



The Office of
Minnesota Attorney General Keith Ellison
helping people afford their lives and live with dignity, safety, and respect • www.ag.state.mn.us

October 1, 2026

Via Email Only

Governor Tim Walz
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Senate Finance Committee
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Representative Cedrick Frazier, Co-Chair
House Ways and Means Committee
Minnesota House of Representatives
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Representative Paul Torkelson, Co-Chair
House Ways and Means Committee
Minnesota House of Representatives
2nd Floor Centennial Office Building
St. Paul, MN 55155
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Re: Annual Expenditure Report Pursuant to Minn. Stat. §§ 8.08 and 8.15, subd. 4

Dear Governor Walz, Senator Marty, and Representatives Frazier and Torkelson:

I submit to you the annual expenditure report of the Office of the Attorney General for FY 2026, as required under Minnesota Statutes §§ 8.08 and 8.15, subd. 4.

Role of the Office of the Attorney General

The Attorney General is a statewide elected position created by Article V of the Minnesota Constitution. The role of the Office of the Attorney General is to:

- 1) Defend the duly enacted laws of the State of Minnesota;
- 2) Represent nearly all the State's agencies, boards, and commissions — more than 100 in total — in legal matters;
- 3) Assist Minnesota's county attorneys in criminal cases and appeals, and lead criminal prosecution of Medicaid Fraud; and
- 4) Protect Minnesotans from fraud and abuse, as authorized by many State statutes, most notably Minn. Stat. § 8.31: "The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade."

This report contains many representative examples of the work the Office has done in FY 2026 and continues to do on major current and future legal issues to fulfill each of the roles above. Some are already well known to the Legislature and the public, but many are not. All of them meet the constitutional, statutory, and regulatory duties of the Office, as well as its obligation to protect Minnesotans.

Organization of the Office of the Attorney General

The Office of the Attorney General helps the people of Minnesota afford their lives and live with dignity, safety, and respect. The Office consists of four large legal sections, each led by one of our Deputy Attorneys General or the Solicitor General. Within each Section are smaller Divisions organized around subject matter and client agencies, boards, or commissions.

The Deputy Attorneys General and Solicitor General report to the Chief Deputy Attorney General and Attorney General. The Attorney General is the Chief Legal Officer of the State of Minnesota and reports to the people of Minnesota.

Pursuant to Minnesota Statutes Section 8.15 the Attorney General may enter into agreements with executive branch agencies to provide legal services for the benefit of the citizens of Minnesota. This Office has entered into a new partner agency agreement with the State Emergency Communications Board under the statute. Through this communication we are also notifying the appropriate committees.

About this Report

It would be nearly impossible to list in this report every area of work and every accomplishment of the Office of the Attorney General in FY 2026. For this reason, in this report we provide representative examples of our work rather than a long list of case names. If you do not see directly reflected in this report any cases or bodies of work that interest you, please let me know and I will be happy to brief you.

It continues to be my honor to serve the people of Minnesota as your Attorney General. During my tenure, I have valued open communication and transparency with all members of the Legislature. My door continues to be open to you and the members of your committees and the houses in which you serve.

Sincerely,



KEITH ELLISON
Attorney General

Governor Tim Walz, Senator John Marty, Representative Cedrick Frazier, and Representative Paul Torkelson
October 1, 2026
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cc:

Senator Ron Latz, Chair, Judiciary and Public Safety Committee
Senator Warren Limmer, Ranking Minority Member, Judiciary and Public Safety Committee
Representative Paul Novotny, Co-Chair, Public Safety Finance and Policy Committee
Representative Kelly Moller, Co-Chair, Public Safety Finance and Policy Committee

**STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL**

ANNUAL REPORT REQUIRED BY

**Minnesota Statutes sections 8.08 and
8.15 subdivision 4 (2025)**

Fiscal Year 2026

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CONSUMER PROTECTION SECTION

The Consumer Protection Section works to protect Minnesotans and advance consumer protections in a variety of contexts through the work of the Section's divisions, summarized below.

In addition, the Section also supports the work of the Minnesota Prescription Drug Affordability Board (“PDAB”) by providing legal representation to the board. Minnesota’s PDAB was established by the legislature in 2023, with initial appointments to the board in 2024, following a call for its creation in the February 2020 “Report of the Minnesota Attorney General’s Advisory Task Force on Lowering Pharmaceutical Drug Prices.” In the last year, the PDAB advanced its work by preparing to initiate cost reviews of prescription drugs to evaluate affordability challenges by Minnesotans and state health care programs.

CHARITIES DIVISION

The Charities Division serves a number of functions. First, it maintains a public registry of charities, charitable trusts, and professional fundraisers that operate in the State. Second, it oversees charities, charitable trusts, and nonprofits in Minnesota. Third, it enforces state charitable solicitation, charitable trust, and nonprofit laws. The Division’s enforcement authority is civil, not criminal.

With respect to the Division’s registration function, Minnesota law requires charitable trusts, charitable organizations, and professional fundraisers to register and file annual reports with the Attorney General’s Office (“AGO”). In the last fiscal year, the Division deposited \$921,795 in registration-related fees into the State’s general fund. The Division currently has more than 14,460 soliciting charitable organizations, more than 2,602 charitable trusts, and more than 348 professional fundraisers registered. These entities, which include both Minnesota and out-of-state entities, collectively held more than \$1 trillion in assets and had more than \$400 billion in total revenue in the past year. Registration information on the Attorney General’s website permits the donating public to review a charitable organization’s financial information. The Charities Division continues to develop a new online registration and reporting system that will enable even greater transparency and more informed giving.

With respect to its oversight role, the Charities Division reviews for compliance multiple filings and notices concerning charities, charitable trusts, and nonprofits. For charitable trusts, the Division receives notice of certain trust and estate actions so it can act to protect charitable beneficiaries that might otherwise be unable to represent themselves. The Division received notice of dozens of such matters in FY 2026. For nonprofits, the Division receives statutory notice when a corporation seeks to dissolve, merge, or otherwise change its status, so it can ensure that assets are used for nonprofit purposes. The Division received and reviewed 287 such notices last fiscal year. The Charities Division also assists with the review of notices sent to the Office pursuant to the Health Care Entity Transactions Law, Minn. Stat. ch. 145D. In the last fiscal year, the AGO has received nine submissions — including University of Minnesota Physicians/Fairview–CSC, Sanford/North Memorial, and Sutter Health/Allina — and completed review of five notices of

health care transactions. For charities and professional fundraisers, the Division reviews numerous tax returns, financial statements, and other registration documents for financial misuse, solicitation fraud, and other violations.

For its enforcement role, the Charities Division conducts informal and formal civil investigations into complaints and other allegations of fraud, misuse of funds, breaches of fiduciary duties, and other wrongdoing by regulated entities. Depending on the circumstances, investigations are resolved through a spectrum of remedies, from formal enforcement actions to voluntary education and compliance efforts. Through the enforcement of laws governing nonprofit and charitable organizations, the Charities Division helps combat fraudulent solicitations, deter fraud in the nonprofit sector, educate the public about charitable giving, and hold nonprofit organizations accountable for how they raise, manage, and spend charitable assets. At the same time, the Division works proactively with donors, charities, state agencies, and nonprofit boards to provide education, outreach, technical assistance, and other support to strengthen the charitable-giving sector and help prevent future violations.

Below is a *representative sample of some but not all* legal work performed, including investigations and lawsuits brought or resolved, by the Charities Division in FY 2026.

- ***In the Matter of Borealis Art Guild.*** In July 2025, The Minnesota Attorney General's Office (AGO) reached separate settlements with Borealis Art Guild, which fosters the public's and artists' interest in art display by operating classes and programs, and its founders, George and Georgia Andria. The AGO secured an assurance removing the Andria's from the nonprofit's board and bank accounts and prohibiting them future nonprofit leadership. The AGO's investigation found, among other problems, that Borealis assets had been spent to improve a building owned by the Andrias despite those improvements primarily benefiting the Andrias personally, that the nonprofit's board failed to oversee the Andrias, that Borealis removed directors who asked questions about finances, and that Borealis had not complied with non-profit registration requirements.
- ***State vs. Christianna Mai-Choua Hang.*** In September 2025, the Minnesota Attorney General's Office filed a consent judgment to resolve a lawsuit alleging that Christianna Hang violated her fiduciary duties as a superintendent to Hmong College Prep Academy by investing over \$4 million in a risky hedge fund. The lawsuit further alleged that Hang made this investment without the board of directors' knowledge, and against the advice of counsel and HCPA's accountant. Under the consent judgment, Hang was banned from the nonprofit sector in the State of Minnesota and agreed to pay \$220,000 in restitution to HCPA. Hang finished her payments to HCPA in April 2026.
- ***State vs. Act for Cause and Rajesh Mehta.*** In January 2026, the Minnesota Attorney General's Office sued Act for Cause and its president alleging that the president improperly used the nonprofit assets for his personal benefit and that after dissolving the nonprofit he unlawfully transferred title of the nonprofit's \$1 million commercial property to his for-profit corporation. At the time of this report, this matter is in ongoing litigation.

- ***State vs. Minnesota Civilian Public Safety Commission, Inc. and David Singleton, et al.*** In March 2026, the Minnesota Attorney General's Office filed a consent judgment to resolve a lawsuit alleging that Singleton engaged in a deceptive pattern of taking over nonprofits with government sounding names to create confusion for his own profit. The lawsuit further alleged that Singleton engaged in the unauthorized practice of law. Under the consent judgment, Singleton was required to stop advertising legal services and to repay \$5,000 to Minnesotans for legal services he was not legally permitted to provide. Singleton failed to make any of the required monetary payments. In response, the Office filed a contempt motion, which was successful, and the State was awarded \$100,000 in civil penalties.
- ***State vs. We Push for Peace et al.*** In May 2026, the Minnesota Attorney General's Office sued We Push for Peace and two of its former officers and directors for allegedly misusing over \$6.5 million in nonprofit assets. The lawsuit alleges numerous nonprofit governance and oversight violations that enabled the abuse of assets and caused other risks to the nonprofit and ultimately the demise of the nonprofit and the founder to steal its business for personal gain. At the time of this report, this matter is in ongoing litigation.
- ***State vs. Les Jolies Petites School of Dance et al.*** In May 2026, the Minnesota Attorney General's Office made public its lawsuit against Les Jolies School of Dance, Real Believers Faith Center, their founders, Larry and Sharon Cook, along with other directors and officers for egregious violations of nonprofit law, including misusing over \$2 million in charitable assets to fund lavish lifestyles, luxury travel and designer goods while pretending to serve the community. The team was granted a temporary injunction that prevents the nonprofits from selling their remaining assets. At the time of this report, this matter is in ongoing litigation.
- ***In re MN Fundraising Initiative.*** In July 2026, following a joint investigation by the AGO Charities and Wage Theft Divisions, MN Fundraising Initiative (MNFI) signed an Assurance of Discontinuance over allegations that it was not created for any charitable purpose, but instead operated as a staffing agency misclassifying hundreds of employees working in Twin Cities stadium concession stands as "volunteers." MNFI claimed to operate a grant-making program to help families afford school expenses and activities by offering "volunteer" opportunities, but in fact it served no purpose other than providing low-cost labor for the benefit of for-profit vendors. The AGO's investigation also uncovered that over the course of MNFI's existence, the organization awarded "grants" totaling more than \$1.1 million for the benefit of current or former members of its board of directors. In the Assurance, MNFI agreed to dissolve following a bankruptcy process that will enable workers to make claims for unpaid wages.

In addition to its enforcement work, the Division works proactively with donors, charities, state agencies, nonprofit boards, other states, and the public to provide education, outreach, technical assistance, and other support to strengthen the charitable-giving sector and help prevent future violations. To illustrate, the AGO presented about registration to the Minnesota Council of Nonprofits' membership in July 2025, issued a multistate guidance letter on donor-funded scholarships for protected classes in August 2025, presented at the Health Law Institute about

Minnesota's Health Transactions Law in September 2025, presented at the National Association of State Charities Officials in October 2025, presented in conjunction with the BBB to senior citizens about charities fraud; and in March 2026, joined a bipartisan coalition of 21 attorneys general and charitable regulators to send a letter to GoFundMe after reports it created imposter donation web pages for charities nationwide without their knowledge or consent. The Division also continues to pursue initiatives to prioritize the affirmative review of filings and other sources to proactively identify more potential violations, as well as efforts to encourage AGO registration. Notably, the Charities Division has registered nearly 1,000 more charities than in the last fiscal year.

CONSUMER ACTION DIVISION

The Consumer Action Division serves two primary functions. First, it answers calls, correspondence, and on-line complaints from people, businesses, and other organizations who contact the consumer assistance division. Division staff are often able to answer questions and provide information over the phone, talk through consumer-related problems, and assist people in locating other government agencies that may be able to help address their concerns. For fiscal year 2026, the Division took more than 50,600 calls, and spent more than 4,700 hours, nearly 196 full days, on calls. The topics we most frequently received calls on were landlord/tenant issues (more than 3,000), medical billing or quality of care (more than 2,000), automobile purchases and leases (2,000), utilities and telecom (nearly 1,000), consumer debt and garnishment (more than 1,500), contractors (more than 1,000), and scams (more than 2,300). The Division also answered calls on high-profile state, national, and international issues. In January 2026, the federal government initiated Operation Metro Surge, which led to thousands of calls to report violations of civil rights by agents working for Immigration and Customs Enforcement ("ICE") and the Department of Homeland Security ("DHS"). Of those calls, hundreds of individuals contacted this Office to request investigations of the fatal shootings of Alex Pretti and Renee Good and the shooting of Julio Sosa-Celis, in addition to hundreds of calls from family members of individuals detained by ICE/DHS, including calls from families of citizens. In total, we received more than 2,700 calls with complaints against the federal government and perceived issues with local law enforcement's cooperation with federal government agencies.

Second, the Consumer Action Division helps Minnesota residents informally mediate and resolve thousands of complaints with businesses and other organizations each year. The Division handled more than 18,000 files and arrived at settlements of nearly \$5.5 million for Minnesota consumers. The Division also assisted our Wage Theft Division with cases involving Spanish speakers, assisted with investigations into solar providers, reviewed thousands of documents related to housing lawsuits, and participated in multiple consumer protection lawsuits by taking affidavits and doing other legal assistance work. Through its efforts to assist Minnesotans in these matters, the Division regularly eliminated the need for costly and time-consuming litigation for all parties.

In September 2025, the Office reopened for walk-ins from the public with no appointment scheduled. From September 2025 through the end of the fiscal year, staff met with more than 250 individuals, who walked in to share their concerns, consumer related or otherwise.

Below is a *representative sample of some but not all* work performed by the Consumer Action Division in FY 2026.

- An individual contacted this Office regarding a live organ transplant for their 2-year-old child. Insurance refused to cover the procedure and considering that the costs of the procedure and follow-up care would easily have exceeded \$500,000 in the first year, the family would almost certainly have been forced into bankruptcy without coverage. This Office contacted the insurance company, and in less than one week, was able to secure coverage for the procedure.
- An individual contacted this Office regarding a utility shutoff by an electric co-op. The individual had insulin in their home that required refrigeration. The utility provider refused to restore service, even after the consumer provided a note from a medical doctor that indicated that power was required to avoid a medical emergency. Eventually, due to the intransigence of the co-op, the Division escalated the issue to attorneys in the Office and provided call recordings and timelines for everything that took place, and the mediator working on the case as well as the consumer both supplied affidavits. The Office successfully brought a temporary restraining order to restore service to the consumer and protected his wellbeing.
- An individual contacted this Office regarding outstanding medical bills that their insurance provider refused to cover for more than 14 months. We worked with both the healthcare provider and the insurance company, and over several months we were able to get the bill reduced by more than \$55,000 on the healthcare provider end, while negotiating coverage for the procedure with the insurance provider. After working with both, the bill, originally more than \$80,000, was fully covered by insurance and the consumer was left with zero out-of-pocket expense.
- An individual contacted this Office about a new vehicle purchase that had significant mechanical issues that likely qualified the vehicle for buyback under the Lemon Law. We wrote to the manufacturer, and it agreed to do a full buyback without going through the lemon law process, saving time and expense for both the consumer and the manufacturer, and netting the consumer more than \$60,000.
- An individual contacted this Office about a utility shutoff from an investor-owned and regulated utility. They indicated that they were living in another state and moved into their parents' home, and that they had not received any benefit from utilities while they were in another state. The utility attempted to force the consumer to pay the bill for the property and demanded payment of more than \$8,000 to restore service. We gathered consumer documentation to establish that the consumer was not responsible for the bill. Subsequently, the provider restored service immediately.
- An individual contacted this Office about issues with an expensive medical prescription that was delivered to the wrong address. The pharmacy was holding the consumer responsible for the \$2,700 cost of the prescription, while not allowing the consumer to refill

it for three months. We provided the information to the company regarding the incorrect address delivery, and it canceled the charge for the prescription and allowed the consumer to renew, ensuring they would be able to receive the medically necessary treatment.

- An individual ordered professional photos for their child's high school graduation. They paid in full, but the photographer refused to send the photos, including some large physical photos for which the consumer paid more than \$1,000. We were able to get refunds for the large items that the photographer was not able to deliver, as well as all of the photos taken, which the photographer sent to the consumer on a USB drive.
- An individual purchased a warranty through their utility provider for appliances, including the boiler that heats their water. The boiler malfunctioned and required replacement. The consumer provided all documentation required by the warranty company, but the company refused to cover the cost of a new boiler. We worked with the warranty company, and the company provided warranty coverage, paying the consumer \$2,000 to be used towards a new boiler.
- An individual walked into this Office who believed they had a storefront on Tik Tok that was generating money for them. They intended to wire the administrator of the account another large sum of money for things like "taxes" and other fees. Our staff recognized this to be a scam and told the individual not to send the money. While the individual had previously sent money that will likely be difficult to recover, we were able to stop further losses by preventing this consumer from sending more money to a fraudster.

CONSUMER PROTECTION DIVISION

The Consumer Protection Division enforces Minnesota's laws prohibiting consumer fraud, deceptive trade practices, false advertising, and other unlawful practices in business, commerce, or trade. The Division also investigates and takes action against persons that knowingly present or cause to be presented false or fraudulent claims for payment or approval to the State, pursuant to Minnesota's False Claims Act, Minnesota Statutes chapter 15C.

The Division conducts investigations and acts where appropriate to stop and deter fraud and other unlawful business practices to protect consumers. The Division also participates in numerous coordinated investigations of potential fraudulent or unlawful conduct by multiple state and federal enforcers of consumer protection, including other state attorneys general, the Federal Trade Commission ("FTC"), and the Consumer Financial Protection Bureau ("CFPB").

Below is a *representative sample of some but not all* consumer protection and false claim act investigations and suits brought or resolved by the Consumer Protection Division in FY 2026.

PROTECTING HEALTH AND PUBLIC SAFETY THROUGH ENFORCEMENT OF CIVIL CONSUMER PROTECTION LAWS

The Office continues to utilize its civil enforcement authority of consumer protection laws in areas that intersect with criminal matters, as well as to further protect the public health and safety of Minnesotans:

- ***State v. Glock, Inc., et al.*** In December 2024, the Office filed suit against firearms maker Glock for manufacturing, marketing, and selling semi-automatic handguns that Glock knows can easily be converted into illegal machine guns with a device known as a “Glock switch.” The suit alleges that Glock has known about the potential use of switches with Glock handguns since at least 1988 but has refused to change the design of its handguns to address this problem. The complaint claims that Glock even actively encourages the use of Glock switches by glorifying and promoting the “fun” and desirability of firing fully automatic handguns. The lawsuit details several shooting incidents in Minnesota in which Glock switches were used to injure and kill Minnesotans. The Office is asking for injunctive relief against Glock, including a change to their handgun design to prevent the use of Glock switches, as well as monetary relief, including civil penalties and disgorgement of the revenue Glock has made through its illegal conduct. The court denied Glock’s motion to dismiss the case, which is now in discovery. On April 8, 2026, the Office supplemented the lawsuit with new allegations about the insufficiency of Glock’s new handgun models to address the Glock switch problem. Litigation is ongoing and trial is currently set for December 2027.
- ***State v. Fleet Farm LLC, et al.*** In October 2022, the Office filed suit against Fleet Farm for negligently selling firearms to straw purchasers — individuals who buy firearms for other people who are ineligible to buy or possess guns. The suit alleged that Fleet Farm sold at least 37 guns to two straw purchasers, including one of the guns used in the Truck Park bar shooting in St. Paul in 2021. The court denied Fleet Farm’s motion to dismiss the case and, after completion of discovery, denied Fleet Farm’s motion for summary judgment. On February 24, 2026, the Office filed a consent judgment with Fleet Farm that resolved the litigation and required Fleet Farm to take multiple, significant steps across their Minnesota stores to improve Fleet Farm’s detection and prevention of possible straw buying. The settlement also required Fleet Farm to disclose internal documents and make a payment of \$1 million.
- **Settlement of Kia and Hyundai’s Sale of Vehicles that Lack Industry-Standard, Anti-Theft Technology.** In December 2025, the Office led a bipartisan coalition of 35 attorneys general in reaching a settlement with automobile manufacturers Kia and Hyundai for their sale of millions of vehicles nationwide that lacked industry-standard, antitheft “engine immobilizer” technology. Kia and Hyundai’s failure to equip their vehicles with this anti-theft technology has made their vehicles sitting ducks for car thieves, leading to huge increases in car thefts in the metro area and multiple fatalities. Under the settlement, Kia

and Hyundai must offer free zinc-reinforced ignition cylinder protectors to owners or lessees of vulnerable vehicles (including vehicles that previously were only eligible for a software update); equip all future vehicles sold in the United States with industry-standard engine immobilizer antitheft technology; provide up to \$4.5 million in restitution to eligible consumers; and make a \$4.5 million payment to the settling states.

- ***States v. Meta Platforms.*** In October 2023, the Office filed suit against Meta Platforms (which owns Facebook and Instagram) for intentionally creating addictive design features that manipulate children and teens into spending as much time as possible on their platforms, despite the defendants' knowledge that this often causes children serious physical and mental harm. The lawsuit further alleged that Meta falsely assured the public that its features were safe and suitable for young users. The lawsuit asserted violations of Minnesota's consumer protection laws and the federal Children's Online Privacy Protection Act and was undertaken alongside a bipartisan group of state attorneys general. In August 2026, the states reached a landmark \$17.1 billion settlement mid-trial. The settlement requires Meta to enact sweeping changes to Facebook and Instagram, including but not limited to hard-cap daily time limits, nighttime blocks, restricted school-time access, and robust age-assurance measures. The settlement requires Meta to pay Minnesota at least \$214 million and up to \$307 million over 9 years. The settlement also resolves Minnesota's claims for its sharing of nonpublic information about Facebook users with third parties, like Cambridge Analytica, leading up to the 2016 election. Minnesota will receive an additional \$8.5 million as a result of this settlement.
- ***State v. TikTok, Inc.*** In August 2025, the Office filed suit against TikTok for intentionally designing its application ("app") to encourage overuse and addiction by young Minnesotans to drive its massive advertising revenue. The complaint alleges that TikTok has long known that overuse and addiction to its product increases young people's risk for many mental health problems, including depression, anxiety, eating disorders, suicidality, and harms caused by interference with sleep, family, school, and social life. The complaint alleges that TikTok has explicitly and intentionally misrepresented the safety of its app to the public to encourage more use. The complaint further alleges that TikTok's "TikTok LIVE" and "gifting" features have together created a platform for the creation of rampant unlawful sexual content, and that TikTok is issuing and using virtual currencies without the required state license. The court denied TikTok's motion to dismiss the case, which is now in discovery. Litigation is ongoing.
- ***State v. Minnesota Valley Cooperative Light and Power Association.*** On May 15, 2026, the Office filed a lawsuit against electrical provider Minnesota Valley to restore electrical service to a consumer that the utility cooperative unlawfully disconnected, despite the consumer's need for electricity to power life-sustaining medical equipment (specifically, to refrigerate insulin). After securing an emergency temporary restraining order that restored electricity to this consumer, the Office expanded its lawsuit upon discovering Minnesota Valley failed to properly notify customers of consumer protections available to

them by law. Subsequently, the Office reached a settlement with Minnesota Valley. Under the terms of the settlement Minnesota Valley must implement changes (subject to oversight by the Office) to better inform customers of their rights, including providing separate and distinct notices to individuals regarding potential disconnection, providing additional information and resources via its website, and improving its process for offering payment plans to customers that are in arrears. The settlement also required Minnesota Valley to forgive all amounts owed by the consumer whose utility service was unlawfully disconnected.

