stat. § 13.085, subd. 5(a)(2), this sustained pattern of delay and obstruction warrants a finding that Steele County's procedures themselves violated the statutory mandate for prompt and appropriate access to public data.

VI. Post, Hearing Developments Reflecting Testimony

Both Ms. Fry's testimony and Mr. Jarrett's affidavit claimed that Steele County had improved data access by providing a dedicated laptop for inspection. Yet the new device lacked basic software to open Word, PDF, or Outlook files, preventing meaningful review. Without Outlook, the .pst file provided to Mr. Sennott was unusable^(33, 183), and in replacing laptops the County appears to have erased the email files residents spent hours previously loading into outlook, undoing their progress. These failures contradict

the County's sworn claims of improvement and confirm Mr. Sennott's testimony that Steele County's data, particularly email records, remain disorganized, incomplete, and inaccessible.^(33,183) In practice, the measures presented as "*improvements*" have instead created new barriers and prolonged the very delays at issue in this case.

VII. Harms and Impact

The effects of Steele County's violations extend far beyond delayed access to public data. The County's actions produced measurable harm, procedurally, substantively, and systemically.^(7-11, 34-49; 34-36, 185-195)

Procedurally, the County's prolonged delays, rescinded permissions, and incomplete responses deprived residents of timely and meaningful access guaranteed under Minn. Stat. §13.03, subd. 3. Requests that should have taken days or weeks took over a year to fulfill, if fulfilled at all (Table 1). These failures forced residents to expend extraordinary time and resources simply to obtain information that should have been readily available, eroding confidence in local government transparency.

Substantively, the County's obstruction had direct consequences for the ESC project. The withdrawal of federal funds, justified in part by a false claim that residents "intended to litigate" in relation to taking steps to file this formal data complaint, removed federally required mitigation and noise-abatement safeguards valued at over \$2.3 million.^(7-11, 34-49; 34-36) The resulting loss of oversight, environmental protection, and procedural rights represents tangible damage to the affected community and to the public trust.

Systemically, the County's conduct chilled public participation and created an environment of fear and exclusion. Following the filing of a lawful Data Practices complaint, communications with elected officials ceased, residents were publicly mischaracterized as adversarial, and transparency mechanisms effectively shut down. This pattern of retaliation against protected activity undermines not only the spirit of the Data

Practices Act but also the credibility of all future county proceedings involving public data. A government that makes residents feel unsafe for exercising lawful rights is not acting in good-faith.

These cumulative harms demonstrate that Steele County's violations were not isolated or inadvertent. They reflect a sustained failure of oversight that harmed the public's right to transparency and the federal partners' right to honest disclosure. For these reasons, Complainants respectfully request that this matter be forwarded to the Minnesota State Auditor, the Department of Administration, and the Attorney General's Office for further review and appropriate corrective action. Forwarding this matter for further oversight will not only address the specific violations at issue but also help restore public confidence that Minnesota's open government laws carry meaning and consequence.

VII. Requested Remedies and Closing Summary

Complainants respectfully submit the following requested remedies and closing summary pursuant to Minn. Stat. § 13.085, subd. 5(a)(1)–(5), which authorizes the Administrative Law Judge to order any action necessary to bring a government entity into compliance. These remedies are essential to bring Steele County into full compliance with the MGDPA and to prevent recurrence of the violations established in this proceeding.

1. Express Finding of Violation

That the Court's Final Order expressly find that Steele County, and its acting Responsible Authority and Designees, violated Chapter 13 through conduct inconsistent with the MGDPA. The evidence establishes repeated delays, refusal to follow Commissioner guidance, inaccurate responses, improper fees, and failure to correct deficiencies despite notice and opportunity to do so. Complainants further request that the Court find such violations were "willful" within the meaning of Minn. Stat. § 13.09, warranting consideration of potential criminal misconduct pursuant to § 13.085, subd. 5(a)(5) to ensure full accountability and deterrence.

2. Order of Compliance

That the Court order Steele County to fully comply with Minn. Stat. § 13.03 by producing all remaining responsive data within fourteen (14) calendar days of the Final Order, or within another prompt and definite period the Court deems appropriate, pursuant to § 13.085, subd. 5(a)(4), and to include the following provisions:

Table 2 – Compliance Requests

#	Requester	Date	Data Request	Days
1	Mr. Sennott	Oct. 25, 2024	Data Request ^(1,1)	378
4	Ms. Zimmerman	Apr. 2, 2025	Joint Transportation Committee Resubmission^(5,17) <i>**Complainants request that the Court find this constitutes a valid data request under Minn. Stat. §§ 13.03, 15.17, and 471.59, as the Joint Transportation Committee operates as a joint powers entity required to maintain and provide public records. Steele County should be ordered to formally acknowledge and process this request within fourteen (14) days of the Final Order.</i>	219
5	Ms. Zimmerman	Apr. 2, 2025	Noise Study^(6,22) <i>**Complainants request that the Court find this constitutes a valid data request under Minn. Stat. §§ 13.03 and 13.05, subd. 11, that responsive data held by WSB or Steele County exists, and order the County to acknowledge, locate, and produce that data in full within fourteen (14) days of the Final Order.</i>	203
6	Ms. Zimmerman	Apr. 9, 2025	Federal Fund Transfer^(7,25-30) <i>**Complainants request that the Court expressly find Exhibit 7 constitutes a valid data request under § 13.03 and order Steele County to formally acknowledge and process it within fourteen (14) days of the Final Order.</i>	196
8	Ms. Zimmerman	May 6, 2025	Annexation and Township Communications ^(12, 58-62)	185
9	Ms. Zimmerman	May 15, 2025	Data Preservation ^(14, 69)	19
12	Owatonna East Side Corridor Residents	Jul. 1, 2025	2012 County Roadway Safety Plan ^(18,94-98)	129
13	Owatonna East Side Corridor Residents	Jul. 1, 2025	Owatonna High School Traffic Impact Study ^(19, 99-103)	129

The Order should further direct Steele County to:

- Acknowledge all future data requests in writing within ten (10) business days of receipt,
- Provide an estimated completion date for each request as required by § 13.03, subd. 2(a), and
- Maintain an updated, publicly posted Data Practices Policy describing these procedures to ensure ongoing compliance and transparency.