- ***State of Minnesota v. Maduro Distributors, Inc. d/b/a Loon.*** On July 15, 2026, the Office sued Maduro Distributors, Inc. (“Loon”), an e-cigarette manufacturer based in Minnesota, for violating various state laws, including the prohibition on selling deceptive vapor products, Minn. Stat. § 325F.7821; Prevention of Consumer Fraud Act, Minn. Stat. § 325F.68 *et seq.*; and the Deceptive Trade Practices Act, Minn. Stat. § 325D.43 *et seq.* The AGO alleges that Loon manufactures, distributes, and sells flavored vapes that appeal to youth and uses kid-friendly characters to promote its e-cigarettes to minors. In addition, the AGO alleges that Loon misrepresented to the public that its products were “accepted for approval” by the FDA, when in fact the FDA has never authorized Loon’s products. Litigation is ongoing.
- **Enforcement of Historic Tobacco Settlement.** In July 2024, the Office filed a motion against the tobacco companies involved in the Office’s historic 1998 tobacco industry settlement, alleging that the companies have underpaid Minnesota by more than \$58 million by wrongly claiming that the 2018 changes to the federal corporate tax rate entitled the companies to reduce their annual settlement payments. The court agreed and held that the tobacco companies must make full payments in the future and repay the state for its past underpayments, with interest. The tobacco companies have appealed the court’s ruling to the Minnesota Court of Appeals, who will hear oral argument on the appeal on October 21, 2026.

FALSE CLAIMS MADE AGAINST THE STATE

Below is a *representative sample of some but not all* False Claims Act investigations and suits brought or resolved by the Division in FY 2026.

- **Partners in Nutrition Settlement.** The Division investigated Partners in Nutrition d/b/a Partners in Quality Care (“PIN”) for knowingly defrauding the State of Minnesota out of millions of dollars in federal child nutrition funds administered by the Minnesota Department of Education during and after the COVID-19 pandemic in violation of the Minnesota False Claims Act. Upon filing its complaint against PIN on September 23, 2026, the Office entered into a consent judgment with PIN in which PIN agreed to (1) pay over \$18.5 million, returning all remaining funds in the non-profit’s possession, (2) produce to the AGO additional documents and communications related to PIN’s participation as a food program sponsor that were not already provided, and

(3) voluntarily and permanently dissolve as an entity. The consent judgment does not release from liability any of PIN's officers or employees, site operators, or vendors and the Attorney General's Office continues to actively investigate these individuals and entities for potential violations of Minnesota's False Claims Act.

- ***State of Minnesota ex rel. Dahl and Adams v. Monarch Investment and Mgmt. Group, LLC, et al.*** In August 2025, the Division filed a Complaint in Intervention in this qui tam action originally brought by relators. The Division's Complaint alleged that Monarch and its affiliates violated the False Claims Act by submitting false and fraudulent claims to the Minnesota Housing Finance Agency in connection with the RentHelpMN program between 2021 and 2022. The Complaint also alleges that the companies charged tenants numerous illegal, deceptive, and excessive fees in violation of Minnesota's consumer protection laws. The parties are currently engaged in discovery and litigation is ongoing.

FRAUDULENT MARKETING PRACTICES OF OPIOID MANUFACTURERS AND DISTRIBUTORS

The national opioid epidemic continues to ravage the nation, including in Minnesota where 1,011 Minnesotans died from opioid-related overdoses in 2023 and more than 7,000 Minnesotans have died since 2010. The actions the Office has taken in FY 2026 against companies that caused this harm include:

- ***State of Minnesota v. Purdue Pharma L.P., et al.*** In July 2018, the Office filed suit against OxyContin manufacturer Purdue Pharma, alleging that Purdue misrepresented the risks of opioid addiction and the benefits of long-term opioid use. In August 2019, the Office filed an amended complaint adding members of the Sackler family, the owners of Purdue Pharma, as co-defendants. Purdue filed for bankruptcy in September 2019, which eventually led to a negotiated bankruptcy plan with Purdue and the Sackler family. The bankruptcy plan was appealed, however, and in June 2024, the U.S. Supreme Court invalidated the bankruptcy plan. After mediation and negotiation throughout 2024 and 2025, the States reached a settlement with the Sacklers and a new bankruptcy plan was confirmed that will allow the settlement to go forward. The settlement, which still requires court approval, will provide Minnesota approximately \$59 million from the settlement and bankruptcy, which will be distributed pursuant to the Office's previously reached Memorandum of Agreement with local governments.
- **Secondary Opioid Manufacturers Settlements.** The Office joined a nationwide multistate settlement with the following eight opioid manufacturers: Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus. The settlements, which require court approval, will provide approximately \$9 million to Minnesota, which will be distributed pursuant to the Office's previously reached Memorandum of Agreement with local governments.

In total, Minnesota is projected to receive approximately \$633 million from the Office's settlements with opioid companies, with payments through 2038.

PROTECTING THE RIGHTS OF BORROWERS AND DEBTORS FROM DECEPTIVE AND UNLAWFUL MORTGAGE, CREDIT, AND DEBT COLLECTION PRACTICES

The Office continues investigating violations of the consumer-protection laws in the residential rental marketplace and with respect to higher education and student loans.

- ***State v. GoodLeap LLC, et al.*** The Division continues to litigate a groundbreaking lawsuit filed in 2023 against four finance companies that dominate the market in financing purchases of residential solar panels. The lawsuit alleged that the lenders deceived Minnesota consumers into taking out loans based on false promises of low interest and disguised hidden fees on more than 5,000 solar-panel purchases in Minnesota. Most of the hidden fees increased the costs that borrowers incurred by between 15% and 30%, for a total of \$35 million. The fees, which the lenders pocketed, often canceled out the benefit of federal tax credits designed to reduce the cost of and incentivize solar-panel purchases for Minnesota consumers. In the lawsuit, the Office alleges the lenders violated Minnesota state laws against deceptive trade practices, deceptive lending, and illegally high rates of interest. Jurisdictional issues surrounding the suit were resolved in January 2025 and the parties have exchanged motions for summary judgment. Litigation is ongoing.
- ***State v. Bridge It, Inc.*** In June 2026, the Division filed suit against Bridge, It, Inc., d/b/a Brigit, alleging violations of Minnesota's payday lending laws, specifically those governing short-term consumer loans and small consumer loans. The claims are based on Brigit's earned wage advance product, Instant Cash, through which Brigit would advance sums of between \$25 and \$250 to subscribers. Brigit would then typically collect these advances directly from linked bank accounts within weeks, along with subscription fees and often also fees for instant access to the advances. The lawsuit alleges that the fees collected by Brigit often exceeded statutory limits for short-term and small loans. Through the lawsuit, the Office seeks declaratory and injunctive relief, refunds and restitution for consumers, civil penalties, and the Office's costs of investigation and fees. Brigit has moved to dismiss, and litigation is ongoing.
- ***State v. Unlock Partnership Solutions, Inc. et al.*** In February 2026, the Division filed a lawsuit against Arizona-based Unlock Partnership Solutions ("Unlock") for unlawfully evading Minnesota protections around home mortgage origination and for false advertising. Unlock marketed and entered into what it called "home equity agreements" with Minnesota homeowners, in which the company advanced a lump sum to financially strapped consumers in exchange for a large percentage of the consumer's home equity, to be redeemed within 10 years to pay back the advance. The Division alleged that these agreements were mortgage loans that violate protections in Minnesota law against predatory interest rates, as well as disclosure and licensing requirements. In August, the company agreed to a settlement whereby it would become licensed as a mortgage originator and comply with Minnesota mortgage laws. It also agreed to \$944,626 in monetary and debt relief that will benefit consumers.
- ***State v. Wall & Associates et al.*** The Office filed a lawsuit against a tax debt settlement company named Wall & Associates, as well as its owner and founder, E. Kenneth Wall, and

the Chief Executive Officer and President, P. Mark Yates. The lawsuit alleged that defendants misled and deceived Minnesota consumers by advertising that the company's average client obtained a 90% reduction in their tax debt, that the company employed attorneys, was a local company, and assisted with unfiled tax returns—none of which is true. The Office prevailed in full at trial in January 2024. The district court awarded injunctive relief, \$2,734,024.67 in restitution, \$1,409,767.00 in civil penalties, \$2,490,790.00 in attorneys fees, and \$53,671.15 in costs. Defendants appealed. The appeal was briefed and heard by the Court of Appeals in July 2026, and a decision is expected by late October 2026.

- ***State v. Ian Stamper Windy-Boy and James Rader.*** In March 2026, the Division filed an official-capacity action in federal court against two officers of an online lending company, Plain Green, LLC. The Division alleges that, at Defendants' direction, Plain Green has issued unlicensed online loans to Minnesotans that vastly exceed Minnesota's statutory usury limits, with some loans carrying interest as high as 697%. In their defense, Defendants do not claim the loans are lawful but instead argue that Plain Green is not subject to Minnesota's law when operating in Minnesota because the company is owned by the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, a federally-recognized sovereign tribe based within the borders of Montana. In recognition of the tribal sovereignty interests at issue, the Division brought this official-capacity action rather than a direct suit against the company or tribe, and is seeking only declaratory and injunctive relief, the remedy allowed against other sovereigns like states and tribes under the Supreme Court's *Ex Parte Young* framework. Defendants have moved to dismiss on the basis of Plain Green's sovereignty, and on the basis that, after this suit began, Defendants issued a corporate resolution to reduce the interest rates on Plain Green's Minnesota loans to eight percent. The parties gave oral arguments in July 2026 and are awaiting the Minnesota District Court's ruling.
- ***CFPB v. Strategic Financial Solutions, LLC, et al.*** In January 2024, the Office — alongside the Consumer Financial Protection Bureau and six other states—took action against a series of interrelated companies and their owners operating a debt settlement scheme that scammed consumers nationwide out of more than \$1.1 billion in illegal fees. The lawsuit filed in federal court in the Western District of New York alleges that the companies represented to consumers — including thousands of Minnesotans—that a law firm would negotiate settlements of their debts. In reality, the law firms were a façade used to evade consumer protection laws. Instead of getting their debts settled consumers were left worse off, often paying tens of thousands of dollars in fees for no relief, and even facing lawsuits from their creditors. The Office obtained a preliminary injunction order from the Court, prohibiting Defendants from collecting any additional fees until the lawsuit is over. The preliminary injunction was affirmed on appeal, and the parties are engaged in discovery. Litigation is ongoing.

PROTECTING CONSUMERS FROM FRAUDULENT AND DECEPTIVE MARKETING AND SALES PRACTICES

The Division has and continues to investigate and take action against companies engaged in deceptive marketing practices and unlawful or deceptive practices.

- ***State v. Midwest Car Search, LLC and Scott Spiczka.*** In April 2024, the Division filed suit against used car dealer Midwest Car Search and its owner, Scott Spiczka, alleging that they: (1) falsely advertised and misrepresented that Midwest Car Search's used cars are certified; (2) misrepresented the cost, availability, and optional nature of expensive vehicle service contracts; (3) misrepresented and failed to honor the warranty coverage consumers are entitled to under Minnesota law; (4) failed to follow "Buyer's Guide" disclosure requirements; and (5) conducted business under an unregistered assumed name that targets Spanish-speaking consumers. The Division obtained a comprehensive temporary injunction against Defendants in July 2024 enjoining each of these practices. Defendants appealed the temporary injunction, which the Court of Appeals upheld in its entirety, in April 2025. In August 2026, the Division settled the lawsuit and obtained comprehensive injunctive relief that made permanent and built upon many provisions of the Court's temporary injunction. The settlement also requires Defendants to pay \$100,000 in refunds and provide audits to the Division about how Defendants are complying with Minnesota law.
- ***State v. Premium Home Services et al.*** The Division filed a complaint against Yosef Bernath and his companies doing business as Premium Home Services ("PHS"), for misrepresenting themselves to thousands of Minnesota consumers as a series of local contractors. The lawsuit alleges that PHS's business model was based on falsely holding itself out as numerous local businesses with a local-sounding business names (like "Roseville Electric") and local telephone numbers, even though PHS had no local presence in Minnesota, the phone numbers routed to a call center in the Philippines, and PHS had no employees to provide the services requested by consumers. In the lawsuit, the Office alleges PHS violated various consumer protection laws that were written to ensure local Minnesotans know who they're dealing with when they do business with companies. The lawsuit has just entered discovery and litigation is ongoing.
- ***FTC v. Uber Technologies, Inc & Uber USA, LLC.*** In December 2025, the Division joined the Federal Trade Commission's lawsuit against Uber alleging unfair and deceptive practices about the defendant's UberOne subscription service. The Office alleges that Uber violated the Consumer Fraud Act, the Deceptive Trade Practices Act and the Federal Restore Online Shoppers' Confidence Act by signing consumers up for a subscription without their informed consent and making the cancellation process so convoluted as to impede consumers from cancelling the subscription, among other significant misrepresentations made about the service. Through the lawsuit, the Office seeks an order for permanent injunctive relief, refunds and restitution for consumers, civil penalties, and the Office's costs of investigation and attorney's fees. The complaint survived Uber's motion to dismiss and litigation is ongoing.

- ***State v. High Road Builders, LLC, and Earl Rode.*** In October 2025, the Division filed suit against home renovation contractor High Road Builders, LLC, and its owner, Earl Rode, alleging that they engaged in a fraudulent scheme by falsely leading consumers to believe that they were licensed home contractors who would perform home renovation work in exchange for payment. But after consumers made large down payments, Defendants performed either minimal work or no work, then absconded with consumers' money. In some cases, Defendants even forged false contracts and invoices to further their scheme. The Division obtained final judgment against both Defendants in August 2026 that: (1) permanently enjoined them from working in construction in Minnesota, (2) awarded Defendants' victims \$1,280,370 in restitution, (3) awarded the State \$1,269,650 in civil penalties, and (4) awarded \$17,745 for the Division's costs and attorney's fees. To date, the Division has been able to pay Defendants' victims \$461,520 through the Consumer Protection Restitution Account, while attempts to collect on this judgment are ongoing.
- ***State v. Affordable Home Remodeling, LLC and Ryan Pietron.*** In October 2025, the Division filed suit against home renovation contractor Affordable Home Remodeling, LLC, and its owner, Ryan Pietron, alleging that they engaged in a fraudulent scheme in which they falsely led consumers to believe that they were licensed home contractors who would perform home renovation work in exchange for payment. But when consumers made their down payments, Defendants performed either minimal work or no work, then absconded with consumers' money. In some cases, Defendants even forged false invoices to further their scheme. After engaging in discovery, in August 2026 the Division moved for default judgment and are awaiting the court's ruling on this motion.
- **Menards Settlement.** In December 2025, the Office led a bipartisan coalition of 10 attorneys general in settling their investigation into the deceptive advertising practices of Menard, Inc. d/b/a Menards. The Office alleged the Menards "11% off" rebate program falsely advertised the nature of the discount to be point-of-sale when in fact the program offered only merchandise credit and failed to appropriately disclose material limitations of the rebate program. The settlement requires Menards to clearly and conspicuously disclose the nature and limitations of the rebate program and to investigate other improvements to the rebate process. Menards paid \$632,167.13 to Minnesota to resolve the investigation.
- **GS Labs, LLC Settlement.** The Office led a multistate investigation into the COVID-19 testing practices of GS Labs, LLC, who operated multiple testing centers throughout Minnesota from 2020 through 2022. The multistate coalition investigated allegations that GS Labs overcharged consumers, failed to deliver timely test results, and unfairly charged out-of-pocket administrative fees in addition to testing costs. The Office, along with an 18-state coalition, filed a settlement with GS Labs on June 10, 2026. The settlement required GS Labs to pay more than \$3.6 million in restitution to patients nationwide, including \$442,847.50 in restitution to Minnesota patients. GS Labs also made a payment of \$1.25 million to the multistate group, including \$146,531.65 to Minnesota. The settlement also required that GS Labs significantly reform its advertising and sales practice if the company ever resumes COVID-19 testing services.

ENFORCEMENT OF MINNESOTA'S CONSUMER DATA PRIVACY ACT

The Division enforces the Minnesota Consumer Data Privacy Act (MCDPA), which went into effect on July 31, 2025. The MCDPA grants Minnesota residents new rights over their personal data, including, for example:

- the right to delete data;
- the right to edit inaccuracies, and
- the right to opt-out of businesses selling, profiling, and using targeted advertising with their personal data.

The law also requires some businesses to implement comprehensive privacy programs that protect the privacy of Minnesota residents. The Office has worked diligently to continue to educate affected businesses as well as the broader public regarding new rights and responsibilities under the law. In support of its education efforts, the Office has sent speakers to numerous fora and public meetings. The Office also sent more than 600 education letters to businesses operating in Minnesota.

To educate and engage with consumers, the Office also launched a website and set up a portal to receive consumer complaints. Thus far, the Office has received more than 400 separate consumer complaints, each of which has been reviewed by Division staff. In connection with those complaints, the Division has sent more than 30 mediation letters on behalf of consumers, and more than 10 additional enforcement letters asserting an identified non-compliance with the law. The Office has also issued civil investigative demands that remain non-public at this time and currently expects to announce several public resolutions in the coming months.

Below is a *representative sample of some but not all* MCDPA and data privacy investigations and suits brought or resolved by the Division in FY 2026:

- **23andMe Settlement.** In July 2026, the Division resolved allegations stemming from a 2023 data breach that compromised the genetic data of 92,385 consumers in Minnesota, and millions more worldwide. The breach exposed a wide range of personal data, including in some cases genetic ancestry information. The investigation showed 23andMe ignored industry-standard data security practices. In 2025, 23andMe filed for bankruptcy and the assets were sold to TTAM Research Institute, the terms of which were negotiated to require enhanced data security requirements, appropriate risk analysis, addition of an Advisory Board, among other requirements. The Office received \$514,871 as part of a negotiated settlement in the bankruptcy proceeding.
- The Division has also issued civil investigative demands to other entities that remain non-public at this time and which may result in additional resolutions or litigation in the future.

CONSUMER PROTECTION RESTITUTION ACCOUNT ADMINISTRATION

During the 2025 Legislative session, the Legislature established a new Consumer Protection Restitution Account (codified as Minnesota Statutes section 8.37). This fund is administered by the Division and allows eligible consumers to receive restitution in circumstances where they have not received restitution because the judgment-debtor had insufficient funds. In fiscal year 2026, the Division was able to fully fund the account up to the cap amount of \$5 million and has begun to make distributions to eligible consumers out of the fund, including:

- Distributing over \$1.9 million in funds to eligible consumers harmed by Woodbury Dental Arts, a former dental clinic that closed without notice, abandoning hundreds of patients and leaving many with unfinished treatment for dental implant services;
- Distributing over \$460,000 to eligible consumers harmed by High Road Builders, a home renovation contractor company that collected large up-front payments from customers but then performed either minimal or no work and absconded with the consumers' money.
- Distributing approximately \$40,000 to eligible consumers harmed by Omega Dental Care, another dental clinic that closed without notice to patients, who had paid up-front for uncompleted dental services.

More detail about the Division's administration of the fund can be found in its first annual report to the Legislature.

CIVIL, HOUSING, AND WORKER PROTECTION DIVISION

In 2026, the Wage Theft Division merged with the Civil Rights Division to combine and consolidate efforts to protect the rights of workers subject to wage theft as well as marginalized Minnesotans facing discrimination and fraud when buying products, services, and rental housing. Like the two separate Divisions, the Civil, Housing, and Worker Protection Division ("CHWP") investigates and litigates violations of labor laws, tenant-protection laws, and anti-discrimination laws,

The Division's work includes reviewing complaints from the public, monitoring labor, employment, and consumer fraud issues, and engaging with governmental entities, community groups, labor, and the business community to increase awareness of wage theft and tenant protection violations. The Division is engaged in numerous non-public investigations related to violations of state and federal law, including to protect home buyers targeted with discriminatory products, protect workers who are required to do work prior to their shift starting, end tip theft from service workers, and obtain refunds for manufactured home park residents who are illegally charged utility fees. The Division also performs non-public tenant protection work in the form of its landlord enforcement and education project. In fiscal year 2026, the Division received 1,900 reports from tenants experiencing violations of landlord-tenant laws, as well as other concerns, like privacy and utility overcharges. Of those, the Division was able to contact over

600 landlords to educate them on the law, seek their compliance with the law, and address the concerns raised by the tenants.

Below is a *representative sample of some but not all* enforcement work performed by the CHWP in FY 2026.

- ***State of Minnesota v. Chadwick Banken, Banken Holdings, etc.*** The Office received complaints from the Muslim community related to Mr. Banken promising interest-free home financing that was compliant with Muslim law but actually charged interest. The investigation against Mr. Banken and his companies revealed that, in addition to discriminating against Muslims, he failed to provide consumer protection disclosures required for all of his customers and engaged in a number of other predatory lending practices when he sold homes to customers. Mr. Banken coerced customers to put their personal homes in the names of businesses to skirt consumer protection laws. He also charged large markups on the homes and high interest rates to customers that did not have the ability to obtain traditional financing. Customers faced paying exorbitant rates for homes that were often immediately underwater.

The Division filed a lawsuit against Mr. Banken in May 2024 alleging five causes of action under state and federal laws, including Minnesota's anti-discrimination statute. After a two-week trial in June of this year, a jury determined that Mr. Banken was liable under all five causes of action. The jury's findings related to discrimination are final; however, the judge will have the final say as to whether to adopt the jury's conclusions related to the other four counts. The decision of how much relief to provide over 160 families who purchased homes from Mr. Banken over a six-year period is currently under advisement, with a decision likely in January 2027.

- ***State of Minnesota v. Christian Palacios, Nueva Vision Latinoamerica, LLC, et al.*** In December 2025, the Division sued a related network of entities that sold tourist visas by allegedly misrepresenting their abilities and costs. The companies charge large sums for these services and, according to the complaints received by the Division, do little of the promised work after receiving payment, as well as withholding original government documents to pressure customers to continue waiting for their long-overdue services. The case is scheduled for trial in February 2027.
- ***In re Deka Lash – TRAPs.*** In September 2025, the Division finished an investigation into a franchisor and two franchisees over their use of predatory training repayment agreement provisions ("TRAPs") that punished their workers unlawfully. Two franchisees of Deka Lash, a national franchisor of eyelash extension salons, called Southern Escape Ventures and HW Holdings, required their workers to sign TRAPs for additional on-the-job training specific to Deka Lash's products and services. These employment agreements were required in order to work at the companies, so workers had no choice but to sign them. The TRAPs said that the companies had the right to seek reimbursement of up to \$3,000 if an employee left their job within six months, or up to \$1,500 if the employee left before one year. At times, Southern Escape Ventures withheld an employee's final paycheck to help recover these alleged training costs. Under Minnesota Statutes section 181.645, an employer may only require its employees to pay for the expenses of training that "is

required to obtain or maintain a license, registration, or certification.” The skills learned by Deka Lash franchisor workers did not contribute to any license or certification and was actually just normal employment training. At the end of the investigation, the Division obtained compliance from the companies, and they agreed to settle the investigation, including by paying the entire remaining amount of their unauthorized wage deductions, in restitution to workers. The companies also notified and released all current and former employees from any existing TRAPs, and the companies are prohibited from seeking to collect money under any TRAPs.

- ***In re Minnesota Fundraising Initiative – Worker Misclassification.*** After a joint investigation with the Charities Division in early 2026, the Office investigated and shut down a sham non-profit that operated as a staffing agency to misclassify hundreds of employees as “volunteers” who staffed concession stands at sports stadiums and other venues in the Twin Cities. Pretending to be a non-profit allowed it to avoid its legal obligations as an employer, including contributing to Minnesota’s unemployment insurance program, obtaining worker’s compensation insurance, and remitting taxes to the state and federal government. The scheme further benefitted the for-profit companies that operate the concessions where MNFI’s “volunteers” worked: they were able to avoid the same legal obligations as an employer that MNFI did, significantly reduce their own payroll, and take a tax write-off on the “charitable” contributions that they made to MNFI. The settlement was filed with the court in July 2026. For more information, see the Charities Division section of this report.

ANTITRUST DIVISION

The Antitrust Division, expanded in 2023 as a result of support from the Minnesota Legislature, continues to focus investigations and enforcement actions on industries important to Minnesota, including agriculture, healthcare, food, and technology, among others. The Division also leads enforcement of Minnesota’s health care transaction notification law, enforces the state’s ban on non-compete clauses in employment contracts, and enforces the Digital Fair Repair Act. The Division engages the public in these efforts by hosting and attending public events, hosting community meetings, and collecting information from the public on the Antitrust Report Form and the Health Care Entity Transaction Community Input Form on the AGO website. These efforts have expanded the Office’s ability to identify and address practices that may harm Minnesota consumers, workers, farmers, and businesses.

Below is a ***representative sample of some but not all*** legal work performed by the Antitrust Division in FY 2026.

- **Agri Stats Lawsuit.** In November 2023, Minnesota joined the U.S. Department of Justice and six other state Attorneys General in a lawsuit against Agri Stats, a company that collects information from meat processors (broiler chicken, pork, and turkey) and creates and distributes comprehensive reports detailing competing processors’ pricing, margins, inventories, and operations. The lawsuit alleged the exclusive collection and dissemination of competitively sensitive information by Agri Stats enabled processors to coordinate

prices, limit production, and raise prices for consumers. In May 2026, the parties reached a multistate settlement that bars Agri Stats from continuing its non-public reporting of pricing and production data, requires it to make most information accessible on nondiscriminatory terms, imposes strict limits on how quickly data can be shared, requires monitoring by the government plaintiffs, and a new company antitrust compliance program. Minnesota will receive approximately \$126,000 from the settlement. The case addressed how detailed, non-public data exchanges can undermine competition across the food supply chain, affecting grocery stores and Minnesota families.

- **Health Care Entity Transaction Law.** Since May 2023, certain health care entity transactions require Attorney General review to determine whether transactions are in the public interest and comply with Minnesota’s nonprofit and antitrust statutes.

In FY 2026, the Division led review of two large, complex transactions affecting Minnesotans.

- ***Sanford Health’s acquisition of North Memorial Health:*** The Attorney General negotiated a 10-year oversight agreement containing several commitments including for Sanford to make \$600M in investments in the North Memorial Health system, to maintain the Level 1 trauma center and extensive core services at Robbinsdale for 10 years, and to honor all collective-bargaining agreements.
- ***Sutter Health’s proposed acquisition of Allina Health:*** The Attorney General continues to review this proposed transaction.
- ***HealthPartners’ proposed acquisition of Essentia Health:*** The Attorney General will soon begin the Office’s review of this proposed transaction.

The Office held four public listening sessions (two each for the Sanford Health/Memorial Health and Sutter Health/Allina Health proposed transactions), solicited written public comments, requested supplemental information, toured facilities, conducted community-impact reviews interviewing dozens of third parties, including employers, insurers, unions, and agencies to assess whether these transactions could affect access, pricing, and charitable obligations. The Office expects to do the same for the HealthPartners/Essentia Health proposed transaction.

The Antitrust Division also led review of the M Health Fairview Clinic & Surgery Center from being a joint venture between Fairview Health and M Physicians to being wholly owned by Fairview as part of the 10-year partnership announced between Fairview, M Physicians and the University of Minnesota.

The Division has had at least nine transactions under review in 2026. These reviews strengthen the Office’s ability to identify and address risks from health-care consolidation before deals close.

- Pesticides Lawsuit.** In September 2022, Minnesota joined the Federal Trade Commission and nine other states in an antitrust lawsuit alleging Syngenta and Corteva used “loyalty programs” for their branded pesticide products to suppress competition from generic manufacturers, increasing costs for farmers. Minnesota seeks injunctive and monetary equitable relief, including disgorgement of defendants’ ill-gotten profits on behalf of Minnesota farmers. In FY 2026, expert discovery concluded and a hearing on motions for summary judgment was held on July 30, 2026. During FY26, the FTC and the multistate coalition engaged in mediation with both defendants. A settlement with Corteva was announced on September 28, 2026, with Corteva to end existing pesticides loyalty program, enter into 10 years of compliance oversight, and pay Minnesota \$1.25 million. Settlement discussions with Syngenta continue.
- Generic Drug Price Manufacturers Lawsuit.** Minnesota and a coalition of states and territories are pursuing claims in three separate actions against dozens of generic-drug manufacturers and executives for allegedly conspiring to fix prices and allocate markets for more than 180 generic drugs. The complaints allege the conduct caused states and other purchasers to pay more for medications, increasing health care costs for Minnesotans and state agencies. The lawsuits seek injunctive relief, civil penalties, damages, and disgorgement. As part of this relief, the Office is seeking damages on behalf of four state agencies that allegedly paid higher prices as a result of the conduct. In FY 2026, the states continued to complete waves of summary judgment briefing and the Court issued some rulings with most of states’ claims surviving to proceed to trial. Minnesota and the multistate group also reached several settlements with certain defendants, including settlements with Bausch and Lannett totaling \$13.77 million, from which Minnesota received approximately \$116,000. Minnesota also approved a settlement for Glenmark to pay almost \$30M nationally and anticipates receiving approximately \$187,000. The case demonstrates the Division’s efforts to hold pharmaceutical companies accountable for conduct that can increase the cost of essential medications and impose significant costs on state agencies. Mediation continues with the remaining Defendants while the states prepare for a bellwether trial scheduled for February 2027.
- Apple Lawsuit.** In March 2024, Minnesota joined the U.S. Department of Justice and 11 other states in suing Apple, alleging that Apple unlawfully maintained its monopoly in the U.S. “premium smartphone” market (all iPhones are “premium smartphones”) by restricting competition and limiting how third-party applications (“apps”), devices and services interact with iPhones. The lawsuit alleges, among other things, that Apple limits the functionality of third-party apps, makes messaging between iPhones and Android devices less effective, and restricts the development of competing technologies. In FY2026, Minnesota continued to serve as co-lead with New Jersey for the States, playing a leading role in litigating the case through the discovery phase, with expert work and dispositive motions to follow. The Division’s work on this case seeks to promote competition, innovation, and greater consumer choice and interoperability, benefiting Minnesota consumers and businesses that rely on smartphones and related technologies.
- Google Lawsuits.** Minnesota is participating with a multistate coalitions in three separate antitrust lawsuits against Google involving the digital markets that Minnesotans and

Minnesota businesses use every day. The Google Play Store lawsuit challenged Google's alleged monopolization of Android app distribution and in-app billing, including practices that allegedly increased prices for consumers. In FY 2026, the Court approved a settlement under which Minnesota anticipates receiving approximately \$1.23 million, including a net recovery of at least \$950,000 for Minnesota consumers who paid inflated prices for apps and in-app purchases. The Google Search lawsuit challenges Google's alleged monopolization of general search and search advertising. After trials on liability and remedies, the Court found that Google violated antitrust laws as a monopolist in certain markets and subsequently issued an order outlining specific remedies. This decision is on appeal with Minnesota working with the multistate coalition aiming to achieve fairer competition in search services. The Google Ad-Tech lawsuit challenges Google's alleged monopolization of key technologies used to buy and sell online advertising; after the Court found in 2025 that Google violated antitrust laws in several ad-tech markets, Minnesota continued participating in the remedies phase during FY 2026. Together, these cases demonstrate the Division's role in protecting Minnesota consumers and businesses from higher prices, reduced innovation, and anticompetitive restrictions in increasingly important digital markets.

- **Amazon Lawsuit.** In September 2023, Minnesota joined FTC and other states in suing Amazon over practices alleged to maintain its monopolies in online retail and marketplace services, including practices that limit competition, increase costs for third-party sellers, and reduce choice and quality for consumers. The Court allowed most of the claims to proceed, and in FY 2026, Minnesota continued working with FTC and other states through fact and expert discovery. The case is significant to Minnesota consumers and businesses because effective competition in online retail can promote lower prices, greater choice, and innovation for shoppers while ensuring that Minnesota businesses selling online have a fair opportunity to compete. A bench trial is scheduled to begin in March 2027.
- **Live Nation/Ticketmaster Lawsuit.** In May 2024, Minnesota joined the U.S. Department of Justice and a bipartisan coalition of more than 30 states in suing Live Nation, owner of Ticketmaster, for allegedly monopolizing live-event ticketing and related markets, resulting in higher prices and fewer choices for consumers, artists, and venues. After the first week of trial, the Department of Justice announced a settlement with Live Nation. Minnesota joined 33 other attorneys general in continuing and completing the five-week trial which concluded in a jury finding that Live Nation and Ticketmaster unlawfully monopolized ticketing and amphitheater markets and harmed fans, artists, and venues. Once post-trial motions are resolved, the case moves to the remedies phase, where the states are seeking changes to increase competition, including limits on exclusive ticketing agreements, restrictions on service fees, and potential venue divestitures. The case demonstrates the Division's commitment to protecting Minnesotans from anticompetitive practices that can increase the cost of attending live events.
- **RealPage Lawsuit.** In August 2024, Minnesota joined the U.S. Department of Justice and seven states in suing RealPage over allegations that its algorithmic pricing software enables competing landlords to share and use sensitive rental information, reducing competition and contributing to higher rents. In FY 2026, Minnesota continued working with the

multistate coalition as the court considered motions to dismiss and several landlord defendants pursued settlements. Minnesota settled with landlord Greystar for \$483,000 and with landlord LivCor for \$582,000, with the funds returned to the state's General Fund and CPRA Fund. The case is significant to Minnesota renters because competition among landlords can help promote affordable rents and greater choice in the housing market; the states continue pursuing claims against remaining defendants, including RealPage.

- **John Deere Right to Repair Lawsuit.** In January 2025, Minnesota joined the Federal Trade Commission and four other states in suing John Deere for restrictive repair practices alleged to increase repair costs and limit farmers' ability to repair equipment or use independent repair providers. In July 2026, the Attorney General reached a 10-year settlement with Deere requiring Deere to provide farmers and independent repair providers with greater access to diagnostic software, repair tools, and technical information previously available only to authorized dealers. The settlement also prohibits dealers from retaliating against customers who choose independent repair services and provides for federal and state oversight. The case demonstrates the Division's efforts to promote competition by providing improved access to independent repair providers and giving Minnesota farmers greater choice and control over the cost and availability of repairs of their equipment.
- **Egg Producer Antitrust Settlement.** In July 2026, the Attorney General announced a settlement with certain egg producers — Cal-Maine Foods, Versova/Centrum, and Hickman's Egg Ranch — following a multistate investigation in collaboration with the Department of Justice into whether large egg producers coordinated prices following the 2024 avian flu outbreak. As a result of multistate settlements, Minnesota is preparing to distribute approximately two million recovered eggs through food-bank networks and the egg producers have agreed to end their illegal coordination to manipulate prices, adopt compliance measures to prevent future violations, and fully cooperate with oversight by the states.
- **Agricultural and Food Industry Practices and Pricing.** The Division continues to prioritize competition issues affecting Minnesota farmers, rural communities, and consumers. Although details of many of the Division's investigations remain confidential and non-public, the matters involve important aspects of farming input costs, food supply chain, and other agricultural and food products and services of importance in Minnesota. The Division also worked with organizers of the 2026 Rural Grocers Summit in Fargo, North Dakota to address competition challenges facing rural grocery markets. Together, these efforts demonstrate the Division's focus on protecting competition and supporting affordable food, market access, and economic opportunities for Minnesotans across the agricultural and food-supply chain.
- **Labor Practices and Protections.** The Division continues to focus its resources on issues of particular importance to workers. Although details of many of the Division's investigations remain confidential and non-public, the matters involve important aspects of ensuring competition for wages, benefits, and opportunities. The Division also monitors compliance with Minnesota's ban on certain non-competes effective since July 1, 2023.

OUTREACH

During FY 2026, the Division expanded its outreach to Minnesota communities, policymakers, state and federal agencies, and professional organizations on competition issues affecting consumers, farmers, health care providers, and rural communities. Staff presented on proposed antitrust legislation and health care transaction compliance, participated in national antitrust panels on state antitrust enforcement priorities and emerging issues, and engaged directly with farmers, processors, and rural stakeholders on concerns about market consolidation, repair restrictions, and pricing practices. Division attorneys also contributed to national antitrust publications, helping elevate Minnesota's perspective on emerging competition issues. These efforts strengthen relationships with stakeholders, increase public understanding of antitrust protections, and help the Division identify competition concerns affecting Minnesotans.

RESIDENTIAL UTILITIES DIVISION

The Residential Utilities Division ("RUD") represents the interests of residential and small-business utility consumers in the complex and changing electric, natural gas, and telecommunications industries, particularly with regard to utility rates, reliability of service, and service-quality issues. The Division's work supports Minnesota's economy and quality of life by making sure that utilities' rates are reasonable, their expenses are prudent, and that customers receive high-quality service. This is essential to ensure that the state's citizens and small businesses are not burdened by excessive costs or poor reliability for these necessary services.

Below is a *representative sample of some but not all* legal work performed by the Division in FY 2026.

- **Utility Rate Cases.** Utility rate cases are the primary means for the Public Utilities Commission ("PUC") to establish the amount that utility customers pay. The PUC decides how much utilities should recover for providing electric or natural gas service, the amount that different ratepayer groups pay (i.e. residential customers, industrial customers, commercial customers etc.), and how much of these costs will be "fixed" or vary with the amount of energy consumed. This past year, RUD participated in several rate cases by challenging the overall rates the utilities sought to impose on customers, as well as the portion of those increases that would be borne by residential and small business ratepayers and the fixed charges these customers must pay to simply access utility service. These cases impacted customers throughout the state.

This year, the PUC reduced Xcel's rate increase requests for its electric operations relying in part on RUD's recommended rate reductions for specific costs. The PUC also assigned a lower-than-average increase to residential and small business customers as recommended by RUD. In fact, the PUC's decision is likely to result in an approximately 9% rate *decrease* for small business customers compared to Xcel's proposed 12.76% *increase*. While any increase is difficult for residential customers to bear, RUD's advocacy resulted in only a 2.5% increase for residential customers compared to Xcel's proposed 14.5% increase. RUD also advocated to limit rate recovery of utilities' compensation to

top-executives to only what the utility can show benefits the utility's ratepayers rather than the utility's shareholders. As a result, the PUC limited what ratepayers are charged to compensate Xcel's executives using the Governor's salary as a proxy for reasonable compensation.

- **Ensuring Utilities Pay the Full Cost of Imprudent Actions.** Following the PUC's determination that Xcel acted imprudently by drilling through buried electric cables at its Prairie Island nuclear power plant, Xcel requested a contested case to challenge the refund it would be required to pay to make ratepayers whole for the more-expensive replacement power it purchased while the plant was offline. RUD's expert challenged all "offsets" that Xcel argued should reduce its required refund. The PUC agreed with RUD that Xcel should not be permitted to offset the replacement power costs with various unsupported legal and regulatory theories and ordered that Xcel refund \$50 million, which will result in an average \$12 refund for each residential customer.
- **Ensuring that Data Centers' Pay Rates Comply with Minnesota Law.** Following the enactment of Minnesota Statutes section 216B.1622 in 2025, RUD has advocated for modifications to Xcel's tariffs to serve very large customers, including data centers, to comport with the requirements of the new law. Particularly, RUD proposed several modifications to ensure that "all costs attributable" to data centers are paid by them and that other customers are protected from the risk of stranded costs. The PUC adopted many of RUD's recommendations, including that very large customers pay not only for new costs incurred as a specific result of serving data centers but also for a fair share of system costs—which most other customers are required to pay. The PUC also adopted several of RUD's recommendations to ensure transparency by requiring more detailed information on costs for each new data center customer and that utilities designate the information as public unless a specific explanation of protected status is given under the Minnesota Government Data Practices Act. The PUC also adopted several of RUD's proposed changes to Dakota Electric's proposed requirements to extend service to large customers, which required more specificity about costs that new data center customers will be required to pay upfront to connect to the system. RUD is also advocating that residential and small business customers of Otter Tail Power and Minnesota Power be protected from cost shifting and risk of stranded costs from data centers in pending proceedings.

LITIGATION SUPPORT SERVICES & RECORDS DIVISION

The Litigation Support Services & Records Division is a specialized team dedicated to streamlining and enhancing the legal work of the Office. Collectively, the Division provides technical and operational support for legal teams by providing crucial services and using technology to enhance the efficiency and effectiveness of investigations and litigation.

- **eDiscovery.** The eDiscovery team assists with the identification, preservation, collection, processing, review, and production of electronically stored information (ESI), using advanced tools and workflows to ensure that litigation teams have timely access to accurate and defensible data. The team manages terabytes of data, consisting of tens of millions of

documents, and processes several hundred document productions each year. The team also assists trial teams with trial presentation technology and services.

- **Graphic Design and Data Visualization.** The Office's in-house graphic design team helps litigation teams tell their stories through graphics and data visuals. In addition to supporting trial teams with impactful graphics for court presentations, our graphic designer helps transform complex datasets into clear, compelling charts, timelines, and infographics, helping to make technical evidence more accessible and engaging for judges, juries, and the public.
- **Law Library.** The AGO law library is a specialized library designed to support AGO staff. Library staff provide legal research assistance and provide access to a wide range of resources including books, journals, databases, and other reference materials. The Law Librarian coordinates the Mondale-Humphrey Scholars program.
- **Legal Operations.** This team provides key operational support for legal timekeeping and case management systems, processing client billing and reporting, tracking legal holds, supporting outside counsel initiatives, and assisting with other modernization efforts.
- **Records Management.** The Records Custodian is responsible for maintaining the Office's retention schedule and provides support on records storage, organization, and retrieval. The Records Custodian also assists with responding to internal and external requests for records and assisting with electronic legal holds.
- **Data Practices.** The Data Practices Compliance Official is responsible for responding to data requests and questions under the Minnesota Government Data Practices Act, providing consultation on data practices issues for attorneys representing other government entities, and training staff on their responsibilities as to the management and protection of data.

CONSUMER LITIGATION FUND

The Consumer Litigation Fund ("CLF") was established as a special revenue fund in the state treasury effective July 1, 2023. Minn. Stat. § 8.315 (2025). Subdivision 3 of the law requires a report annually by October 15 on activities funded through money disbursed from the CLF account during the prior fiscal year. *Id.* The tables below provide information on expenditures approved for disbursement from the CLF in FY 2026.

Table 1: CLF Balance Summary

	FY 2026
Fund starting balance	\$680,040.62
Fund ending balance	\$538,619.62

Table 2: Expenditure Summary

Category	Amount
Expert witness payments	\$56,807.50
Mediation costs	\$10,465.00
Court reporting and transcription payments	\$58,297.55
Misc. payments such as court filing fees and service of process	\$15,850.95
Total	\$141,421.00

CONSUMER PROTECTION RESTITUTION ACCOUNT

Minnesota Statutes 8.37, Subdivision 8 requires an annual report of the following information.

1. Consumer enforcement actions resulting in payments of money to the account and the amount of money paid to the account for each consumer enforcement action.

The Consumer Protection Restitution Account is funded in two ways. The primary source is Minn. Stat. § 8.37, subd. 3:

50 percent of all money recovered by the attorney general in a consumer enforcement action that is payable to the state and not designated as consumer enforcement public compensation or for another specific purpose up to the first \$5,000,000 each fiscal year must be deposited into the account.

The secondary source is Minn. Stat. § 8.31, subd. 2c:

If a court of competent jurisdiction finds that a sum recovered under this section for the benefit of injured persons cannot reasonably be distributed to the victims, because the victims cannot readily be located or identified, or because the cost of distributing the money would outweigh the benefit to the victims, then the court or attorney general must deposit the money in the consumer protection restitution account under section 8.37¹.

In FY 2026, 24 consumer enforcement actions resulted in payments of \$5,171,948.46 to the Consumer Protection Restitution Account. Payments from each consumer enforcement action are listed in Appendix D.

¹ Unlike section 8.37, subdivision 3, this provision does not contain any fiscal-year cap on the amount of restitution funds that can be deposited in the account. Instead, it directs that all consumer protection public compensation that a court finds impractical to distribute “must” be deposited in the CPRA.

- Consumer enforcement actions for which distributions were made to eligible consumers, the amount of money distributed for each consumer enforcement action, and the amount of money distributed to each eligible consumer.

Distributions were made to eligible consumers in three consumer enforcement actions.

Consumer Enforcement Action	
CF# 62-CV-25-9504 (Woodbury Dental Arts)	\$1,922,581
CF# 27-CV-25-18755 (High Road Builders, LLC)	\$461,520
CF# 62-CV-26-4816 (Omega Dental Care, P.A.)	\$38,635
Total	\$2,422,736

Individual payment amounts for each consumer enforcement action are listed in Appendix E.

- Consumer enforcement actions for which there are eligible consumers awaiting distribution from the account and the amount of money for which those eligible consumers are awaiting distribution for each consumer enforcement action.

Pending claims are under review in the three matters below. Claims in Woodbury Dental Arts continue to be submitted. Over 100 claims have been returned to consumers to provide them with an opportunity to supplement incomplete information. Approximately 35 claims are pending loan forgiveness from private lenders. Similarly, certain claims in DPB Legal may receive refunds from the Minnesota Client Security Board. The estimates below include potential refunds from the Consumer Protection Restitution Account as a backstop to first-tier relief from private lenders or the Minnesota Client Security Board.

Consumer Enforcement Action	Estimated or Potential Distributions
CF# 62-CV-25-9504 (Woodbury Dental Arts)	Up to approximately \$2,500,000
CF# 62-CV-24-5452 (DPB Legal)	Up to approximately \$18,000
CF# 62-CV-26-4816 (Omega Dental Care, P.A.)	Up to approximately \$100,000

- Consumer enforcement actions for which the attorney general has concluded account distribution.

Distribution to eligible consumers in the High Road Builders, LLC matter is complete.

- Consumer enforcement actions in which the attorney general has determined that some or all eligible compensation was impractical to distribute or unreasonable to determine.

None.

- The cost incurred to administer the account.

The attorney general contracted with two oral and maxillofacial surgeons to help determine compensation for several Woodbury Dental Arts claims. Total payments in FY 2026 were \$11,476.

SOLICITOR GENERAL SECTION

EMPLOYMENT, TORTS, AND PUBLIC UTILITIES COMMISSION DIVISION

The Employment, Torts, and Public Utilities Commission Division (“ETP”) defends the duly enacted laws of the State of Minnesota; represents the State in employment and tort claims brought against the State; and provides legal representation to the Public Utilities Commission (“PUC”).

In each of these three areas, a *representative sample of some but not all* the major current and future legal issues that the Division has addressed in FY 2026 include:

EMPLOYMENT AND TORT CLAIMS

Employment litigation often includes claims against the State under the Minnesota Whistleblower statute, Family and Medical Leave Act, Fair Labor Standards, and claims of discrimination and harassment under federal and state anti-discrimination statutes. The Division also provides legal representation to the State in lawsuits involving labor issues.

Tort claims against the State, its agencies, and employees typically arise in the form of personal-injury and property-damage lawsuits. Claims include negligence, medical malpractice, defamation, infliction of emotional distress, assault and battery, excessive use of force, and violations of federal civil rights.

- ***Sadat v. Hennepin Technical College.*** ETP defended a decision by Hennepin Technical College to non-renew Mr. Sadat’s appointment after several students filed complaints against him. Mr. Sadat sued and alleged violations of the Minnesota Human Rights Act. The College moved for summary judgment and the Court granted the motion. Mr. Sadat appealed, which is ongoing.

PUBLIC UTILITIES COMMISSION

The Division provides counsel to and defends the PUC when its decisions are challenged in the courts.

- ***Setting Criteria and Standards for Minnesota’s Carbon Free Law (In the Matter of a Commission Investigation into a Fuel Life-Cycle Analysis Framework for Utility Compliance with Minnesota’s Carbon-Free Standard).*** The Legislature authorized the PUC to detail the criteria and standards to be used to measure the efforts of Minnesota’s electric utilities to meet the carbon-free goals set in the 2023 Session. Attorneys in the Division continue to advise the PUC and represent the PUC in court on a sequence of dockets in which the Commission is addressing questions such as which technologies qualify as carbon-free or partially carbon-free, how to measure net market energy purchases from the regional grid operator, and the duration of renewable energy credits. A group of environmental organizations appealed one of these decisions, a Commission

order authorizing a lifecycle analysis of combusted fuel generation resources that are considered full or partially carbon-free. The Court of Appeals stayed the appeal pending further action by the Commission.

- ***Sierra Club, Vote Solar, Union of Concerned Scientists, and Minnesota Solar Energy Industries Association v. MPUC***. Attorneys in the Division represent the PUC before the Minnesota Supreme Court, which will address three issues: (1) whether the PUC has authority to exercise the State’s right to opt out of a federal regulation permitting the aggregation of load reduction through aggregators of retail consumers bidding into the wholesale electricity market; (2) whether the PUC failed to follow Minnesota Administrative Procedure Act rulemaking procedures; and (3) whether Petitioners have standing.

DEFENDING THE DULY ENACTED LAWS OF THE STATE

- **Social media lawsuits**. ETP is defending several social media-related lawsuits. In one case brought by NetChoice, NetChoice alleges that a provision of Minnesota’s Prohibiting Social Media Manipulation Act, Minn. Stat. § 325M.33, violates the federal and state constitutions; the parties are currently conducting expedited discovery on NetChoice’s forthcoming preliminary injunction motion. In a second case brought by NetChoice, NetChoice challenges a law that requires social media companies to provide warnings to users; the Attorney General filed a motion to dismiss.