3. Fee Reimbursement and Waiver of Costs

That the Court order Steele County to reimburse all fees and charges previously assessed for inspection, copying (totaling \$37.25), or data separation related to these requests, and to provide, at no cost, complete electronic copies of all responsive data, including: all data previously reviewed, outstanding, and all data generated or received hereafter relating to the East Side Corridor (ESC) project.

Complainants further request that this no-cost access remain in effect for the full duration of the ESC project, through final construction and acceptance (including any extensions or amendments), ensuring uninterrupted public transparency throughout all stages of planning, funding, and construction. This corrective order is authorized under § 13.085, subd. 5(a)(4), which empowers the Court to compel compliance and set deadlines for corrective action.

4. Policy and Training Requirements

That the Court direct Steele County to update its Data Practices Policy and implement mandatory ongoing training for all staff and elected officials, including commissioners and department heads, consistent with Minn. Stat. § 13.085, subd. 5(a)(4). Training should be conducted or approved by the Minnesota Department of Administration's Data Practices Office (DPO) or another OAH-recognized provider, repeated annually for at least four years, and incorporated into onboarding for all new employees and elected officials. This measure is necessary to ensure lasting compliance, foster a culture of transparency, and prevent recurrence of bad-faith violations.

5. Civil Penalty

That the Court impose the maximum civil penalty of \$300 per violation under § 13.085, subd. 5(a)(3) against Steele County for its willful and bad-faith failure to comply with Chapter 13.

The evidence establishes repeated notice and deliberate disregard of statutory duties, satisfying the "willful" standard under § 13.085, subd. 5(a)(3). This penalty, payable to the State's general fund, serves to deter future misconduct and reinforces the seriousness of the County's continuing violations.

6. Enforcement and Continuing Oversight

That the Court retain limited jurisdiction for twelve (12) months following the Final Order to ensure compliance and require Steele County to file a written certification of corrective actions, policy updates, and training completion with both the Office of Administrative Hearings and the Data Practices Office.

This request is authorized under § 13.085, subd. 5(a)(4), permitting any order necessary to compel compliance, and consistent with § 13.01, subd. 3, directing liberal construction to ensure transparency and accountability in government.

7. Referral for Further Oversight and Investigation

Consistent with § 13.085, subd. 5(a)(4)–(5) and the willful violation provisions of § 13.09, Complainants request that the Court forward its findings and Order to the following oversight bodies for review and appropriate action:

- Minnesota Department of Administration – Data Practices Office (DPO): verify corrective compliance and oversee mandated training.
- Minnesota Office of the State Auditor (OSA): examine fiscal accountability, record-keeping, and data-related expenditures.
- Minnesota Attorney General’s Office (AGO): review potential misconduct of public officers under Minn. Stat. §§ 13.09 and 609.43.
- Minnesota Department of Transportation (MnDOT) and Federal Highway Administration (FHWA): assess impacts of data withholding on federally funded ESC planning and environmental compliance.
- Office of the Legislative Auditor (OLA): provide informational oversight and support statewide best-practice reforms.
- Association of Minnesota Counties (AMC) and Legislative Coordinating Commission (LCC): consider transparency reforms and inclusion in statewide legislative review.

These referrals ensure inter-agency accountability and coordination across fiscal, professional, and federal oversight domains.

8. Preservation for Further Action Under § 13.08

That the Court’s findings expressly identify Steele County’s violations of Chapter 13 and the factual basis for those violations, establishing a record sufficient to support any future civil action under Minn. Stat. § 13.08, subds. 1 and 4. Such findings will preserve Complainants’ ability to pursue statutory remedies for

continued or repeated violations, including damages of up to \$15,000 per violation, as well as costs and attorney's fees, should noncompliance persist following this Order.

Complainants have acted in good faith throughout this process and have sought only lawful access to public data as guaranteed under Minn. Stat. § 13.03. The remedies requested above are fair, reasonable, and essential to restore public trust and ensure lasting transparency in Steele County government. These measures are not punitive—they are corrective—ensuring that the principles of open government, which residents have long advocated for, are upheld in both law and practice.

IX. Conclusion:

Steele County knew the regulations it was required to follow, residents provided them. The County demonstrated that it could quickly produce responsive data when oversight occurred, showing that noncompliance was a choice, not a capacity issue. As a result, real harms have occurred, impacting hundreds of residents. Furthermore, this reflects a systemic pattern that has persisted throughout the more than three years residents have been engaged with the ESC project. The same pattern is evident in nearly every interaction, from locking residents out of meetings to creating environments so hostile that residents now fear engaging with County officials. Such conduct is not good faith, it is willful.

We respectfully ask that the Court find Steele County in willful violation of the MGDPA and grant the remedies requested. It is our goal that doing so will help restore the transparency, accountability, and trust that residents have been advocating for over the past several years.

Thank you,

Owatonna East Side Corridor Residents

c/o Matt Sennott & Melissa Zimmerman