ETP is also defending two lawsuits challenging Minnesota Statutes Section 609.771, which criminalizes the knowing or reckless dissemination of deepfakes that are intended to injure a candidate or influence an election. In *Kohls v. Ellison*, the Eighth Circuit affirmed the denial of a preliminary injunction but concluded that the Plaintiffs have standing. The case is now ongoing in the district court. In *X v. Ellison*, the district court dismissed X’s Section 230 claim for lack of standing; the case is ongoing in the district court.

- ***SpaceXAI v. Ellison***. After being passed by the legislature with near-unanimous support, Minnesota’s AI Nudification Ban was signed into law by the Governor on May 7, 2026. The law prohibits companies that own or control AI-powered products from allowing users to generate sexual images and other images of intimate parts using images of real people. Mere days before it was scheduled to go into effect, X.AI LLC (n/k/a SpaceXAI LLC) sued the Minnesota Attorney General to block the law. SpaceXAI argues the State’s AI Nudification Ban violates the First Amendment. The district court denied SpaceXAI’s motion for temporary restraining order, preliminary injunction, and injunction pending appeal. SpaceXAI appealed.
- ***Women’s Life Care Center v. Ellison, et al.*** A group of plaintiffs sued challenging Minnesota’s statutory regime related to reproductive rights and alleged that the State’s approach to abortion violates the federal constitution. Advocating a theory that has no basis in legal precedent, the plaintiffs alleged that abortion is akin to terminating parental rights and that, since Minnesota does not require a judicial process to terminate parental rights prior to a patient receiving abortion care, Minnesota’s laws protecting abortion

access should be struck down. The Court granted the State defendants' motion to dismiss, concluding the plaintiffs lacked standing. Plaintiffs appealed and the Eighth Circuit will set an oral argument date.

- **Single-Subject Challenges.** Multiple lawsuits have asserted challenges to aspects of the 2024 Omnibus bill, alleging that the omnibus violates the “single subject” and “title clause” of the Minnesota Constitution. The two earliest challenges were argued at the Minnesota Court of Appeals in February 2026. In *UnitedHealth v. State*, the Court of Appeals upheld the challenged provision as sufficiently connected to the bill’s stated subject. And in *Minnesota Gun Owners Caucus v. Walz*, the state conceded that the challenged provision was not germane to the bill’s stated subject but prevailed in a cross-appeal that sought to invalidate the omnibus bill in its entirety. Additional cases challenging the bill have been consolidated in front of a single state district court judge and are ongoing.

ENVIRONMENTAL & NATURAL RESOURCES DIVISION

The Environmental & Natural Resources Division (“ENR”) houses fifteen attorneys, consisting of ten litigators and five transactional attorneys.

LITIGATION WORK

ENR litigators represent state environmental agencies but also bring actions in the name of the State on matters of environmental concern. The affirmative agency litigation work typically arises out of the enforcement and permitting programs of the State’s primary environmental regulators – including the Pollution Control Agency (“MPCA”), Department of Natural Resources (“DNR”), Department of Agriculture (“MDA”), Office of Cannabis Management (“OCM”), Environmental Quality Board (“EQB”), Board of Water and Soil Resources (“BWSR”), Minnesota Climate Innovation Finance Authority (“MnCIFA”) and the Board of Animal Health (“BAH”). ENR attorneys also defend these agencies in state and federal district court, appellate, and administrative matters when parties bring actions challenging their programs or actions.

The Division also provides litigation representation for several agencies that are not environmental regulators, but whose work is housed in ENR because of the heavy transactional focus of the agencies’ legal needs. This includes the Department of Administration (“Admin.”), Minnesota Management and Budget (“MMB”), and the Minnesota Housing Finance Agency (“MHFA”).

Below is a *representative sample of some but not all* legal work performed by ENR for the agencies and boards during FY 2026.

- ***State of Minnesota v. API et al.*** The Office brought suit against various petroleum industry participants that misrepresented the risks of climate change caused by their products. After the defendants attempted to remove the action to federal court, the Office obtained an order to remand the suit to state court. Defendants appealed to the Eighth Circuit, and the Eighth

Circuit upheld the district court's order on appeal. The action is proceeding in state district court.

- **Sioux Quarry Matters.** The Office represents the Minnesota Pollution Control Agency and the State Historic Preservation Office in an appeal from county permitting and environmental review decisions allowing a quarry project to proceed in close proximity to the Jeffers Petroglyphs. The agencies have challenged the adequacy of the county's consideration of adverse impacts the quarry may have on this important historic resource. The matter is now pending in the Minnesota Supreme Court.
- **PFAS.** The Office continues to represent state agencies in a wide variety of enforcement and remediation actions brought as a result of PFAS contamination of soils and groundwater, and in defending new State laws designed to prevent further PFAS contamination. These efforts have focused on preventing additional releases and ensuring the parties responsible for existing contamination pay for the costs of clean-up, rather than State taxpayers. The Office is defending MPCA's imposition of new permit conditions designed to protect the public from further PFAS contamination. The Office also obtained dismissal of a complaint brought challenging the State's ban on the sale of PFAS treated products brought by the cookware industry.
- ***Northern Iron v. MPCA.*** After modeling showed a St. Paul foundry was not complying with air emissions standards, MPCA placed restrictions on the foundry to protect residents. The foundry challenged those restrictions in court, and the Office defended those challenges.
- **Challenges to Various Federal Environmental Rollbacks.** The federal government is taking actions to weaken environmental protections and defund clean energy projects. The Office has brought litigation to challenge the federal efforts to reduce or eliminate Clean Water Act permit requirements, to force obsolete power plants to continue to operate at the expense of rate-payers, to remove funding for power grid improvements, to weaken federal air emissions standards, and to hamper the adoption of hybrid and electric vehicle adoption.

TRANSACTIONAL WORK

Since FY 2022, the Division has housed a team of lawyers that assist state agencies by representing them in transactional matters. This work was consolidated into ENR in order to bring transactional attorneys who were formerly spread across many divisions into a common division. The transactional attorneys handle a variety of work, such as contract negotiation, procurement advice, intellectual property contract reviews, trademark registrations, intellectual property enforcement, bond disclosure and issuance, accessibility and digital equity compliance, grant administration, federal program compliance, real-estate acquisition, title, and land-use matters, ownership of submerged lands, tax forfeitures, easements (including easements for wetland and habitat protection and wetland banking), probate proceedings, trusts, life estates, adverse possession, bankruptcy, boundary agreements, indemnification, deed restrictions, land registration, quiet title, road vacation, condemnation, declarations, protective covenants, local government fees charged against state-owned lands, and use of state bond-financed property. The Division's

transactional attorneys have also taken the lead in advising several recently-created boards and agencies. The establishment of new boards and agencies creates significant legal needs, particularly as these new agencies and boards often lack a general counsel. The Office has also been active in providing advice to OCM in its negotiation of cannabis compacts with Minnesota's tribal nations and subsequent, related negotiations and agreements to operationalize the compacts.

TAX LITIGATION DIVISION

The Tax Litigation Division provides legal representation to the Minnesota Department of Revenue ("DOR") in the Minnesota Tax Court and at the Minnesota Supreme Court, as well as the State and federal district courts and federal bankruptcy courts. The Division handles all tax types, including multimillion-dollar corporate franchise-tax claims, a high volume of complex sales-and-use-tax cases, and complex utility valuation cases. The Division also provides legal representation and assistance to DOR and other state agencies filing claims in bankruptcy court. Lawyers in the Division also review and respond to dozens of foreclosure proceedings, quiet title actions, and other cases involving State interests.

Below is a *representative sample of some but not all* legal work performed by the Tax Litigation Division in FY 2026.

- ***Enbridge Energy, Limited Partnership v. Commissioner of Revenue***, This is an appeal from the partial denial of the application of Enbridge Energy Limited Partnership ("Enbridge") for exemption pursuant to Minnesota Statutes section 272.02, subdivision 10 (the "exemption statute"), which provides that pollution control property is exempt from property tax. Enbridge applied for a pollution control exemption under the exemption statute with respect to personal property which it used in the project to deactivate the petroleum pipeline commonly known as Line 3 and replace it with Line 3A/93 (the "Replacement Project"). Enbridge applied for exemption with respect to the \$744 million in capital expenditures under the exemption statute and the Commissioner sent the application to MPCA as provided by statute. The Commissioner issued a Tax Order with Notice Date August 21, 2025, which approves some of the applied-for property as exempt (in the amount of approximately \$16.5 million) and denies the requested exemption with respect to the remaining property. Enbridge seeks exemption with respect to the remaining property and further contends that the denial of the exemption affects the valuation of its pipeline.
- ***Minnesota Wild Hockey Club v. Commissioner of Revenue; Minnesota Twins LLC v. Commissioner of Revenue; Twins Ballpark LLC v. Commissioner of Revenue; Minnesota Timberwolves Basketball LP v. Commissioner of Revenue; Minnesota Vikings Football LLC v. Commissioner of Revenue; Minnesota Vikings Football Stadium LLC v. Commissioner of Revenue***, In each of these cases, Appellants contend that, under Minnesota Statutes section 297A.61, subdivision 3(g), customers who purchase tickets to sports events do not receive the "privilege of admission," and therefore the retail sale is not complete, until the ticketed sports event has taken place. Accordingly, under Minnesota Statutes section 289A.20, sales tax collected must be remitted to the state by the

20th day of the month following the month of the event. Furthermore, appellants contend that their use of the accrual method of accounting, rather than cash basis accounting, precludes sales tax reporting in the case of payment plans. The Commissioner disagreed with these contentions and, on this basis, determined that each appellant timely collected, but failed to timely remit, the sales tax for ticket sales for the periods set forth above, and that interest on sales tax was due as set forth in the Notices of Determination on Appeal.

- ***Mayo Clinic; Mayo Clinic Hospital Rochester v. Commissioner of Revenue*, and *Mayo Clinic, Mayo Clinic Hospital Rochester v. Commissioner of Revenue***, In these consolidated cases, Appellants challenge the denial of refund claims (2017-2020) and an assessment of additional MinnesotaCare provider tax (2021). They assert that payments from foreign governments are exempt from provider tax pursuant to Minnesota Statutes section 295.53, subdivision 1(b)(9), which provides an exemption for payments received from any governmental agency for services benefiting the public, with some exclusions. Appellants also assert two constitutional claims: that the Department's order violates the Uniformity Clause in Article X of the Minnesota Constitution, and that the statute violates the Foreign Commerce Clause of the U.S. Constitution.
- ***Lumen Technologies v. Commissioner of Revenue***, This is a corporate franchise tax case for the tax years ending 2020 through 2022. The amount at issue is \$37,818,941.40 in tax, penalties, and interest. Lumen appeals on two distinct grounds. The first concerns Lumen's sale of certain entities, known as incumbent local exchange carriers ("ILECs"), all of which did business outside of Minnesota. Lumen sold these entities to Apollo Global Management ("Apollo"), a private equity firm, in October 2022 as part of a single transaction, for a gain of approximately \$6 billion. The second ground for appeal pertains to an entity called Western RE, Inc. ("WRE"), a wholly owned subsidiary of Lumen that is both licensed and regulated as an insurance company by the Louisiana Department of Insurance, and registered as a captive insurance company with the State of Louisiana. During 2021 and 2022, WRE derived all its insurance premiums from sources within the Lumen Group (i.e., it was fully captive). On this basis, WRE was subject to Louisiana's insurance premiums tax. Lumen contends that WRE was not a disqualified captive insurance company for purposes of Minnesota Statutes § 290.01, subdivision 5c(b) (and therefore not includible in the combined group under § 290.17, subdivision 4) because it did not pay the premiums tax after reduction by credit.

EDUCATION DIVISION

The Education Division provides legal representation to the State's complex and varied educational system, handling most student- and some faculty- and staff-related matters for the Minnesota State Colleges and Universities (Minnesota State) system of 37 separate colleges and universities. In addition to providing legal representation to the numerous Minnesota State campuses, the Division also provides legal representation to the Minnesota Department of Education, the Office of Higher Education, the Perpich Center for Arts Education, the State Academies and the three public pension boards.

Below is a *representative sample of some but not all* legal work performed by the Education Division in FY 2026.

- ***Alejandro Cruz-Guzman, et al. v. State of Minnesota, et al. and Higher Ground Academy, et al.*** This is a class-action lawsuit brought in November 2015 against the State, the Minnesota Senate, the Minnesota House of Representatives, and the Minnesota Department of Education, alleging that the education that the school children in the Minneapolis and Saint Paul Public Schools receive is inadequate and therefore unconstitutional. In particular, Plaintiffs allege public education is discriminatory on the basis of race and socioeconomic status (poverty and free lunch). Certain charter schools have intervened as defendants. The case has already gone to the Minnesota Supreme Court twice, once on the question of whether it is justiciable (it is) and the second time on whether a racially imbalanced school system caused by de facto segregation is enough, by itself, to demonstrate an Education Clause violation (it is not). The case has now returned to the district court where Plaintiffs must prove that racial segregation causes an inadequate education. The Defendants will be moving for summary judgment to dismiss the case on September 24, 2026. If summary judgment is not successful, the case will go to trial in September 2027.
- ***Loe, et al, v. Walz, et al.*** Two evangelical colleges (Crown College and University of Northwestern-St. Paul) and two families commenced a federal lawsuit against Commissioner Jett and the Minnesota Department of Education (“MDE”) in May 2023. The suit challenges a 2023 law that prohibits eligible institutions in Postsecondary Enrollment Options from requiring high school students to sign a faith statement and prohibits institutions from discriminating against students on the basis of religion, sexual orientation, gender identity, or other protected categories. MDE brought counterclaims against the schools alleging Constitutional and statutory violations related to the schools’ policies. At summary judgment, the district court ruled in plaintiffs’ favor, finding that the 2023 amendment is unconstitutional.
- ***Female Athletes United v. Ellison, et al.***, On May 19, 2025, Female Athletes United (“FAU”) sued AG Ellison, in his official capacity, Rebecca Lucero in her official capacity as Commissioner of the Minnesota Department of Human Rights, Willie Jett, in his official capacity as Minnesota Commissioner of Education, Erich Martens in his official capacity as Executive Director of the Minnesota State High School League (“MSHSL”), Independent School District No. 11, Independent School District No. 192, and Independent School District No. 279, alleging that all were violating Title IX because the MSHSL allows Minnesota high school athletes to compete on teams consistent with their gender identity and a single transgender girl is competing in high school softball on a successful team while enjoying some individual success (the “targeted athlete”). The following day, FAU moved for a preliminary injunction against the MSHSL policy, to prevent the targeted athlete from continuing to compete in the high school league, and other wide-ranging relief. The District Court denied the preliminary injunction, and the Eighth Circuit affirmed. Defendants now seek to have the case dismissed.

- ***Ibrahim v. Sudanese American Community Association in Minnesota***, MDE asserted claims against plaintiff Ibrahim, who fraudulently obtained reimbursement through the federal nutrition program. In April 2026, MDE received a complete jury verdict finding that Ibrahim submitted over 90,000 false claims, awarded MDE \$188,350.84 in damages, which the Court trebled to \$565,052.52. The Court also assessed attorneys' fees and punitive damages in the amount of approximately \$1.9 million. Ibrahim has appealed the judgment.

RULE OF LAW DIVISION

The Rule of Law Division was created in the spring of 2025 to address the influx of illegal and unconstitutional actions taken by the federal government that adversely affect Minnesotans. The attorneys in the Division counsel state employees on the legality of federal actions, sue the federal government to stop illegal federal actions when Minnesota is injured (often with other states), and defend Minnesota in federal investigations and lawsuits. Through legal action, the Rule of Law Division has protected billions in funds designated for Minnesota from unlawful actions taken by the federal government. The Division's work is expansive and involves protecting Minnesota's rights across a huge range of subject areas, including tariffs, immigration, federal funding, elections, data privacy, healthcare, housing, student loans, prediction markets, the environment, and public benefit programs.

Since January 2025, Minnesota has been a party to 78 lawsuits against the federal government. Below is a ***representative sample of some but not all*** cases the Division handled in FY 2026.

- **Protecting Minnesotans from Operation Metro Surge.** Operation Metro Surge was a large-scale deployment of federal immigration officers to Minnesota that started in December of 2025 and peaked in January and February of 2026. The Rule of Law Division has represented the State and its agencies in many of the most significant and complex civil cases arising from the Surge. For example, the State of Minnesota, Minneapolis, and St. Paul allege that the Surge itself—and many of the tactics used by the federal government during the deployment—violate the Constitution and federal law. Although a federal judge declined to enjoin the Surge, the State and the Twin Cities have amended their complaint and the lawsuit remains pending. The Rule of Law Division has also represented the State and the Bureau of Criminal Apprehension in civil litigation over access to evidence from the shootings of Renee Good, Alexander Pretti, and Julio Sosa-Celis. And it has represented the State in litigation against Texas' governor concerning the extradition of Christian Castro, an ICE agent who is charged with alleged crimes connected to the shooting of Mr. Sosa-Celis.
- **Protecting federal funds in Minnesota.** The Rule of Law Division has also represented the State and its agencies in dozens of lawsuits related to federal funding and federal benefit programs. These efforts have protected billions in federal funds to Minnesota that were terminated, frozen, or otherwise threatened by unlawful action by the federal government. For example, in December 2025, the federal government threatened to cut monthly food

assistance benefits (Supplemental Nutrition Assistance Program (SNAP) benefits) to Minnesota unless four of the State's largest counties recertified the eligibility of over 100,000 SNAP households in 30 days. The Division successfully sued to enjoin the recertification demand and the funding termination threat. The Division has also represented the State in successful multistate lawsuits over efforts to cut \$43 million in supportive housing funding; \$42 million in public health grants from the Centers for Disease Control and Prevention; and \$400 million in family and childcare programming. And the Division has successfully represented State agencies in multistate lawsuits challenging funding conditions on over \$1.5 billion in critical funding related to transportation, public safety, and disaster relief.

- **Defending Minnesota law.** The Rule of Law division is also defending the State in several high-profile lawsuits by the federal government challenging Minnesota law. For example, the United States sued Minnesota, alleging that Minnesota's Dream Act and North Star Promise Act—which together provide in-state tuition and financial aid to some undocumented students—are preempted by federal law. In March 2026, a federal district court granted the State's motion to dismiss; the case is now on appeal at the Eighth Circuit. Similarly, the United States sued Minnesota, the Twin Cities, Hennepin County, and other state officials alleging that so-called "sanctuary" laws and policies violated the federal Constitution's supremacy clause. In July 2026, a federal district court granted the State's motion to dismiss. The Rule of Law Division is also actively involved in defending lawsuits by the United States challenging transgender participation in youth sports; a Title VII challenge to Minnesota's executive-branch personnel system; and a demand for sensitive and personal data on the recipients of SNAP benefits.
- **Challenging Unlawful Executive Orders.** The Rule of Law Division has successfully represented the State in multistate litigation challenging Executive Orders struck down by the U.S. Supreme Court. In February 2026, the Supreme Court ruled that President Trump unlawfully imposed tariffs under the International Emergency Economic Powers Act. Minnesota and a coalition of 11 other states initially filed the lawsuit in April 2025. Experts anticipated that the tariffs would cost the average household an additional \$1,800 per year, and that it would hurt farmers in particular. In June 2026, the Supreme Court ruled that President Trump's Executive Order seeking to restrict birthright citizenship is unconstitutional. Minnesota and 20 other states originally challenged the Executive Order in January 2025 to protect families who have relied on this guarantee for more than 125 years.

GOVERNMENT SUPPORT SECTION

COMMERCE, ELECTIONS, AND TRADES DIVISION

The Commerce, Elections, and Trades Division primarily provides legal representation to the Department of Commerce, the Secretary of State, the Department of Labor and Industry (“DLI”), and many other boards, agencies, councils, and commissions. The Division appears in state and federal district and appellate courts and in administrative proceedings.

Below is a *representative sample of some, but not all*, legal work performed by the Division in FY 2026.

- **Litigation.**
 - Division staff secured the dismissal of a lawsuit challenging the constitutionality of the Alec Smith Insulin Affordability Act. Since taking effect in 2020, more than 1,800 Minnesotans have received life-saving insulin.
 - Division staff represented the State and the Secretary of State in multiple election-related cases. For example, in cases that continue on appeal, staff challenged two federal executive orders that infringed on states’ rights to administer elections. They also defended multiple election-related statutes, including laws requiring a witness when voting absentee, prohibiting election-related deepfakes, and prohibiting election misinformation.
 - Division staff continued to defend the Department of Commerce in challenges to laws that regulate pharmacy benefit managers.
- **Commerce and Labor Enforcement.** The Division represents the Department of Commerce and DLI in numerous enforcement actions against individuals and businesses that act in regulated industries and violate state laws, such as those related to collections, insurance, real estate, and residential building contractors. For example, staff successfully represented the Department of Commerce in multiple cases in which unlicensed companies attempted to contract their way around the state’s collection-agency laws. And staff represented DLI in revoking an entity’s residential building contractor license after it rented its license to a former licensee who had a substantial history involving fraudulent, deceptive, and dishonest practices.
- **Energy and Telecom.** The Division represents the Department of Commerce in proceedings before the Public Utilities Commission (“PUC”) and in related court cases. Through this representation, Division staff help secure safe, reliable, and affordable electric, gas, and telephone service. For example:

- o The Division was instrumental in securing a PUC decision requiring Xcel Energy to refund nearly \$41 million dollars to ratepayers after Xcel drilled through cables at a nuclear generating plant, causing a three-month outage. Xcel had proposed refunding less than \$6 million.
- o In five electric- and gas-rate cases, some of which remain pending, the Division secured significant reductions in requested rate increases. For example, the PUC reduced Xcel Energy's requested electric rate increase by \$280 million.
- o In a pending matter, Division staff represent the Department in a dispute between the Upper Sioux tribe and its local cooperative over the tribe's right to operate a solar array to offset the power needs of its casino.
- o In an ongoing case, the Division is representing the Department in a first-of-its-kind municipal buyout of its utility's service territory and equipment. The administrative law judge's recommendation reflected the Department's advocacy for balancing the municipality's legal rights to buy out at a just price with the need to appropriately protect the utility's remaining ratepayers.
- **Licensing Boards.** The Division represents numerous non-health-related licensing boards, routinely giving advice and separately assisting complaint and ethics committees in reviewing complaints against licensees and pursuing administrative action against licensed and unlicensed people who violate applicable laws. For example, the Division represented the Peace Officer Standards and Training Board's complaint committee in multiple cases in which the board revoked officers' licenses for misconduct, including for impersonating another officer, unnecessarily throwing an object at a moving vehicle, running unauthorized queries about an ex-girlfriend in a state database, engaging in domestic violence, and destroying evidence when a friend was being investigated for driving under the influence. In a pending case, Division staff is representing the Board of Cosmetologist Examiners' complaint committee in an action against a cosmetology school and its owner for, among other things, providing improper instruction, granting fraudulent student hours, failing to properly maintain student records, and failing to pay students refunds.
- **Other Board and Agency Work.** In a case involving archaeological licenses of a firm's principals who had an alleged history of serious violations, the Division represented the Office of State Archaeologist and the Minnesota Historical Society to secure a settlement agreement that denied licensure until at least 2028 and then requires extensive independent monitoring once licensed. In multiple administrative appeals, the Division successfully defended decisions by the Crime Victims Reimbursement Board and handled numerous enforcement actions and judicial appeals for the Campaign Finance and Public Disclosure Board.

HUMAN SERVICES DIVISION

The Human Services Division provides litigation services and legal counsel to Minnesota Direct Care and Treatment (“DCT”), the Minnesota Departments of Human Services (“DHS”) and Children, Youth, and Families (“DCYF”). Division attorneys provide legal services to these agencies in the four broad areas of Health Care, Children and Family Services, Mental Health, and Inspector General.

Below is a *representative sample of some but not all legal* work performed by the Division in FY 2026.

HEALTH CARE

Division attorneys handle matters concerning Minnesota Health Care Programs (“MHCP”), continuing and long-term care, health care compliance, and benefit recovery. MHCP includes Medical Assistance and MinnesotaCare, which together cover over one million Minnesotans. The Division represented DHS in a lawsuit by several county-based purchasers over its Medical Assistance procurement. The Division is also representing DHS in litigation related to the U.S. Centers for Medicare and Medicaid Services’ deferral of over \$500 million in Medicaid funding to Minnesota, and in DHS’s appeal of the federal government’s threatened withholding of \$2 billion in annual Medicaid funding.

CHILDREN AND FAMILY SERVICES

Division attorneys handle legal issues relating to public-assistance programs, child support, and child-protection matters. Public-assistance programs include the Minnesota Family Investment Program, the General Assistance program, the Minnesota Supplemental Aid program, and the Federal Supplemental Nutrition Assistance Program (“SNAP,” formerly called Food Stamps). Division attorneys represent DCYF and DHS in appeals from agency actions related to public-assistance programs (including the Child Care Assistance Program), and in a case challenging DHS’s performance under a grant contract.

MENTAL HEALTH

Division attorneys provide legal representation to DCT’s adult and children’s mental-health programs, chemical-dependency programs, state-operated treatment facilities and forensic services, which include regional treatment centers, state-operated community facilities, children’s and adolescent behavioral-health centers, the Forensic Mental Health Program (“FMHP”), and the Minnesota Sex Offender Program (“MSOP”). Division attorneys represent DCT’s interests in a broad spectrum of litigation. Division attorneys continue to represent DCT in two cases related to the timing of admissions to Community Services, MSOP’s less restrictive facility. and a case challenging the State’s process for hearing petitions for reductions in custody by individuals who are civilly committed. Division attorneys continue to defend DCT in connection with admissions to state-operated treatment facilities under the priority admission statute, and defended the Anoka Metro Regional Treatment Center against claims of disability discrimination.

INSPECTOR GENERAL

Division attorneys provide legal representation to the DHS and DCYF Offices of the Inspector General in various case types, including maltreatment cases (abuse, neglect, and financial exploitation), childcare assistance, and Medicaid overpayment recovery. The Division represented DHS in lawsuits challenging temporary payment withholds to Medicaid providers due to credible allegations of fraud, and at the Minnesota Supreme Court in a case related to how DHS can obtain monetary recoveries from Medicaid vendors that were improperly paid.

STATE AGENCIES DIVISION

The State Agencies Division provides legal representation to the Departments of Corrections, Employment and Economic Development, Health, Human Rights, Labor and Industry, Veterans Affairs, the Client Security Board, the Bureau of Mediation Services, and the Public Employment Relations Board.

Below is a *representative sample of some but not all* legal work performed by the State Agencies Division in FY 2026.

ADMINISTRATIVE ENFORCEMENT PROCEEDINGS

The Division represents state agencies that bring enforcement proceedings to protect the health and safety of Minnesotans. For instance, the Division successfully represented the Department of Labor and Industry (“DLI”) in an enforcement proceeding where DLI determined joint employers violated overtime and other labor laws. The case resulted in a settlement where construction workers were paid the full amount of their back wages—a historic \$1.2 million. The Division also represents DLI in proceedings to enforce occupational safety and health (“OSHA”) standards in workplaces. In FY2026, some cases involved employees who were subjected to workplace violence in health care facilities, ergonomic hazards at warehouses, hazards at excavation sites, and cases where employees died as a result of being electrocuted or drowned while working for two different scuba diving companies.

LITIGATION TO PROTECT THE PUBLIC

The Division represented the Minnesota Department of Health (“MDH”) in litigation against UCare that resulted in Ramsey County District Court granting MDH’s rehabilitation petition over the HMO under Minn. Stat. ch. 60B. The court later approved MDH’s rehabilitation plan, resulting in orderly distributions of funds to UCare’s creditors. The Division continues to represent MDH regarding MDH’s role as a court-appointed receiver of a nursing home—allowing MDH to stabilize operations and where financial mismanagement and operational deficiencies had previously threatened health and safety of residents. In FY2026, this included assisting MDH to transfer ownership of a facility in receivership to a new owner so residents could remain in their homes. The Division also successfully represented the Minnesota Department of Human Rights (“MDHR”) in litigation under the Minnesota Human Rights Act on behalf of employees who were sexually harassed at work.

APPELLATE ADVOCACY

In FY2026, the Division advocated in appellate courts to explain state agencies' interpretations of the statutes they enforce. For instance, a company that allows homeowners to rent out residential swimming pools challenged guidance MDH had provided to the public explaining that pools rented out via an internet application were "public pools" and thus subject to regulation under Minnesota Rules and Statutes. The Division represented MDH in defending its guidance at the Court of Administrative Hearings and on appeal, where the Minnesota Court of Appeals issued an opinion in MDH's favor in *In re Hittner*. The Division continues to defend MDH, as the Minnesota Supreme Court recently accepted the case for further review.

The Division continues to defend rules from constitutional challenges. For instance, nursing-home associations sued DLI alleging rules established by the Nursing Home Standards Board are preempted under federal labor law. The Division obtained dismissal of the lawsuit in federal court and in FY2026 the Division advocated for affirming that dismissal in an oral argument at the Eighth Circuit Court of Appeals. The Division also defended DLI and the Board in a related federal lawsuit that challenged the legality of the Board itself. A federal judge recently granted a motion to dismiss argued by the Division.

The Division also handled multiple appeals involving labor law issues and public employees. For instance, the Public Employment Relations Board ("PERB") determined that a county had engaged in an unfair labor practice under the Public Employment Labor Relations Act ("PELRA") by unilaterally raising then cutting employee wages. The Division defended the PERB's decision on appeal, and the Minnesota Court of Appeals issued a precedential decision affirming the decision in *McLeod County v. Public Employment Relations Board*. The Division continues to advocate for the PERB because the Minnesota Supreme Court accepted further review. The Division also successfully defended a decision made by the Bureau of Mediation Services ("BMS") regarding the appropriate bargaining unit for City of Alexandria public works employees at the Minnesota Court of Appeals.

DEFENSE OF STATE EMPLOYEES AND PROGRAMS

The Division provides legal representation to defend state officials and state programs. Much of this work involves cases incarcerated persons brought against the DOC and its officials, involving constitutional issues and challenges to statutes enacted by the Minnesota Legislature. Examples include challenges to prison mail policies designed to limit smuggling of dangerous substances into Minnesota correctional facilities, and policies restricting incarcerated persons' contact with minors where the incarcerated person had previously abused a minor. In FY2026, the Division defended the DOC's implementation of the Minnesota Rehabilitation and Reinvestment Act, an early release program the Legislature enacted in 2023, and defended the newly-created Supervised Release Board's decisions to deny parole to persons receiving life sentences for murder. The Division also successfully defended officials at MDH and MDHR in federal lawsuits involving constitutional claims.

HEALTH AND TEACHER LICENSING DIVISION

The Health and Teacher Licensing Division represents Minnesota's health-related licensing boards, the Office of Emergency Medical Services, the Health Professionals Services Program, the Board on Aging, the Office of Ombudsman for Long-Term Care, and the Professional Educator Licensing and Standards Board in litigation and administrative actions related to their licensure and regulatory oversight of healthcare providers and educators. The Division also investigates complaints received by its clients alleging licensee misconduct and provides legal advice to its clients.

Below is a *representative sample of some but not all* legal work performed by the Health and Teacher Licensing Division in FY 2026.

UNPROFESSIONAL CONDUCT

The Health and Teacher Licensing Division investigated and took action on complaints received by its clients against healthcare providers and educators who engaged in unprofessional conduct. The misconduct at issue in these cases involved healthcare providers or educators who violated professional boundaries, engaged in financial exploitation, used unreasonable discipline, and engaged in substandard practice. These cases resulted in board orders for discipline under rules and statutes that govern licensees, which are enforced by the Division and its clients to protect the public. In one case, for example, the Division represented the Board of Pharmacy in a contested case at the Court of Administrative Hearings involving a pharmacist who stole controlled substances from the pharmacy he managed and was under the influence of narcotics while at work. The Board issued an order suspending the pharmacist's license. In another case, the Division represented the Board of Social Work in a contested case at the Court of Administrative Hearings involving a social worker who violated professional boundaries with clients, failed to properly maintain confidential client records, and engaged in fraudulent billing of Minnesota Health Care Programs. The Board issued an order suspending the social worker's license. And in another case, the Division represented the Professional Educators Licensing and Standards Board in a contested case at the Court of Administrative Hearings involving a teacher who engaged in a pattern and practice of violating professional boundaries with students and engaged in sexual and racial discrimination against students. The Board issued an order revoking the teacher's license.

SEXUAL MISCONDUCT

The Health and Teacher Licensing Division investigated and took action on complaints received by its clients against healthcare providers and educators who engaged in sexual misconduct. The misconduct at issue in these cases involved healthcare providers or educators who abused their position of authority to engage in inappropriate sexual relationships with patients or students. In one case, for example, the Division represented the Board of Chiropractic Examiners in a matter involving a chiropractor who engaged in sexual misconduct toward patients. The Board issued an order revoking the chiropractor's license. In another case, the Division represented the Board of Medical Practice in a matter involving an acupuncturist who engaged in sexual misconduct toward patients. The Board issued an order revoking the acupuncturist's license. And in another case, the Division represented the Board of Behavioral Health and Therapy

in a matter involving an alcohol and drug counselor who possessed and disseminated child pornography. The Board issued an order revoking the counselor's license.

UNAUTHORIZED PRACTICE AND FRAUDULENT BILLING

The Health and Teacher Licensing Division investigated and took action on complaints received by its clients involving the unauthorized practice of healthcare and violation of other laws governing public health and safety. The misconduct at issue in these cases involved individuals who failed to comply with laws governing their practice, practiced outside of the scope of their licensure, engaged in the unlicensed practice of healthcare, or violated laws protecting public health and safety. In one case, for example, the Division represented the Board of Dentistry in litigation involving an individual who engaged in the unlicensed practice of dentistry and billed patients for services not rendered. The Division obtained a court order on behalf of the Board enjoining the individual from further unlicensed practice. In another case, the Division represented the Board of Pharmacy in a contested case at the Court of Administrative Hearings involving a chain of pharmacies that failed to properly perform safety checks when filling prescriptions. The Board issued orders requiring the pharmacies to comply with Board rules on safety checks and imposing civil penalties. And in another case, the Division represented the Board of Nursing in a matter involving a nurse who engaged in Medicaid fraud. The Board issued an order revoking the nurse's license.

HEALTH & SAFETY SECTION

MEDICAID FRAUD DIVISION

The Medicaid Fraud Division is a federally certified Medicaid Fraud Control Unit (“MFCU”) that investigates and criminally and civilly prosecutes health care providers who commit fraud in the delivery of services in the Medical Assistance (“Medicaid”) program. MFCU does not administer the Medicaid program in Minnesota: that is the role of the Minnesota Department of Human Services (“DHS”). DHS’s Medicaid Provider Fraud and Audits Division (“MPAI”) is responsible for administratively investigating fraud in the Medicaid program. After completing its administrative investigation, MPAI may refer cases to the Division for criminal investigation and prosecution. The Division also receives referrals from other sources, including but not limited to managed-care organizations, other state agencies, and other federal, state, and local law enforcement entities, as well as from tips from the public. MFCU also opens and investigates cases based on its own deliberate, internal process of investigating billing anomalies and connections between suspicious providers.

Upon referral from a Minnesota county attorney, the Division also has authority to investigate and criminally prosecute abuse, neglect, and financial-exploitation cases that occur in certain Medicaid-funded facilities or against certain Medicaid recipients.

The Division is comprised of attorneys, investigators, auditors, analysts, paralegals, and legal support staff. Its criminal cases are investigated by MFCU investigators, who often partner with other state or federal law enforcement agencies. These investigations may later result in prosecution in state court by MFCU prosecutors, or in federal court by prosecutors from the Department of Justice.

Most of the Division’s work involves investigating and prosecuting health-care providers who participate in the State’s Medicaid program and submit false claims for reimbursement. Typical fraud schemes include billing for services not provided, billing for authorized units rather than actual units of care provided, providing group care but billing as if one-on-one care is provided, and billing for services provided by individuals who are not qualified due to a prior conviction, a lack of credentials, or failure to pass background checks. Some fraud cases have a criminal-neglect component because the recipient’s condition is compromised due to lack of care.

In May 2026, the Minnesota Legislature passed and Governor Walz signed the Medical Assistance Protection Act, which provides MFCU with new resources and stronger legal tools to continue holding Medicaid fraudsters accountable. MFCU is currently in the process of hiring for the new positions the Legislature created.

The Medicaid Fraud Control Unit receives 75% of its funding from the U.S. Department of Health and Human Services under a grant award totaling \$5,078,704 for Federal fiscal year (“FY”) 2026. The remaining 25%, totaling \$1,692,898 for FY 2026, is funded by the State of Minnesota.

The U.S. Department of Human Services Office of Inspector General recently noted that Minnesota's MFCU "is using its resources effectively to investigate cases of possible fraud in the administration of the Medicaid program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid plan, and to prosecute cases or cooperate with the prosecuting authorities." It further noted that "the Unit is extremely willing to work jointly and pursue aggressive prosecution of fraud." It has also noted that Minnesota's MFCU has secured more convictions than any state in the country with a similar-size Medicaid budget.

Below is a *representative sample of some but not all* cases prosecuted by the Medicaid Fraud Division in FY 2026.

- ***State of Minnesota v. Mohamed Omarxeyd, et al.*** In FY2026, the MFCU investigated and charged the owner of an agency providing personal care assistant services and home and community-based services with over \$3 million in provider fraud. The owner billed for services not rendered and not eligible for reimbursement in several separate high-risk program areas, during which he and his wife received over \$2 million from the business accounts. Omarxeyd and his co-defendant have pending cases in Hennepin County district court.
- ***State of Minnesota v. Gertrude Mongare.*** In FY2026, the MFCU investigated and charged the owner of an agency providing home and community based services with over \$600,000 in provider fraud for billing for services not rendered and for services ineligible for payment. Mongare often used the reimbursements she received from the Medicaid program for her own benefit, above and beyond what she received in payroll. Mongare's case is pending in Ramsey County district court.
- ***State of Minnesota v. Mark Dickson, Ryan Ravalette, Michael Smith, and Cornerstone Management Services.*** In FY2026, the MFCU investigated and charged three executives and a corporate management entity with over 10 counts each of abuse and neglect for its conduct operating a nursing home in Lino Lakes. The executives and management entity willfully depleted the nursing staff at the agency in order to cut costs and increase profits to the management company. The MFCU received the referral to prosecute this case from the Anoka County Attorney, pursuant to Minn. Stat. § 8.01, after the MFCU had conducted an extensive investigation with local law enforcement.
- ***State of Minnesota vs. Steven Berg.*** In FY2026, the MFCU investigated and charged an individual with several financial exploitation offenses for using over \$80,000 of his elderly mother's funds to benefit himself instead of her, such as using money for his own desires instead of paying her nursing home bills, which nearly led to her eviction. The MFCU received this referral from the Chippewa County Attorney's Office under Minn. Stat. § 8.01. Berg's case is pending in Chippewa County district court.
- ***State of Minnesota vs. Tammy Saphir.*** In FY2026, the MFCU investigated and charged a licensed physical therapist with overbilling the Medicaid program by over \$100,000. The physical therapist regularly billed for more time than she actually spent treating clients,

and at times billed for clients who did not receive any services. Saphier's case is pending in Ramsey County district court.

- ***State of Minnesota vs. Steven Spoolman.*** In FY2026, the MFCU investigated and charged another physical therapist, Steven Spoolman, with overbilling the Medicaid program by nearly \$200,000. The physical therapist overbilled for more time than he provided services, and billed for services ineligible for payment from Medicaid. Spooman has pled guilty and been convicted and sentenced in Hennepin County district court.
- ***State of Minnesota vs. Faisale Bakare.*** In FY2026, the MFCU investigated and charged an owner of a home health care agency with over \$400,000 in fraud. The owner overbilled for home care nursing (HCN) services, often by billing for services as if they were provided by a registered nurse when they were not. Bakare has been convicted and sentenced in Hennepin County district court.
- ***State of Minnesota vs. Nicole Ward.*** In FY2026, the MFCU investigated and charged a licensed practicing psychologist with billing over \$30,000 in services that were not provided. At times, this included billing for providing over 50 hours of service in a single day. Ward's case is pending in Ramsey County district court.
- ***State of Minnesota vs. Shauna Murray, et al.*** In FY2026, the MFCU investigated and charged three individuals as part of a conspiracy to defraud the Medicaid program out of over \$267,000. The scheme, led by Shauna Murray, includes billing for over 7,363 hours of services not rendered. The cases are pending in Ramsey County district court.
- ***National Health Care Fraud Take Down Day charges.*** In FY2026, the Minnesota MFCU participated in National Health Care Fraud Take Down Day with the United States Department of Justice and MFCUs across the country. The MFCU investigated and charged seven separate cases that collectively involved over \$700,000 in fraud. The cases were filed throughout the State, including in the following counties: Polk, Clay, Anoka, Ramsey, and Hennepin, and involved billing for services not rendered, services ineligible for payment, and identity theft. All cases are pending in district courts.
- ***State of Minnesota v. Alfred Payne, et al.*** In FY2025, the Division charged Payne, the owner of a home care agency, with over \$2.4 million in provider billing fraud. Payne submitted over 12,000 separate fraudulent claims for personal care assistant, home care nursing, and home- and community-based (waivered) services that were not provided at all and/or that were ineligible for reimbursement. The MFCU has charged other employees for their roles in the schemes as well.

Payne pled guilty to multiple counts of felony theft (over \$35,000). In FY2026, Payne was sentenced to serve over 3 years in prison and ordered to pay back over \$2 million in restitution.

Throughout the year, the MFCU also resolved other significant cases. It obtained guilty pleas and verdicts in several cases related to its PITSTOP investigation, including in ***State v. Nasro***

Takhal. It obtained guilty verdicts at jury trials involving individual providers who billed for services not rendered. It also obtained several large settlements in False Claims Act cases, including over \$400,000 from CVS, over \$190,000 from Apotex, over \$1.8 million from Eli Lilly, and over \$500,000 from Gilead Sciences.

Throughout the year, the MFCU also regularly collaborated with Federal and State law enforcement entities, including the FBI, Department of Health and Human Services' Office of Inspector General, and the Bureau of Criminal Apprehension State Fraud Unit, in sprawling investigations into numerous providers. The public investigations include search warrant activity at Early Intensive Development and Behavioral Intervention agencies in the winter, and Housing Stabilization Services investigative activity in the spring and summer. Several of these cases have since led to federal indictments.

MFCU LEGISLATIVE ACTIVITY

Finally, after two years of advocating by the Office, during the 2026 Legislative session, the MFCU successfully advanced several legislative changes through the Medical Assistance Protection ("MAP") Act. The MAP Act achieves the following:

- Providing State funding for the MFCU to add 18 staff positions, comprised of 11 investigators, 4 attorneys, and 3 support staff. The State will pay 25% of the costs for these positions, while the Federal government will pay for 75% of the costs.
- Strengthening criminal penalties, including creating a new penalty level for offenses over \$1 million. The Attorney General subsequently advocated for the Sentencing Guidelines Commission to rank this offense at a Severity Level 8 instead of the previously considered Severity Level 7. The ranking at Severity Level 8 means that all offenders at this penalty level will face a presumptive commit to prison for stealing over \$1 million, instead of the presumptive probationary sentence they would have received if the offense had remained ranked at Severity Level 7.
- Broadening the statutory definitions of fraud to capture more fraudulent conduct being committed by providers. These changes will ensure that the MFCU will no longer have to prosecute any conduct occurring after August 1, 2026, under theft statutes, and will instead be able to prosecute fraud under fraud statutes specifically designed to capture ever-evolving Medicaid fraud schemes.
- Lengthening the statute of limitations to allow the MFCU to capture all fraudulent conduct committed by a provider.
- Widening the reach of restitution statutes in Medicaid fraud cases, which will expand the MFCU's ability to obtain judgments for more restitution.

The Attorney General and MFCU Director regularly testified at Legislative hearings in support of the MAP Act.

PUBLIC SAFETY DIVISION

The Public Safety Division (“Division”) provides legal services to the Minnesota Department of Public Safety (“DPS”) and its various divisions, including the Driver and Vehicle Services Division, the Minnesota Bureau of Criminal Apprehension, the Minnesota State Patrol, the Alcohol and Gambling Enforcement Division, and the Fire Marshal.

The Division represents DPS at implied consent hearings where drivers contest the pre-conviction, civil revocation of their driver’s license for an arrest for driving while impaired by alcohol or controlled substances. In FY26, the Division received 3,700 new petitions challenging the revocation, cancellation, withdrawal, and disqualification of driving privileges under this and other provisions of Minnesota law. The number of petitions relative to the number of driving while impaired arrests is growing, as is the volume and complexity of the evidence involved. Nearly every case requires review of substantial video evidence, and more cases involve the execution of search warrants to test urine or blood for narcotics. Division staff and attorneys handled related district court proceedings in nearly all of Minnesota’s 87 counties as well as associated appeals at the Minnesota Court of Appeals and Minnesota Supreme Court. Attorneys also represented and provided advice to the Driver and Vehicle Services Division in title matters, the Minnesota State Patrol in forfeiture proceedings, the Minnesota State Patrol and Bureau of Criminal Apprehension in data practices related litigation, and the Alcohol and Gambling Enforcement Division in enforcement actions.

The Division also provides legal representation to state boards and commissions, including the State Emergency Communications Board, the Gambling Control Board, and the Minnesota Racing Commission. These entities issue thousands of licenses and conduct numerous investigations each year. The Division provides legal representation to the Minnesota Racing Commission in appeals from commission licensing decisions and disciplinary action taken against horse owners, trainers, and jockeys and, in FY26, provided legal representation to the commission at the Minnesota Court of Appeals and Minnesota Supreme Court. The Division provides advice to the Gambling Control Board related to its regulation of more than 5 billion dollars of charitable gaming as well as legal representation in appeals from the board’s licensing decisions and disciplinary actions. The Division also continues to provide advice and representation to the Office of the Foster Youth Ombudsperson as it establishes itself.

Below is a *representative sample of some but not all* legal work performed by the Public Safety Division in FY 2026.

- ***ITMO a Public Safety Officer Death Benefit for Eric Groebner (Deceased)***. Minnesota Statutes sections 299A.41-.46 provide an additional \$100,000+ benefit to the survivor(s) of a public safety officer “killed in the line of duty.” This is funded through the Public Safety Officer’s Benefit Account created in section 299A.42. In this case, the widow of a deceased public safety officer is appealing the Commissioner’s determination that the officer was not “killed in the line of duty” as that phrase is defined in section 299A.41, subd. 3, and resulting denial of death benefits. While the untimely death of any public safety officer is tragic, the statute appears to limit the award of this additional benefit to only a smaller range of circumstances. At issue in this case is whether the officer’s death,

which occurred within 24 hours of a regular shift during which nothing physically strenuous or otherwise unusual appears to have happened, qualifies under the statute. The petitioner took the position that the collective work of being a public safety officer contributed to the officer's untimely death. The Division represented DPS at the Court of Administrative Hearings, the Minnesota Court of Appeals, and the Minnesota Supreme Court. The Minnesota Supreme Court issued an opinion that largely matched statutory changes made by the legislature. However, as the language used by the Minnesota Supreme Court and the legislature includes multiple terms that either remain undefined or have yet to be defined through application to specific fact patterns, litigation in this case and at least eight other cases continues. Through this litigation, we hope to establish definition to still undefined terms and help to ensure that the Commissioner is able to swiftly and predictably award the benefit to those for whom it is intended.

- ***Knapp v. Comm'r.*** In this case, a driver was arrested based on probable cause to believe that he was driving while impaired by alcohol. The driver agreed to perform an evidentiary breath test, which showed his breath alcohol concentration to be over the legal limit. Prior to conducting a breath test, an officer is supposed to observe the driver for 15 minutes as one of three safeguards designed to ensure that the breath sample is not contaminated. The other two safeguards are internal to the instrument and not reliant on human effort or other external variables like ambient noise. The district court rescinded the revocation of Mr. Knapp's driver's license based solely on a finding that the observation period was improperly conducted. This ruling was contrary to long-established caselaw that requires the driver to present evidence that something occurred during the observation period that actually affected the subsequent test results because the driver is most likely to have information regarding possible contamination and there are two other safeguards that protect the integrity of the test. The Minnesota Supreme Court granted further review and, after initial briefing and argument, requested additional briefing related to the application of the Rules of Evidence to implied consent matters. The resolution of this case may reshape the standards used to determine the admissibility of evidentiary breath tests and will impact the degree to which breath tests continue to be a useful tool in protecting Minnesotans from impaired drivers.

TRANSPORTATION DIVISION

The Transportation Division provides legal representation to its primary client, the Minnesota Department of Transportation ("MnDOT"). A large part of the Division's work involves eminent domain litigation to facilitate highway improvement projects. Division attorneys provide legal advice to MnDOT, other State agencies, and the National Guard, when they are involved in construction projects and also provide legal representation to those entities when contractors, subcontractors, or third parties sue the State on construction-related matters. The Division also protects taxpayers by filing claims on behalf of MnDOT and other State agencies against entities that make false claims, perform defective work, fail to pay employees legally mandated wages, or otherwise fail to comply with contractual requirements.

The Division advises client agencies on the legal ramifications of proposed activities and development projects, assists State agencies in real estate transactions, and assists agencies with evaluating claims and exploring resolution options before litigation arises. The Division advocates in the appellate courts and at the Court of Administrative Hearings on behalf of its client agencies. The Division also assists in the representation of other State agencies in conflict cases and cases where its subject matter expertise is sought.

Below is a *representative sample of some but not all* legal work performed by the Transportation Division in FY 2026.

- **Eminent Domain/Land Acquisition Matters on behalf of the Department of Transportation.** The Division is representing MnDOT in the acquisition of hundreds of parcels that are necessary for the construction of infrastructure improvements to Minnesota's Trunk Highway System. Division attorneys protect the public interest in these eminent domain proceedings by ensuring that MnDOT acquires the necessary right-of-way to improve and build new roads and bridges throughout the entire state, including for example, the Trunk Highway 65 reconstruction project in Blaine, continuing improvements to the I-494 corridor from the Minneapolis–Saint Paul Airport to Trunk Highway 169, the Highway 10 four-lane expansion project in northwestern Minnesota, improvements to Highway 2 in northern Minnesota, and many other State Trunk Highway construction projects being worked on during the 2026 construction season. Trunk Highway right-of-way acquired by this work is also used to facilitate and support construction of vital municipal utility improvement projects, such as upgrading outdated sewer and water infrastructure, in communities throughout the state. The Division's successful agency representation in these cases is critical to the timely completion of these construction projects, makes Minnesota's highway system safer and more efficient, and implicates the powers and protections of the Minnesota and U.S. Constitutions. Division attorneys work to carry out these constitutional provisions to ensure the compensation paid for land necessary for these vital improvements is just to both the affected landowners and the public that funds the projects.
- ***Amicus Brief – Ames Construction, Inc. v. City of Moorhead.*** Division attorneys drafted an amicus brief at the Minnesota Supreme Court in a case involving a lawsuit brought by a highway contractor related to a city project that incorporated MnDOT's Standard Specifications for Construction into the project contract. After the Minnesota Court of Appeals agreed with the arguments in the amicus brief submitted by Division attorneys to that court, the supreme court granted review in this important case. MnDOT requires all contracts for construction work on state highways to include these specifications. Cities and Counties also generally incorporate these Specifications into their contracts for road construction projects because of the vetted, comprehensive coverage of issues that arise in highway construction. The amicus briefs drafted by the Division attorneys offer important and experienced perspectives to the supreme court that highlight how MnDOT's Specifications provide clarity and predictability to the solicitation and administering of road construction contracts while advocating for the preservation of longstanding supreme court precedent interpreting and applying express contract terms in construction disputes.

- ***State of Minnesota, by its Commissioner of Transportation v. JKJ Holding LLC, et al.*** Division attorneys successfully argued for and obtained a reversal of a district court decision against MnDOT at the Minnesota Court of Appeals that led to resolution in that case and precedential guidance for future proceedings. In a case involving complex statutory interpretation with important procedural consideration for litigating and vindicating the constitutional right to just compensation in eminent domain, the court of appeals issued a precedential decision that helped clarify a procedural requirement that must be followed to ensure a district court has jurisdiction to consider an appeal from a commissioners' just compensation award. By clarifying these requirements, Division attorneys protected precedent and plain statutory language and ensured that any party seeking judicial review of a commissioners' award has clear guidance on how to appeal that decision to the district court.
- ***Association of American Railroads v. Bob Jacobson, et, al.*** Division attorneys are appearing in federal court defending a challenge to a Minnesota law that funds emergency preparedness and response for hazardous materials transportation incidents against a railroad industry challenge. In a lawsuit against the Commissioners of Revenue and Public Safety, the Association of American Railroads and Class I railroads operating in Minnesota allege a state law that requires the Commissioner of Public Safety to annually assess railroads and pipeline companies to fund a Rail and Pipeline Safety Account is preempted and so invalid under federal law. The assessments help fund training, equipment, and other emergency preparedness needs to ensure public agencies and personnel can properly respond to derailments and other hazardous materials transportation incidents.

CRIMINAL DIVISION

The Criminal Division provides prosecutorial assistance to county attorneys and local law enforcement agencies with the prosecution of serious crimes. The Division assists counties in the prosecution of serious crimes in trial courts throughout Minnesota under Minnesota Statutes section 8.01. Division attorneys have also served on the Advisory Committee on the Rules of Criminal Procedure.

Below is a *representative sample of some but not all* cases prosecuted by the Criminal Division in FY 2026.

- ***State v. Eric Birth*** (Winona County). Birth served as a track coach and physical education teacher at Winona Senior High School beginning in the spring of 2016. Defendant pleaded guilty to three counts of third-degree criminal sexual conduct arising from sexual assaults of three different students in 2016, 2017, and 2022. On May 7, 2026, the district court sentenced Birth to 90 months in prison.
- ***State v. Jaylan Black*** (Anoka County). Following a verbal altercation on December 6, 2024, Black punched a fellow Anoka County Jail inmate in the face, causing a facial fracture. Black pleaded guilty to third-degree assault and received an 18-month prison sentence on April 17, 2026.

- ***State v. Erik Blanco*** (Morrison County). On July 6, 2023, officers responded to a residence in Little Falls, where a toddler in Blanco’s care was unresponsive and not breathing. The child, who was 14 months of age, had bruising on her face and behind her ears, as well as abrasions on her neck. The child was transported to the hospital, where she was pronounced dead. An autopsy revealed that the toddler had suffered blunt force trauma, asphyxial injuries, numerous hemorrhages, and a skull fracture, which caused her death. A jury convicted Blanco of second-degree murder and found aggravating factors, including that Blanco abused his position of authority over the victim and that the child was particularly vulnerable because of her young age. On May 7, 2026, the district court sentenced Blanco to 468 months in prison.
- ***State v. Craig Hameister*** (Wabasha County). On June 18, 2025, Hameister shot and killed his ex-girlfriend at a boat launch in Kellogg. After shooting the victim in the face at close range, Hameister fled. The victim drove herself to a nearby residence with portions of her jaw and teeth missing. She identified “Craig” as her assailant and had difficulty speaking due to the extent of her injuries. The victim was transported to a hospital but succumbed to her injuries, which resulted in her death. Hameister pleaded guilty to second-degree intentional murder. On May 11, 2026, the district court sentenced Hameister to 415 months in prison.
- ***State v. Karl Holmberg*** (Benton County). On October 12, 2023, Holmberg fired multiple rounds at seven law enforcement officers as they knocked and announced a search warrant at his residence in Glendorado Township, striking five of the officers with a rifle. A jury convicted Holmberg of seven counts of attempted first-degree murder, seven counts of first-degree assault of a police officer, and a controlled substance crime. On October 31, 2025, the district court sentenced Holmberg to 918 months in prison.
- ***State v. Darin Horner*** (Lyon County). Until May 1, 2019, Horner was the operator and sole proprietor of Affordable Appliance Plus in Tracy. Through his business, Horner purported to sell customers affordable appliances. Multiple customers paid Horner for items they never received between 2017 and 2019. Horner pleaded guilty to two counts of theft by swindle. On January 27, 2026, he received a stayed prison sentence of 27 months, 5 years’ probation, and 364 days’ jail.
- ***State v. Jason Horner*** (Steele County). On May 29, 2023, Horner shot and killed his ex-girlfriend underneath a highway overpass in Owatonna. Horner fired a single gunshot through the victim’s mouth at close range and fled the scene. A jury convicted Horner of five counts, including second-degree murder and possession of a firearm by an ineligible person. On December 22, 2025, the district court sentenced Horner to 216 months in prison.
- ***State v. Lavern Kauffman*** (Todd County). On September 12, 2021, Kauffman sexually assaulted a juvenile at his family home in Clarissa, with whom he had a significant relationship. Kauffman pleaded guilty to third-degree criminal sexual conduct.

- ***State v. Jacory McCalpin*** (Chippewa County). Between July 2022 and December 2023, McCalpin sexually and physically assaulted his then-girlfriend. McCalpin regularly recorded the assaults and used the videos as blackmail to force the victim to perform additional sex acts. On April 27, 2026, a jury found McCalpin guilty of 27 charges, including multiple counts of first-degree criminal sexual conduct and stalking. The jury also found aggravating facts on 21 of the 27 counts. On June 30, 2026, the district court sentenced McCalpin to 1,276 months in prison.
- ***State v. Christopher Neal*** (Benton County). On August 11, 2024, Neal went to a local bar in Sauk Rapids, where he met the victim and accompanied her to her apartment. On August 12, 2024, Neal left the apartment building and fled in the victim's vehicle. The victim was found deceased in the apartment later that day. An autopsy determined that the victim's cause of death was attributed to strangulation, and Neal's DNA was found on the victim's neck. Local authorities arrested Neal near New Orleans, Louisiana, about a week later. Neal pleaded guilty to second-degree intentional murder and received a 326-month sentence on November 25, 2025.
- ***State v. Valesha Parker*** (Hennepin County). On November 8, 2022, Zaria McKeever was shot and killed in a Brooklyn Park home after her ex-boyfriend, Erick Haynes, sent two juveniles, including Foday Kamara, into an apartment with guns to kill Zaria McKeever's new boyfriend. The juveniles fled the scene in a vehicle driven by Erick Haynes and were aided after the homicide by Eriana Haynes, Tavion James, and Valesha Parker. On March 25, 2026, Parker pleaded guilty to aiding an offender. On May 1, 2026, Parker received a stayed prison sentence of 50 months, 5 years' probation, and 364 days in jail. The other defendants all previously pleaded guilty and were sentenced in 2024 to terms ranging from 364 days in jail to life in prison.
- ***State v. Theoplus Richmond*** (Pope County). On February 20, 2021, Richmond sold fentanyl to the victim in Glenwood, which led to the victim's overdose death. Richmond pleaded guilty to third-degree murder and received a 135-month prison sentence on December 22, 2025.
- ***State v. William Schulenberg*** (Rice County). On May 1, 2022, Schulenberg attacked his ex-girlfriend at a party on the St. Olaf College campus with a knife and hammer. Schulenberg struck the victim's head multiple times and attempted to stab the victim in the neck with a knife. When three other individuals intervened, Schulenberg struck two of them with the hammer and cut the third with the knife. Schulenberg pleaded guilty to one count of first-degree assault and three counts of second-degree assault. On November 17, 2025, the district court sentenced Schulenberg to 91 months in prison.
- ***State v. Searle*** (Stevens County). On March 14, 2022, Searle provided childcare to a two-month-old infant at her residence. When the child's mother picked up the infant, he was unresponsive. Doctors determined the child suffered a subdural hematoma and other injuries that required brain surgery. Searle admitted to shaking the infant when he was crying. Searle pleaded guilty to felony child endangerment. On February 3, 2026, Searle received a stayed prison sentence of 18 months, 5 years' probation, and 180 days' jail.

- ***State v. Hunter Timo*** (Lake County). On June 26, 2024, Timo sexually assaulted a victim while she was asleep. Timo entered a bedroom where the victim slept and engaged in sexual contact with the victim, while she was physically helpless. Timo pleaded guilty to second-degree criminal sexual conduct. On May 18, 2026, the district court sentenced Timo to 90 months in prison.

CRIMINAL APPELLATE DIVISION

The Criminal Appellate Division provides assistance to county attorneys in felony appeals. The cases handled in FY 2026 involved, among other crimes, murder, sexual assault, drug distribution and manufacturing, child sexual abuse, arson, and distribution of child pornography.

Division attorneys also provide assistance in civil commitment proceedings involving dangerous sex offenders, upon request of the county attorney; assist the Department of Corrections (“DOC”) in administrative hearings required by the Community Notification Act when a registered sex offender challenges the DOC’s assessment of the offender’s level of danger upon release from incarceration; advise the Bureau of Criminal Apprehension on registration and DNA collection issues, and advise the DOC on community-notification issues.

Below is a *representative sample of some* cases handled by the Criminal Appellate Division in FY 2026.

- ***State v. Sullivan*** (Aitkin County). A jury found Mr. Sullivan guilty of assaulting his 74-year-old mother. The domestic-assault charge was enhanced to a felony because appellant had two “previous qualified domestic violence-related offense convictions” within the past ten years. But the prosecutor did not submit evidence of Mr. Sullivan’s prior convictions because his attorney stipulated (improperly) to that element of the offense. During postconviction proceedings, the district court vacated Mr. Sullivan’s conviction based on the improper stipulation and the lack of other evidence for the prior convictions. It later reinstated his conviction when he argued that the Double Jeopardy Clause prohibited a second trial. On appeal, Mr. Sullivan argued the reinstatement of his conviction violated the Double Jeopardy Clause. The Supreme Court agreed with the AGO that the Double Jeopardy Clause did not bar the reinstatement of Mr. Sullivan’s conviction because it did not result in double prosecution or double punishment.
- ***State v. Christian*** (Mower County). In 2000, a jury found Mr. Christian guilty of first-degree felony murder. In 2024, he filed a postconviction petition to vacate his felony murder convictions under 2023 legislation. The Supreme Court affirmed the district court’s denial of relief because an eyewitness testified at trial that Mr. Christian told his accomplice to shoot and, on appeal, he conceded that he told his accomplice to shoot the victims.
- ***State v. Bonnell*** (St. Louis County). Mr. Bonnell fatally shot a man on the Mesabi Trail. Police found evidence of the murder on Mr. Bonnell’s girlfriend’s Facebook account. The Supreme Court rejected Mr. Bonnell’s challenge to the search, holding that a sender of an electronic message does not retain a reasonable expectation of privacy in the digital copy

of the received message that is stored in the recipient's separate and independent account or device. It also held that there was sufficient corroborative evidence to support the accomplice's eyewitness testimony.

- ***In re Kolberg*** (Roseau County). In this civil sex offender commitment case, Kolberg sexually abused and harassed numerous women, including his estranged wife and female corrections officers. Most recently, he sexually assaulted an 18-year-old girl in 2021 after she sought his help when she was homeless. He continued to focus sexually on female corrections officers throughout his time in prison. The court granted our petition for commitment.

POST-CONVICTION JUSTICE DIVISION

The Attorney General established the Post-Conviction Justice Division ("the Division") to develop and implement two important initiatives to seek justice for persons who have been convicted of crimes. First, the Division's Conviction Review Unit ("CRU"), was launched in October 2020 as an independent unit within the Attorney General's Office with a mission to prevent wrongful convictions, seeking to identify cases in which a wrongful conviction may have occurred and remedy those convictions. Different from the dozens of other CRU/CIUs around the country, the Division's CRU was just the fourth in the country to operate statewide through an Attorney General's Office to provide applicants from any Minnesota county an opportunity for case review. For cases accepted for review because of a wrongful conviction, the CRU would conduct a comprehensive, independent, and non-adversarial review of the evidence in the case and work cooperatively to seek remedial measures necessary to correct injustices uncovered. The CRU also collected and studied data on the causes of wrongful convictions to help stakeholders shape policies and procedures to prevent them in the future.

Second, the Division's Statewide Expungement Program accepted its first application in late 2020 and ("Expungement Program") sought to help make Minnesotans who are eligible for expungement aware that they can apply, help others determine if they are eligible to apply, and help initiate an application for those who need assistance. The Expungement Program eliminated barriers to applying for expungements as a means to mitigate the collateral consequences of past criminal convictions for people who have served their sentences and rehabilitated themselves.

Due to budgetary constraints, the loss of funding and insufficient appropriations from the legislature, the Minnesota Attorney General's Office had to make the very difficult decision to close the Post-Conviction Justice Division in the first half of 2026.

CONVICTION REVIEW UNIT

In February 2025, just three and half years after the CRU accepted its first application, the Attorney General's Conviction Review Unit was praised as a "model for how statewide work should be done" in the results of an external audit of the CRU's work conducted by an outside and independent expert in conjunction with the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania. The review, suggested by the CRU Advisory Board, was

conducted by Patricia Cummings, a professor and former prosecutor, defense attorney, judge, and head of the Dallas and Philadelphia Conviction Integrity Units. Cummings was given unfettered access to the CRU staff and its work, and based on her extensive review of the CRU's efficacy and efficiency she concluded that "while prosecutors are motivated to do justice by convicting the right person, and innocence lawyers are motivated to prove their clients' innocence, the Minnesota CRU is clearly motivated to discover what really happened in cases it reviews and advocate for whatever relief, if any, is appropriate."

On September 24, 2025, the Minnesota Board of Pardons voted to commute the sentence of Brian Pippitt, who spent over two decades in prison following a conviction of first-degree murder in 2001. The Pardon Board's decision followed the April 4, 2025, vote by the Minnesota Clemency Review Commission recommending Mr. Pippitt's sentence be commuted. Mr. Pippitt submitted his clemency application while awaiting a decision from the district court in Aitkin County where Mr. Pippitt previously filed a motion to vacate his 2001 first-degree murder conviction. In June 2024, the CRU recommended that the 2001 conviction in Aitkin County of Brian Pippitt for first-degree murder be vacated. The recommendation followed an extensive investigation that the CRU conducted, which culminated in a 181-page report, and it was the first time the CRU recommended the full exoneration of an incarcerated person, and the second time it has recommended relief based on a wrongful conviction.² Upon release of the CRU's report, Mr. Pippitt filed a motion to vacate his conviction and dismiss the charges against him. Mr. Pippitt was released in January 2026 and is still working to clear his name.

Since August 2021 when it accepted its first application from a person with a credible claim of innocence, the CRU received over 1,300 applications. With assistance from volunteer attorneys and law-school externs from numerous law schools, the CRU successfully screened all applications and prioritized case review, closing over 975 applications without recommending relief to the applicant, and finalized the case correction and two exonerations described above.

STATEWIDE EXPUNGEMENT PROGRAM

In October 2020, the Division accepted its first online applications for expungement through its website created with its partners in a joint venture: *Helpsealmyrecords.org*, and with that, the Attorney General's Office Statewide Expungement Program ("Expungement Program") was on its way to helping thousands of Minnesotans all over the state obtain expungements to mitigate the collateral consequences of convictions for people who have satisfied all the terms of their sentence for an offense that is eligible to be expunged. Without an expungement, people who are eligible for an expungement can still have trouble getting good jobs, an education, credit, public services, housing, or even volunteering in their communities.

² The CRU's first was a recommendation to local prosecutors in the Thomas Rhodes case, whereafter Rhodes submitted an Alford plea to manslaughter and was immediately released from prison after serving 7 years for pre-meditated murder. After the CRU's report in the Pippitt case, the CRU recommended a full exoneration in the case of Edgar Barrientos. The Hennepin County Attorney supported the recommendation, and the Hennepin County District Court ultimately dismissed the case against Mr. Barrientos, fully exonerating him.

The Division's Statewide Expungement Program helped dozens of local prosecutors who agreed to the sealing of records and wished to apply to the district court for expungement of certain criminal records of eligible applicants who had satisfied the conditions of the Minnesota Expungement law set forth in Chapter 609A. The Expungement Program recognized early on that for many people who have been convicted of crimes and are working to better their futures, criminal records can hamper their efforts to improve their prospects to afford their lives, live with dignity and respect, and give back today and in the future. Because the Attorney General's Statewide Expungement Program was so successful in getting the word out to people who needed assistance navigating the complicated expungement process through online means and over community media networks, and helping people in-person at nearly a dozen expungement outreach clinics held around the State, the Division received nearly 16,000 applications between its inception in October 2020 and April 2026.

By Spring 2026, the Division and AGO staff had reviewed those 16,000 applications for sealing records, determined eligibility under state law, and for those that qualified, worked cooperatively with interested prosecutors across the state to prepare court filings. Through the work of the Expungement Program team and in cooperation with local prosecutors who decided to file applicant requests with the courts, applicants avoided expensive court filing fees and confusing forms that were difficult to navigate for non-lawyers. Ultimately, the Division's Expungement Program team helped local prosecutors obtain expungement orders in approximately 2,000 cases, helping Minnesotans get a second chance to better their lives and serve as productive members of their communities.

APPENDIX A: SERVICE HOURS				
By Agency or Political Subdivision for FY 2026				
Agency/Political Subdivision	Estimated Service Hours (1)	Actual Service Hours	Estimated Expenditures	Actual Expenditures (2)
Partner Agencies				
Administration Department-Risk Management		381.0		\$ 65,040.40
Agricultural Utilization Research Institute		0.0		\$ -
Cannabis Management Office		369.4		\$ 65,164.40
Children, Youth, and Families Department		2,834.9		\$ 472,065.74
Clemency Review Commission		3.0		\$ 534.00
Corrections Department (3)		5,731.0	\$ 1,067,749.80	\$ 971,106.37
Direct Care and Treatment Department (4)		11,603.0		\$ 1,929,436.40
Education Department		4,676.4		\$ 830,255.33
Environmental Quality Board		81.0		\$ 14,418.00
Gambling Control Board		188.5		\$ 33,425.00
Health Department		5,395.6	\$ 1,046,080.00	\$ 954,019.40
Health Department - Wage Theft (4)		1,398.2		\$ 248,894.61
Housing Finance Agency		1,231.0		\$ 211,189.00
Human Services Department		13,349.4		\$ 2,275,196.33
Iron Range Resources & Rehabilitation		1.8		\$ 320.40
Labor and Industry Department (3)		1,929.3		\$ 338,487.40
Lottery		30.2		\$ 5,375.60
Medical Practice Board		3,254.5	\$ 1,000,000.00	\$ 498,507.40
Metropolitan Council		465.1		\$ 80,880.60
Minnesota Climate Innovation Finance Authority		243.6		\$ 40,948.80
Minnesota Racing Commission		93.8		\$ 15,799.20
Minnesota State Retirement System		205.9		\$ 36,650.20
Minnesota State Colleges & Universities		4,309.7		\$ 748,622.60
MNSure		25.1		\$ 4,467.80
Natural Resources Department		2,770.4	\$ 820,000.00	\$ 475,253.80
Petroleum Tank Release Compensation Board	200.0	14.4		\$ 2,563.20
Pollution Control Agency		5,905.0	\$ 825,000.00	\$ 963,615.20
Public Employees Retirement Association		552.3		\$ 98,309.40
Public Safety Department (3)		9,951.8		\$ 1,477,475.80
Revenue Department (3)		2,211.5		\$ 388,610.20
Secure Choice Retirement Program (4)		4.8		\$ 854.40
State Emergency Communications Board (4)		30.2		\$ 5,375.60
Teachers Retirement Association		156.6		\$ 26,774.00
Transportation Department		8,591.4		\$ 1,496,162.20
Total Partner Agencies	200.0	87,989.8	\$ 4,758,829.80	\$ 14,775,798.78
Health Boards/Offices				
Behavioral Health & Therapy Board		1,501.4		\$ 214,814.00
Board of Executives for Long Term Services & Supports		362.2		\$ 64,170.80
Chiropractic Board		986.9		\$ 137,370.60
Dentistry Board		853.9		\$ 140,211.80
Dietetics & Nutrition Practice Board		21.7		\$ 3,862.60
Emergency Medical Services Office		353.1		\$ 61,488.60
Health Professionals Services Program		31.0		\$ 5,518.00
Licensed Drug & Alcohol Counselor Program		2,202.3		\$ 283,881.40
Marriage & Family Therapy Board		375.3		\$ 51,424.20
Nursing Board		11,321.1		\$ 1,709,453.40
Occupational Therapy Board		79.6		\$ 11,717.60
Optometry Board		46.2		\$ 8,223.60
Pharmacy Board		1,420.9		\$ 249,285.00
Physical Therapy Board		310.1		\$ 46,404.20
Podiatry Board		27.9		\$ 4,966.20
Psychology Board		858.7		\$ 128,221.40
Social Work Board		1,580.4		\$ 237,490.40
Veterinary Medicine Board		733.6		\$ 110,088.00

Total Health Boards/Offices		23,066.3		\$ 3,468,591.80
Other State Agencies/Political Subdivisions				
Accountancy Board		347.3		\$ 60,366.60
Administration Department		1,136.6		\$ 200,510.00
Agriculture Department		514.0		\$ 85,693.60
Agriculture Chemical Response Compensation Board		10.3		\$ 1,833.40
Amateur Sports Commission		37.6		\$ 6,692.80
Animal Health Board		41.5		\$ 7,387.00
AELSLAGID Board		434.6		\$ 77,358.80
Barber Examiners Board		196.8		\$ 34,953.60
Board on Aging		51.0		\$ 9,078.00
Campaign Finance and Public Disclosure Board		761.1		\$ 128,237.40
Cannabis Expungement Board		1,184.2		\$ 210,787.60
Capitol Area Architectural Planning Board		21.1		\$ 3,755.80
Center for Arts Education		104.0		\$ 18,512.00
Client Security Board		22.4		\$ 3,987.20
Commerce Department		6,740.5		\$ 1,161,481.20
Commission Serving Deaf and Hard of Hearing		17.4		\$ 3,097.20
Corrections Department (3)		3,085.9		\$ 522,903.43
Corrections Department-Community Notification		1,173.8		\$ 183,592.40
Cosmetology Examiners Board		1,071.2		\$ 176,120.00
Council for Minnesotans of African Heritage		3.7		\$ 658.60
Council on Asian Pacific Minnesotans		0.6		\$ 106.80
Council on Latino Affairs		4.3		\$ 765.40
Court of Administrative Hearings		83.0		\$ 14,754.80
Crime Victims Reimbursement Board		341.8		\$ 56,552.40
Disability Council		24.4		\$ 4,343.20
Employment & Economic Development Department		713.4		\$ 122,601.20
Explore Minnesota Tourism		206.7		\$ 36,792.60
Firefighter Training & Education Board		16.7		\$ 2,972.60
Governor's Office		832.3		\$ 135,634.60
Human Rights Department		789.7		\$ 135,896.40
Indian Affairs Council		197.1		\$ 35,083.80
Judicial Branch		1,269.1		\$ 223,792.80
Labor and Industry Department (3)		2,982.4		\$ 520,970.20
Land Exchange Board		1.5		\$ 267.00
Law Examiners Board		606.7		\$ 107,986.20
Lawyers Professional Responsibility Board		104.4		\$ 18,474.40
Legislature		150.5		\$ 25,534.60
Legislative Auditor Office		29.7		\$ 5,286.60
Mediation Services Bureau		227.5		\$ 40,495.00
Military Affairs Department		123.9		\$ 21,561.40
Minnesota Management & Budget		833.0		\$ 137,118.80
Minnesota Rare Disease Advisory Council		6.4		\$ 1,139.20
Minnesota State Academies		13.1		\$ 2,203.80
MN.IT Services Office		449.7		\$ 78,459.40
Office of Higher Education		981.0		\$ 156,922.20
Ombudsman for Long Term Care		20.5		\$ 3,649.00
Ombudsman for Mental Health & Developmental Disabilities		18.3		\$ 3,257.40
Ombudsperson for American Indian Families		4.7		\$ 836.60
Ombudsperson for Corrections		43.6		\$ 7,760.80
Ombudsperson for Family Child Care Providers		4.9		\$ 872.20
Peace Officers Standards and Training Board		1,527.4		\$ 271,122.00
Private Detective Board		156.5		\$ 27,857.00
Professional Educator Licensing & Standards Board		2,407.7		\$ 425,396.20
Public Defender, Local		55.9		\$ 9,668.60
Public Defender, State		6.1		\$ 1,009.00
Public Employment Relations Board		3.8		\$ 676.40
Public Facilities Authority		1.6		\$ 284.80
Public Safety 911 Program		11.2		\$ 1,993.60
Public Safety Department (3)		31,973.4		\$ 5,183,701.40
Public Utilities Commission		2,835.7		\$ 504,364.20
Revenue Department (3)		2,211.5		\$ 388,610.20

Rural Finance Authority		93.6		\$ 16,660.80
School Administrators Board		131.9		\$ 23,478.20
Secretary of State		1,466.4		\$ 257,403.00
State Arts Board		2.4		\$ 420.80
State Guardian Ad Litem Board		211.7		\$ 36,959.40
State Historical Society		164.0		\$ 27,572.80
State Investment Board		29.1		\$ 5,179.80
Veterans Affairs Department		370.9		\$ 64,311.40
Veterans Homes		31.2		\$ 4,657.60
Water & Soil Resources Board		369.7		\$ 60,001.60
Zoological Board		87.6		\$ 14,652.00
Total Other State Agencies/Political Subdivisions		72,185.2		\$ 12,125,078.83
Medicaid Fraud Control Unit Investigations & Prosecutions				
Aitkin County		168.4		\$ 23,152.80
Anoka County		1,645.7		\$ 213,062.60
Becker County		22.2		\$ 2,530.80
Benton County		1.0		\$ 139.60
Blue Earth County		89.7		\$ 10,456.20
Carlton County		96.1		\$ 15,768.20
Carver County		32.8		\$ 3,739.20
Chippewa County		316.4		\$ 40,127.20
Chisago County		55.3		\$ 9,529.80
Clay County		58.3		\$ 8,822.20
Crow Wing County		402.7		\$ 59,827.80
Dakota County		263.6		\$ 32,188.00
Hennepin County		17,082.9		\$ 2,283,213.80
Isanti County		223.6		\$ 34,482.40
Lincoln County		38.9		\$ 5,970.60
Mower County		75.6		\$ 11,159.20
Olmsted County		123.4		\$ 16,608.40
Otter Tail County		94.0		\$ 11,548.00
Polk County		646.4		\$ 79,340.80
Ramsey County		7,967.4		\$ 985,941.20
Rice County		405.5		\$ 64,351.80
Scott County		13.3		\$ 1,516.20
Sherburne County		328.7		\$ 42,623.80
St. Louis County		588.7		\$ 69,550.20
Stearns County		899.6		\$ 106,727.20
Washington County		1,043.2		\$ 128,870.40
Total Medicaid Fraud Control Unit Investigations & Prosecutions		32,683.4		\$ 4,261,248.40
Other Local Government Assistance				
Aitkin County Attorney		393.4		\$ 69,288.20
Anoka County Attorney		70.8		\$ 11,424.80
Becker County Attorney		766.9		\$ 132,700.20
Beltrami County Attorney		869.1		\$ 134,763.80
Benton County Attorney		2,550.4		\$ 365,414.40
Big Stone County Attorney		1,227.1		\$ 193,739.00
Blue Earth County Attorney		702.0		\$ 119,682.40
Brown County Attorney		612.1		\$ 88,627.40
Carlton County Attorney		330.4		\$ 58,459.20
Carver County Attorney		10.0		\$ 1,172.00
Chippewa County Attorney		1,493.0		\$ 231,987.60
Chisago County Attorney		265.2		\$ 43,525.60
Clay County Attorney		235.0		\$ 34,630.00
Clearwater County Attorney		599.9		\$ 92,036.60
Cook County Attorney		1,033.5		\$ 164,270.20
Cottonwood County Attorney		695.5		\$ 106,711.00
Crow Wing County Attorney		600.6		\$ 103,322.80
Dodge County Attorney		304.8		\$ 45,166.40
Douglas County Attorney		265.4		\$ 36,457.20
Freeborn County Attorney		523.5		\$ 93,055.00
Goodhue County Attorney		8.0		\$ 1,424.00

Grant County Attorney		292.3		\$ 44,739.80
Hennepin County Attorney		931.9		\$ 147,055.80
Hubbard County Attorney		97.5		\$ 15,115.00
Isanti County Attorney		1,739.4		\$ 261,357.20
Itasca County Attorney		328.0		\$ 55,817.60
Jackson County Attorney		7.1		\$ 1,103.80
Kanabec County Attorney		627.0		\$ 98,313.20
Kandiyohi County Attorney		128.5		\$ 21,849.00
Kittson County Attorney		308.4		\$ 41,423.20
Koochiching County Attorney		38.4		\$ 6,835.20
Lake County Attorney		490.5		\$ 84,672.20
Le Sueur County		73.9		\$ 11,650.20
Lincoln County Attorney		327.9		\$ 57,906.20
Lyon County Attorney		335.2		\$ 54,212.80
McLeod County Attorney		746.1		\$ 117,733.80
Mahnomen County Attorney		350.1		\$ 50,061.80
Martin County Attorney		82.4		\$ 14,283.20
Meeker County Attorney		307.9		\$ 52,950.20
Mille Lacs County Attorney		1,158.7		\$ 185,160.60
Morrison County Attorney		802.0		\$ 129,296.80
Mower County Attorney		890.9		\$ 141,716.20
Nicollet County Attorney		556.8		\$ 91,686.40
Otter Tail County Attorney		966.8		\$ 159,450.40
Pennington County Attorney		285.9		\$ 50,204.20
Pine County Attorney		105.4		\$ 18,537.20
Pipestone County Attorney		617.2		\$ 92,357.60
Pope County Attorney		51.1		\$ 8,180.60
Redwood County Attorney		207.6		\$ 36,728.80
Renville County Attorney		49.1		\$ 8,739.80
Rice County Attorney		281.8		\$ 44,592.40
Roseau County Attorney		162.0		\$ 21,508.00
Scott County Attorney		0.7		\$ 79.80
Sherburne County Attorney		252.3		\$ 38,445.40
St. Louis County Attorney		708.4		\$ 123,586.40
Stearns County Attorney		1,531.6		\$ 263,748.00
Steele County Attorney		1,271.7		\$ 194,829.80
Stevens County Attorney		710.9		\$ 117,708.20
Swift County Attorney		75.4		\$ 12,557.20
Todd County Attorney		1,446.4		\$ 241,088.00
Traverse County Attorney		275.5		\$ 40,930.20
Wabasha County Attorney		761.4		\$ 100,911.60
Wadena County Attorney		148.2		\$ 26,283.60
Waseca County Attorney		312.7		\$ 46,815.80
Washington County Attorney		40.6		\$ 7,162.80
Watsonwan County Attorney		174.5		\$ 23,253.00
Winona County Attorney		364.4		\$ 58,079.20
Wright County Attorney		560.0		\$ 90,400.00
Yellow Medicine County Attorney		40.7		\$ 7,180.60
Association of County Attorneys		331.3		\$ 58,971.40
Total Other Local Government Assistance		35,911.1		\$ 5,705,128.00
Total Partner/Semi-Partner Agencies (from page A-1)		87,989.8		\$ 14,775,798.78
Total Non-Partner Agencies Subdivisions		163,846.0		\$ 25,560,047.03
Grand Total Hours/Expenditures		251,835.8		\$ 40,335,845.81
Notes:				
(1) The projected hours of service were agreed upon mutually by the partner agencies and the AGO. Actual hours may reflect a different mix of attorney and legal assistant hours than projected originally.				
(2) Billing rates: Attorney \$178.00, Special Attorney \$88.00, and Legal Assistant \$114.00.				

(3) A number of agencies signed agreements for a portion of their legal services.				
(4) Department of Direct Care and Treatment, State Emergency Communications Board, Secure Choice Retirement Program, and the Department of Health-Wage Theft signed an agreement starting in FY26 for their legal services.				

**APPENDIX B: SPECIAL ATTORNEY EXPENDITURES
BY AGENCY/POLITICAL SUBDIVISION FOR FY 2026**

AGENCY/POLITICAL SUBDIVISION	Amount
Attorney General's Office	\$ 937,500.00
Administration	\$ 1,369,938.63
Children, Youth and Families	\$ 68,315.46
Education	\$ 511,116.70
Employment and Economic Development	\$ 39,665.93
Governor's Office	\$ 864,552.77
Human Services	\$ 295,756.70
Lottery	\$ 25,400.00
Minnesota Climate Innovation Finance Authority	\$ 33,705.00
Minnesota IT Services (MNIT)	\$ 620.00
Minnesota Management & Budget	\$ 289,942.00
MMCAP	\$ 4,602.60
Minnesota State (Previously MnSCU)	\$ 70,061.24
Natural Resources	\$ 4,455.00
Office of Cannabis Management	\$ 56,360.62
Public Employees Retirement Association	\$ 89,923.50
Revenue	\$ 68,364.37
Secure Choice Retirement Board	\$ 22,275.00
State Retirement System	\$ 14,422.50
Supreme Court	\$ 2,789.87
Teachers Retirement Association	\$ 23,178.31
TOTAL	\$ 4,792,946.20

Notes:

- (1) Attorney General expenditures are based on date paid
- (2) Expenditures for other agencies/political subdivisions are based on the date billing information was transmitted by the Attorney General's Office to the agency/political subdivision

**APPENDIX B: SPECIAL ATTORNEY EXPENDITURES
BOND COUNSEL BY AGENCY/POLITICAL SUBDIVISION FOR FY 2026**

AGENCY/POLITICAL SUBDIVISION	Amount
Agricultural and Economic Development Board	\$ 1,300.00
Housing Finance Agency	\$ 115,806.34
Health and Education Facilities Authority	\$ 162,378.35
Iron Range Resources & Rehabilitation	\$ 39,204.28
Minnesota Management & Budget	\$ 69,807.80
Minnesota State	\$ 13,269.27
Office of Higher Education	\$ 3,184.00
Public Facilities Authority	\$ 7,385.00
TOTAL	\$ 412,335.04

Notes:

- (1) Certain bond fund counsel are paid from proceeds
- (2) Expenditures are based on the date billing information was transmitted by the Attorney General's Office to the agency/political subdivision

Appendix C - Attorney General Opinions of Interest

Minnesota law prohibits state and local law enforcement agencies from holding someone based on an immigration detainer if the person would otherwise be released from custody. Minn. Stat. §§ 629.30; .34

3-a



February 6, 2025

John J. Choi
Ramsey County Attorney
360 Wabasha Street North, Suite 100
St. Paul, MN 55102-1418

Re: Request for Advisory Opinion Pursuant to Minn. Stat. § 8.07

Dear Ramsey County Attorney Choi:

Thank you for your letter of January 13, 2025, which requests an opinion from this Office on whether Ramsey County can lawfully hold people in custody based on civil immigration detainer requests from U.S. Immigration & Customs Enforcement.

BACKGROUND

The facts as you present them are as follows. In 2014, the Ramsey County Attorney's Office reviewed the legality of holding people in custody at the Ramsey County Jail and the Ramsey County Correctional Facility in response to immigration detainees issued by U.S. Immigration & Customs Enforcement (ICE). As discussed below, an immigration detainer is a request from ICE to hold someone for up to 48 hours beyond the time they would otherwise be released so federal immigration officers may assume custody. *See* 8 C.F.R. § 287.7. Your Office concluded that holding people because of immigration detainees was unconstitutional and exposed Ramsey County to civil liability.

In 2019, the Minnesota Court of Appeals reached a similar conclusion. In *Esparza v. Nobles County*, the court of appeals affirmed an injunction prohibiting Nobles County and the Nobles County Sheriff from holding people because of immigration detainees. *See* A18-2011, 2019 WL 4594512 (Minn. Ct. App. Sept. 23, 2019). The plaintiffs alleged that prolonging their detention—and delaying their release from custody—based solely on an immigration detainer violated Minnesota law. *Id.* at *2. The court of appeals concluded that the district court did not abuse its discretion when it found that the plaintiffs were likely to succeed on the merits of that claim. *Id.* at *4-10.

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Ramsey County Attorney
February 6, 2025
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Your Office's analysis and *Esparza* carefully consider whether Minnesota law enforcement agencies can, consistent with Minnesota law, hold people who would otherwise be released from custody because the agency has received an immigration detainer. However, as you correctly note, *Esparza* is nonprecedential, and it arose out of a temporary injunction. The court of appeals did not render a final decision on whether the county and the sheriff had violated Minnesota law. Similarly, the analysis conducted by your Office is over ten years old and predates policy changes that were implemented by ICE. Your Office thus seeks a written opinion from our Office on this issue of public importance.

QUESTION PRESENTED

Your letter asks the following question: "Can Ramsey County lawfully hold a detainee or inmate based solely on an ICE Form I-247 Detainer, or similar civil request, without a supporting warrant or probable cause?" ICE, however, has discontinued use of form I-247. ICE now issues detainer requests through a consolidated detainer form, I-247A, accompanied by one of two types of administrative warrants: (1) form I-200 (Warrant for Arrest of Alien) or (2) form I-205 (Warrant of Removal/Deportation).

We therefore interpret your question as follows: Can Ramsey County lawfully hold people in custody based on immigration detainers? For purposes of this analysis, we use the phrase "immigration detainer" to mean both the detainer form (I-247A) and an administrative warrant (I-200 or I-205), unless otherwise noted.

SUMMARY OF CONCLUSION

Minnesota law prohibits state and local law enforcement agencies from holding someone based on an immigration detainer if the person would otherwise be released from custody.

ANALYSIS

The analysis in this opinion proceeds as follows. First, the opinion provides a brief overview of immigration detainers. Second, the opinion addresses whether the continued detention of a person who would otherwise be released from state custody is an "arrest" under the United States and Minnesota Constitutions. Finally, the opinion considers whether Minnesota law or federal law authorizes state and local officials¹ to arrest someone based on immigration detainers.

We conclude that: (1) the continued detention of a person who would otherwise be released from custody is an arrest; and (2) neither Minnesota law nor federal law gives state and local officials the authority to arrest someone based on an immigration detainer.

¹ This opinion uses the general term "official" as encompassing any government agent or employee, including corrections or jail employees. On occasion, it uses the terms "peace officer," or "officer" to refer to licensed law enforcement officers who have the usual powers of arrest.

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I. OVERVIEW OF IMMIGRATION DETAINERS

Under the Immigration and Nationality Act, the Secretary of the U.S. Department of Homeland Security (DHS) has the authority to “establish such regulations . . . and perform such other acts as he deems necessary for carrying out his authority.” 8 U.S.C. § 1103(a)(3). Based on that authority, the Secretary has promulgated regulations that authorize ICE² to issue immigration “detainers.” 8 C.F.R. § 287.7. A detainer advises another federal, state, or local law enforcement agency that ICE “seeks custody of a [noncitizen] presently in the custody of that agency, for the purpose of arresting and removing the [noncitizen].” *Id.* § 287.7(a). A detainer asks the receiving agency to do two things: (1) notify ICE before a specific detainee or inmate is released from custody; and (2) maintain custody of that person for up to 48 hours after he or she would otherwise be released so that ICE may assume their custody.

Under current policy, ICE uses a consolidated detainer form, I-247A, when issuing detainer requests.³ The detainer must be accompanied by one of two types of administrative warrants: form I-200 or form I-205. Both types of administrative warrants are signed by a federal immigration official, and they are addressed to federal immigration officers for execution. The type of warrant issued depends on the detainer subject’s immigration status. ICE issues form I-200 warrants when “the subject of the detainer . . . is not yet subject to a final order of removal.”⁴ It issues I-205 warrants when “the subject of the detainer is also subject to a final order of removal.”⁵

Federal regulations specify that detainers are requests—they are not commands. *See* 8 C.F.R. § 287.7(a) (stating that “[t]he detainer is a request”). Federal courts across the country have recognized the same. *E.g.*, *Galarza v. Szalczyk*, 745 F.3d 634, 642 (3d Cir. 2014) (held that “detainers are not mandatory”). And to the extent there were any doubt, the Tenth Amendment “clearly establishes that [detainers] must be deemed requests.” *Id.* at 643.

The Tenth Amendment reserves all powers not given to the federal government to the states, and it prohibits the federal government from commandeering state and local officials to enforce federal regulatory programs. U.S. Const. amend. X; *Murphy v. NCAA*, 584 U.S. 453, 470-73 (2018) (the anticommandeering principle prevents the federal government from compelling state and local officials to “administer or enforce a federal regulatory program” (cleaned up)). The Tenth Amendment thus prohibits immigration officials from “order[ing] state and local officials

² Two federal agencies enforce federal immigration laws: ICE and the United States Customs and Border Protection (CBP). *See Arizona v. United States*, 567 U.S. 387, 397 (2012). Both agencies are part of DHS. *Id.* ICE is responsible for interior enforcement of federal immigration laws, while CBP is responsible for enforcing those laws at the border. *Id.* Because most Minnesota counties are likely to deal with ICE, we focus on detainers issued by that agency. But other federal immigration officers (e.g., CBP agents) are authorized to issue detainers, and the analysis in this opinion applies to those detainers too. *E.g.*, 8 C.F.R. § 287.7(b) (listing officers authorized to issue detainers).

³ *See* U.S. Immigr. & Customs Enf’t, Policy No. 10074.2: *Issuance of Immigration Detainers by ICE Immigration Officers*, <https://www.ice.gov/sites/default/files/documents/Document/2017/10074-2.pdf> [hereinafter Policy No. 10074.2].

⁴ Policy No. 10074.2 § 5.2.

⁵ *Id.*

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to imprison suspected [noncitizens] subject to removal at the request of the federal government.” *Galarza*, 745 F.3d at 643; *accord McHenry Cnty. v. Raoul*, 44 F.4th 581, 591-92 (7th Cir. 2022) (same); *United States v. California*, 921 F.3d 865, 890-91 (9th Cir. 2019) (same).

II. CONTINUED DETENTION AFTER A PERSON SHOULD BE RELEASED FROM CUSTODY IS AN ARREST.

The threshold question raised by your letter is whether the continued detention of someone in a county jail or correctional facility after they should be released due to an immigration detainer is a seizure within the meaning of the United States and Minnesota Constitutions. We conclude that the answer is yes.

Both the Fourth Amendment to the United States Constitution, and Article I, section 10 of the Minnesota Constitution, protect people from “unreasonable searches and seizures.” An arrest is a seizure. *Payton v. New York*, 445 U.S. 573, 585 (1980). The law deems a person to be under arrest if a reasonable person, under the same circumstances, would believe themselves to be under custodial arrest and unfree to leave. *State v. Beckman*, 354 N.W.2d 432, 436 (Minn. 1984); *State v. Thompson*, 929 N.W.2d 21, 27 n.1 (Minn. App. 2019); *see also* Minn. Stat. § 629.30 (defining an arrest as “taking a person into custody”). Under this rule, prolonging the custodial detention of a person who should otherwise be released is an arrest and must comply with Minnesota’s arrest statutes. *Cf. Rodriguez v. United States*, 575 U.S. 348, 356-57 (2015) (holding that prolonging a seizure for a different purpose is a new seizure); *Askerooth*, 681 N.W.2d at 365 (holding that art. I, § 10 of the Minnesota Constitution requires independent justification for each “incremental” expansion of a seizure). The Minnesota Supreme Court has accordingly held: “A jailer or prison superintendent can be held liable for false imprisonment in an action by a prisoner detained beyond the expiration of his sentence.” *Peterson v. Lutz*, 3 N.W.2d 489, 489 (Minn. 1942).

Applying these principles, prolonging the detention of someone who should otherwise be released, based solely on an immigration detainer, is an arrest. Several federal and state courts have considered this issue. And they have reached “broad consensus” that prolonging a person’s detention solely because of an immigration detainer is a new arrest. *Ramon v. Short*, 460 P.3d 867, 875 (Mont. 2020); *see also Morales v. Chadbourne*, 793 F.3d 208, 217 (1st Cir. 2015); *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1153-54 (Mass. 2017); *People ex rel. Wells v. DeMarco*, 168 A.D.3d 31, 39-40 (N.Y. App. Div. 2018); *Esparza*, 2019 WL 4594512, at *4-5. Indeed, the United States Department of Justice conceded for years that holding a person on an ICE detainer “constitutes an arrest.”⁶ *Lunn*, 78 N.E.2d at 1153; *see also Moreno v. Napolitano*, 213 F.Supp.3d 999, 1005 (N.D. Ill. 2016). We agree with these authorities.

⁶ In 2020, the United States stopped conceding that additional detention was an arrest. *See Ramon*, 460 P.3d at 875 (noting the change in position). Courts gave the new position no weight. *Id.*

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III. NEITHER MINNESOTA LAW NOR FEDERAL LAW AUTHORIZES STATE AND LOCAL OFFICIALS TO ARREST AN INDIVIDUAL BASED ON AN IMMIGRATION DETAINER.

Because continued detention due to an immigration detainer is an arrest, the question becomes whether the detainer alone authorizes Minnesota officials to hold someone. The answer is no. Minnesota law does not authorize state and local officials to hold or arrest someone based on an immigration detainer. Nor does federal law grant such authority.

A. Minnesota law does not authorize state and local officials to hold someone based on an immigration detainer.

Under the United States Constitution, law enforcement officers may initiate an arrest, consistent with the Fourth Amendment, if there is probable cause to believe someone committed any crime—even minor traffic infractions. *Atwater v. City of Lago Vista*, 532 U.S. 318, 354 (2001). The Minnesota Constitution, however “afford[s] greater protection against unreasonable searches and seizures,” and more rigorously limits arrest authority than the United States Constitution. *Askerooth*, 681 N.W.2d at 361-63. Moreover, Minnesota peace officers do not have inherent or common law authority to arrest. Arrest authority is instead defined by statute. *Hilla v. Jensen*, 182 N.W. 902, 903 (Minn. 1921). An arrest that is unauthorized by statute is illegal. *State v. Varnado*, 582 N.W.2d 886, 892-93 (Minn. 1998). And any unauthorized arrest potentially exposes the arresting agency to civil liability.⁷ See *Lundeen v. Renteria*, 224 N.W.2d 132, 146 (Minn. 1974) (identifying the elements of a false-imprisonment claim predicated on an unlawful arrest).

Here, there are two broad categories of potentially relevant statutes: civil arrest statutes and criminal arrest statutes. We consider each in turn.

Civil arrest statutes. Civil arrest statutes are the more relevant category. As the Supreme Court has repeatedly stated, “it is not a crime for a removable [noncitizen] to remain present in the United States.” *Arizona*, 567 U.S. at 407 (citing *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984)). Instead, “[r]emoval is a civil, not criminal, matter.” *Id.* at 396. Thus, legal authority for detainer arrests must be found in Minnesota’s civil statutes—not its criminal code.

Minnesota statutes authorize civil arrests—with or without a warrant—in limited circumstances. For example, Minnesota law establishes a comprehensive scheme for arresting those suffering from mental illness if they pose a danger to themselves or the public. *E.g.*, Minn. Stat. §§ 253B.141, subd. 2, 253B.051, subds. 1, 3, 253B.07, subd. 2b. Similarly comprehensive schemes govern civil arrests for contempt of court (Minn. Stat. § 588.04(a)); juvenile delinquency

⁷ Civil liability in this area can be substantial. See, e.g., *Parada v. Anoka Cnty.*, 54 F.4th 1016, 1020 (8th Cir. 2022) (plaintiff awarded \$30,000 in damages on her prevailing false-imprisonment claim and over \$248,000 in attorney fees). In *Esparza*, Nobles County settled the claims against it for \$200,000. See *Judge approves 200k settlement in immigration detention lawsuit*, KSTP (May 5, 2022), <https://kstp.com/kstp-news/local-news/judge-approves-200k-settlement-in-immigration-detention-lawsuit/>.

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(Minn. Stat. §§ 260C.143, subd. 4, 260C.175, subd. 1); and the civil commitment of sex offenders (Minn. Stat. § 253D.10).

We are aware of no civil statute that vests Minnesota officials with the authority to arrest someone in response to an immigration detainer. The absence of such an arrest authority is glaring because the Minnesota legislature has authorized law enforcement to work with federal immigration officials in other ways. Minnesota law, for example, requires sheriffs and other correctional officials to inquire into the immigration status of convicted felons and those civilly committed for mental health reasons. Minn. Stat. § 631.50. If the person is a noncitizen, then correctional officials must provide certain categories of information to federal immigration officials.

The Minnesota legislature thus knows how to authorize state officials to work with ICE. But it has not authorized Minnesota officials to carry out civil immigration arrests.⁸ In the absence of that express statutory authority, Minnesota officials have no state-law authority to hold or otherwise detain someone based on an immigration detainer.

Criminal arrest statutes. Because “[r]emoval is a civil, not criminal, matter,” *Arizona*, 567 U.S. at 396, Minnesota’s criminal arrest statutes have little bearing on the legal analysis. But even if they did, the analysis would not change.

The two principal statutes that govern criminal arrests are Sections 629.30 and 629.34 of Minnesota’s criminal code. Section 629.30 identifies the four general categories of arrest that may be proper under state law: arrests by Minnesota peace officers with or without a warrant, arrests by federal immigration officers, and arrests by private citizens. Minn. Stat. § 629.30. Other statutes in Chapter 629 specify when arrests within those broad categories are permitted. *E.g.*, Minn. Stat. § 629.34 (arrests without warrants); Minn. Stat. § 629.37 (arrests by private persons).

As for arrests with a warrant, Minnesota law requires a finding of probable cause by a judicial officer. *See, e.g.*, Minn. Const. art. I, § 10 (stating that “no warrant shall issue but upon probable cause supported by oath or affirmation”); Minn. R. Crim. P. 3.02, subd. 1 (an arrest “warrant must be signed by a judge”); *accord City of St. Paul v. Tobler*, 153 N.W.2d 440, 443 (Minn. 1967) (determining probable cause for an arrest warrant is a “judicial function”). Indeed, “the necessity for an objective and impartial determination by a judicial officer has been consistently treated as a principle so fundamental its application does not seem to have been seriously questioned.” *State ex. rel Duhn v. Tahash*, 147 N.W.2d 382, 385 (Minn. 1966). The administrative warrants that accompany immigration detainees (*i.e.*, ICE forms I-200 and I-205) are not valid arrest warrants under Minnesota law because they are issued by federal immigration officials—not judicial officers.

⁸ Other states expressly authorize their officers to carry out immigration arrests. *E.g.*, Va. Code Ann. § 19.2-81.6 (vesting Virginia law-enforcement officers with “the authority to enforce immigration laws of the United States” and to conduct warrantless arrests in certain circumstances); N.C. Gen. Stat. § 128-1.1(c1); Tex. Code Crim. P. 2.251(a)(1) (requiring Texas law enforcement agencies to comply with immigration detainer requests issued by ICE).

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As for arrests without a warrant, officers' authority is narrow and circumscribed by statute. Minn. Stat. § 629.34, subd. 1(a). The general rules are: (1) an officer may arrest someone without a warrant for a felony if there is probable cause to believe the person committed the crime; (2) an officer may arrest someone without a warrant for a non-felony only if the crime occurs in the officer's presence or some statute specifically authorizes the arrest; and (3) absent other statutory authority, a person arrested for a misdemeanor must be released without continued detention unless detention is necessary to prevent further criminal behavior or there is likelihood the person will not respond to the citation. Minn. Stat. § 629.34, subd. 1(c)(1-4); Minn. R. Crim. P. 6.01, subd. 1(a).

None of these rules authorizes warrantless detainer arrests. Thus, even if Minnesota's criminal statutes applied, they would not authorize detainer arrests.

B. Federal law does not authorize Minnesota law enforcement agencies to conduct immigration detainer arrests.

The lack of state-law authority to arrest is dispositive. Because Minnesota law does not authorize immigration detainer arrests, Minnesota law enforcement agencies risk significant civil liability if they enforce immigration detainers. The United States, however, has argued in several courts that immigration detainer arrests are a permissible form of cooperation under federal immigration law. Most courts have concluded that the cooperation clause in the relevant federal statute does not authorize detainer arrests. We agree.

Section 1357(g) of the INA allows DHS to enter contracts with state or local law enforcement agencies to perform the functions of federal immigration officers. 8 U.S.C. § 1357(g)(1). Among other things, these agreements require state and local officials to be trained in—and adhere to—federal law. *Id.* § 1357(g)(2). They also require state and local officials to “be subject to the direction and supervision of the [United States] Attorney General.” *Id.* § 1357(g)(3). No state or local entity is required to enter into an agreement under Section 1357(g), *id.* § 1357(g)(9), and we are unaware of any Minnesota law enforcement agency that is currently party to one.⁹

⁹ We thus express no opinion on whether detainer arrests by Minnesota officials operating under a valid Section 287(g) agreement would comply with Minnesota law. We observe, however, that one state appellate court recently held that 287(g) agreements do not authorize state or local officials to make detainer arrests if the arrest is not authorized by state law. *Nash v. Mikesell*, 557 P.3d 369, 377-78 (Colo. App. 2024). Similarly, we recognize that the Acting Secretary of DHS recently issued a finding that there is a nationwide “mass influx” of undocumented people. U.S. Dep’t of Homeland Sec., *Finding of Mass Influx of Aliens*, https://www.dhs.gov/sites/default/files/2025-01/25_0123_finding-of-mass-influx-of-aliens.pdf. The finding triggered a separate statutory authority for DHS to enter written agreements with local law enforcement agencies to enforce federal immigration laws. See 8 U.S.C. § 1103(a)(10); 28 C.F.R. §§ 65.83(d), 65.84. We are unaware of any existing agreements with Minnesota law enforcement agencies under that authority, and we express no opinion whether valid and executed agreements under section 1103(a)(10) could legally authorize Minnesota agencies to prolong a person’s detention without a judicial warrant.

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Section 1357(g)(10) contains a saving clause that allows state and local officials to “cooperate” with federal immigration officials in certain circumstances. The United States has argued that the cooperation clause gives state and local officials the authority to conduct detainer arrests. But as courts from Montana to Massachusetts have explained, Section 1357(g)(10) does not affirmatively vest state and local officials with detainer arrest authority. *See, e.g., Ramon*, 460 P.3d at 879; *Lunn*, 78 N.E.3d at 1159; *DeMarco*, 168 A.D.3d at 50-52. Instead, Section 1357(g)(10) allows for informal cooperation between state and local authorities and federal immigration officials—but only to the extent that cooperation is “authorized by state law.” *Lunn*, 78 N.E.3d at 1159. And because Minnesota law does not authorize detainer arrests, detainer arrests are not a permissible form of cooperation under Section 1357(g)(10).

Thank you again for your inquiry, and we hope this opinion is helpful to you.

Sincerely,

KEITH ELLISON
Attorney General

|#5987193-v1

Minnesota State High School League: Executive Order 14201 does not preempt Minnesota law. Prohibiting students from participating in extracurricular activities consistent with their gender identity would violate the Minnesota Human Rights Act.

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The Office of
Minnesota Attorney General Keith Ellison
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February 20, 2025

Erich Martens
Executive Director
Minnesota State High School League
2100 Freeway Boulevard
Brooklyn Center, Minnesota 55430

Re: Request for Advisory Opinion Pursuant to Minn. Stat. § 8.07

Dear Mr. Martens:

Thank you for your letter dated February 14, 2025, requesting an opinion from this Office on the legal effect of the Executive Order 14201 and whether compliance with the Executive Order would violate the Minnesota Human Rights Act.

BACKGROUND

The facts as you present them are as follows. The Minnesota State High School League (“MSHSL”) is a nonprofit voluntary association which neither solicits nor receives state or federal funding. Its authority to regulate interscholastic activities is based on Minnesota Statutes section 128C.01, subd. 1, which authorizes school boards to “delegate control of extracurricular activities” to the MSHSL. Currently 624 member schools have delegated this control to MSHSL. These member schools do receive funding from state and federal sources.

The MSHSL, together with the Minnesota Association of School Administrators and the Minnesota Association of Secondary School Principals, requests guidance on Executive Order 14201 entitled “Keeping Men Out Of Women’s Sports” (hereinafter Executive Order), which President Trump signed on February 5, 2025.

The Executive Order directs the Secretary of Education to “prioritize Title IX enforcement actions against educational institutions (including athletic associations composed of or governed by such institutions) that deny female students an equal opportunity to participate in sports and athletic events by requiring them, in the women’s category, to compete with or against or to appear unclothed before males,” (*id.* at § 3(a)(iii)) and further directs that “[a]ll executive departments

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and agencies (agencies) shall review grants to educational programs and, where appropriate, rescind funding to programs that fail to comply with the policy established in this order.” *Id.* § 3(b).

QUESTIONS PRESENTED

The questions you raise are the following:

Question 1: Does the Executive Order supersede/preempt the Minnesota Human Rights Act, Minn. Stat. 363A.01, et. seq. (“MHRA”) which prohibits discrimination in education based on gender identity particularly as it relates to participation in extracurricular activities offered by the League and its member schools?

Question 2: Does the Executive Order supersede/preempt the equal protection clause contained in Article 1, Section 2 of the Minnesota Constitution particularly as it relates to participation in extracurricular activities offered by the League and its member schools?

Question 3: If a school district complies with the Executive Order and prohibits a student from participation in extracurricular activities consistent with the student’s gender identity, does this subject the district to claims for violations of the MHRA?

Question 4: If the League complies with the Executive Order and prohibits a student from participation in extracurricular activities consistent with the student’s gender identity, does this subject the League to claims for violations of the MHRA?

We interpret your questions as follows: (1) Whether the Executive Order preempts Minnesota laws, including the MHRA and the equal protection clause in Article 1, Section 2 of the Minnesota Constitution, which prohibit discrimination in education based on gender identity particularly as it relates to participation in extracurricular activities offered by the MSHSL and its member schools, and (2) Whether compliance with the Executive Order by prohibiting students from participation in extracurricular activities consistent with their gender identity violates the MHRA.

SUMMARY OF CONCLUSION

The Executive Order does not have the force of law and therefore does not preempt any aspect of Minnesota law. Complying with the Executive Order and prohibiting students from participation in extracurricular activities consistent with their gender identity would violate the MHRA.

ANALYSIS

I. THE EXECUTIVE ORDER DOES NOT SUPERSEDE MINNESOTA LAW

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Where a state law and federal law conflict, the federal law can preempt the state law if it is impossible to comply with both state and federal law, and the state law is an obstacle to the accomplishment of the full purpose of Congress in enacting the relevant federal law. *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 372-73 (2000). In order to preempt state law, however, a federal action, whether taken by Congress, an executive branch agency, or by the President himself, must have the force and effect of law. *Wyeth v. Levine*, 555 U.S. 555, 576 (2009) (“[A]n agency regulation with the force of law can pre-empt conflicting state requirements.”). An executive order will only have the force and effect of laws “when issued pursuant to a statutory mandate or delegation of authority from Congress.” *Indep. Meat Packers Ass’n v. Butz*, 526 F.2d 228, 234 (8th Cir. 1975); *cf. Crosby*, 530 U.S. 374-75 (holding that Executive Order made pursuant to an “express investiture of the President with statutory authority to act for the United States” had force and effect of law such that it preempted a conflicting state statute).

The Executive Order at issue in your letter was not issued pursuant to a statutory mandate or express delegation of authority from Congress. Although the Executive Order references Title IX of the Education Amendments Act of 1972 (“Title IX”), 20 U.S.C. § 1681, *et seq.*, Title IX does not authorize the President to issue directives with the force of law or to unilaterally rescind all federal funds from all educational programs that do not comply with presidential policy preferences. *Contra Crosby*, 530 U.S. 374 (finding authorization to act with the force of law where Congress authorized the President to take certain actions if he made specific findings). In fact, Congress made it clear that the President could not, on his own, rescind federal funding from an educational program, by including a statutory provision that mandates a process, controlled by the agencies empowered to provide federal funds to educational entities, for the termination of any such funding. *See* 20 U.S.C. § 1682 (requiring “an express finding on the record, after opportunity for hearing, of a failure to comply” with a properly-issued regulation implementing Title IX’s prohibition against sex discrimination in educational programs).

Because the President does not have the authority to unilaterally rescind funding from educational programs, the Executive Order does not have the force of law and cannot supersede Minnesota state law.

II. MSHSL AND SCHOOL DISTRICTS WOULD VIOLATE THE MHRA IF THEY PROHIBIT STUDENTS FROM PARTICIPATING IN EXTRACURRICULAR ACTIVITIES CONSISTENT WITH STUDENTS’ GENDER IDENTITY.

The MHRA declares that the full utilization of or benefit from any educational institution without discrimination is a civil right. Minn. Stat. § 363A.02, subds. 1(5) & (2). The Minnesota Legislature recognized that discrimination based on a person’s membership in a protected class threatens the rights and privileges for all and “menaces the institutions and foundations of democracy.” *Id.* at subd. 1(b). The MHRA is liberally construed to accomplish its remedial purpose of securing freedom from discrimination for persons in Minnesota. Minn. Stat. § 363A.04.

The plain language of the MHRA prohibits schools from discriminating against students based on their gender identity. In its section specific to educational institutions, the statute provides that “[i]t is an unfair discriminatory practice to discriminate in any manner in the full utilization of

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or benefit from any educational institution, or the services rendered thereby to any person because of . . . gender identity[.]” Minn. Stat. § 363A.13, subd. 1. The MHRA specifically defines “gender identity” to mean “a person’s inherent sense of being a man, woman, both, or neither. A person’s gender identity may or may not correspond to their assigned sex at birth or to their primary or secondary sex characteristics.” Minn. Stat. § 363A.03, subd. 50. To discriminate includes to “segregate or separate.” Minn. Stat. § 363A.03, subd. 13.

An educational institution violates the MHRA by discriminating in any manner in the services or benefits it offers a student because of the student’s gender identity. This includes prohibiting transgender student athletes from participating in extracurricular activities, as such a practice inherently separates and segregates transgender student athletes from other student athletes based solely on their gender identity. Excluding transgender girl athletes from participating in girls’ extracurricular activities, as the Executive Order directs, denies those students the full utilization and benefit of educational institutions in violation of the MHRA. *See, e.g., N.H. v. Anoka-Hennepin Sch. Dist. No. 11*, 950 N.W.2d 553, 562-65 (Minn. Ct. App. 2020) (holding that school must permit transgender student to use locker room that aligns with the student’s gender identity under the MHRA).

Therefore, based on the plain language of the statute, educational institutions and the MSHSL would violate the MHRA by prohibiting transgender athletes from participating in extracurricular activities according to their gender identity.

Thank you again for your inquiry, and we hope this opinion is helpful to you.

Sincerely,



KEITH ELLISON
Attorney General

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SHERIFFS; DUTIES AND AUTHORITY; Minnesota law does not authorize sheriffs to enter agreements under section 287(g) of the federal Immigration and Nationality Act. Instead, a county may execute a 287(g) agreement if the agreement is approved by a resolution of the county board of commissioners; Minnesota law prohibits local law enforcement officers from detaining or holding persons based solely on ICE civil immigration detainers regardless of whether the law enforcement agency is operating under a valid 287(g) agreement.

3-a; 390a6



**The Office of
Minnesota Attorney General Keith Ellison**
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December 12, 2025

John J. Choi
Ramsey County Attorney
360 Wabasha Street North, Suite 100
St. Paul, MN 55102-1418

Re: Request for Advisory Opinion Pursuant to Minn. Stat. § 8.07

Dear County Attorney Choi:

Thank you for your letter of November 25, 2025, which requests an opinion from this Office on whether Minnesota sheriffs may enter 287(g) agreements with U.S. Immigration & Customs Enforcement (ICE) and whether such an agreement permits local law enforcement officers to detain people solely on the basis of civil immigration detainer requests from ICE.

BACKGROUND

Section 287(g) of the Immigration and Nationality Act permits ICE to enter agreements with state and local governments to authorize state or local officers to perform certain immigration duties (“287(g) agreements”). *See* 8 U.S.C. § 1357(g). Some Minnesota sheriffs have signed 287(g) agreements with ICE. Your Office requested a written opinion from our Office on the validity of these agreements under Minnesota law.

ICE sometimes issues civil immigration detainers to state and local law enforcement agencies requesting that they hold an individual who is in their custody beyond the time that they would otherwise be released so that ICE can take the individual into custody for deportation purposes. In response to a question from you, this Office previously opined that, at least in the absence of a 287(g) agreement, Minnesota law prohibits holding a person who would otherwise be released from custody based solely on an immigration detainer. *See* Op. Atty. Gen. 3a (Feb. 6, 2025). You have now asked whether a 287(g) agreement permits state and local authorities to hold a person solely on an immigration detainer.

QUESTIONS PRESENTED

- (1) May Minnesota sheriffs unilaterally enter 287(g) agreements with ICE?
- (2) Do 287(g) agreements permit local law enforcement officers to detain persons who would otherwise be released from custody pursuant to civil immigration detainers from ICE?

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SUMMARY OF CONCLUSIONS

Minnesota law does not authorize sheriffs to enter 287(g) agreements. Instead, a county may execute a 287(g) agreement if the agreement is approved by a resolution of the county board of commissioners.

Minnesota law prohibits local law enforcement officers from detaining or holding persons based solely on ICE civil immigration detainers regardless of whether the law enforcement agency is operating under a valid 287(g) agreement.

ANALYSIS

I. Sheriffs may not unilaterally enter 287(g) agreements.

A. Sheriffs' powers are defined by state law and do not include the ability to enter cooperative agreements with the federal government.

“The office of County Sheriff is established by state statute” and “[s]pecific powers and duties of county sheriffs are defined[.]” Op. Atty Gen.390a-6 (Oct. 31, 1994) (citing Minn. Stat. § 387.03). State law specifically authorizes sheriffs to enter certain types of contracts. *See, e.g.*, Minn. Stat. § 436.05, subd. 1 (authorizing sheriffs to contract for furnishing of police service to cities and towns); Minn. Stat. § 624.714, subd. 2(c) (authorizing sheriff to contract with a police chief to process firearm permit applications). But no statute authorizes sheriffs to enter contracts with agencies of the federal government or to perform services on behalf of the federal government.

The fact that the legislature took care to enumerate certain types of contracts that sheriffs are authorized to enter into but did not authorize sheriffs to enter contracts to perform enforcement activities on behalf of the federal government implies this was an intentional omission. *See Chrz v. Mower Cnty.*, 986 N.W.2d 481, 486 (Minn. 2023) (in interpreting statutes, “the expression of one thing is the exclusion of another”). This is particularly so because in Minnesota Statutes section 436.05, the legislature enacted a detailed statute regarding contracts by sheriffs for providing law enforcement services to cities and towns but did not provide for similar contracts with the federal government. *See id* (presumption that omissions are intentional is “particularly strong when...a statute is uncommonly detailed and specific”).

B. The Minnesota Joint Exercise of Powers Act prohibits 287(g) agreements between sheriffs and ICE.

Further, in Minnesota, agreements among governmental bodies for the joint or cooperative exercise of powers are governed by the Joint Exercise of Powers Act (the “Joint Powers Act”). *See* Minn. Stat. § 471.59; *see also* Minn. Stat. § 436.05, subd. 2 (contract by sheriff to provide police services must comply with § 471.59). A 287(g) agreement concerns the joint and cooperative

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exercise of powers between an agency of the United States and a Minnesota political subdivision and is therefore subject to the Joint Powers Act. *See* Minn. Stat. § 471.59, subd. 1.

The Joint Powers Act's "commonality" requirement provides that, subject to certain exceptions, the contracting parties may only jointly exercise powers "common to the contracting parties or any similar powers." Minn. Stat. § 471.59, subd. 1(a). Sheriffs lack authority to enforce immigration law in the absence of a 287(g) agreement. *See Arizona v. United States*, 567 U.S. 387, 408 (2012) ("Federal law specifies limited circumstances in which state officers may perform the functions of an immigration officer."). A 287(g) agreement that a sheriff alone enters into therefore does not comply with the Joint Powers Act's commonality requirement. *See* Op. Atty Gen. 225i (Jan. 25, 1968) ("[I]n each case the power constituting the subject of the agreement must be one that is common to the contracting parties."); Op. Atty. Gen. 1001-A (July 20, 1955) (governmental units may not enter joint agreement where commonality requirement is not met); Op. Atty. Gen. 1007 (June 11, 1975) (same).

C. The Joint Powers Act permits counties to enter 287(g) agreements only if authorized by the county board of commissioners.

Subdivision 8 of the Joint Powers Act creates a limited exception to the commonality requirement for counties. It provides:

[n]otwithstanding the provisions of subdivision 1 requiring commonality of powers between parties to any agreement the board of county commissioners of any county may by resolution enter into agreements with any other governmental unit as defined in subdivision 1 to perform on behalf of that unit any service or function which that unit would be authorized to provide for itself.

Minn. Stat. § 471.59, subd. 8.

Under this exception, counties can enter 287(g) agreements but must do so by resolutions of their county boards of commissioners. But state law does not permit sheriffs unilaterally to enter a 287(g) agreement on behalf of the county.

II. A 287(g) agreement does not authorize Minnesota law enforcement officers to detain individuals on immigration detainers.

ICE may issue immigration detainers to federal, state, or local law enforcement agencies. *See* 8 C.F.R. § 287.7. An immigration detainer "serves to advise another law enforcement agency that [DHS] seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien." 8 C.F.R. § 287.7(a). The detainer "is a request" that the receiving agency advise ICE before releasing the person and that it "maintain custody of the alien for a period not to exceed 48 hours...to permit assumption of custody by [DHS]." 8 C.F.R. § 287.7(a), (d). Several courts have confirmed that detainers are merely requests and are not mandatory. *See*,

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e.g., *United States v. California*, 921 F.3d 865, 887 (9th Cir. 2019) (administrative warrants do not “compel[] any action by a state or local official”); *Galarza v. Szalczyk*, 745 F.3d 634, (3d Cir. 2014) (“[D]etainers are not mandatory.”); *United States v. Illinois*, 796 F. Supp. 3d 494, 528 (N.D. Ill. 2025) (“Detainers are requests, not requirements.”).

“As a general rule, it is not a crime for a removable alien to remain present in the United States.” *Arizona v. United States*, 567 U.S. 387, 407 (2012). An immigration detainer indicates ICE’s belief that a person may be removable and does not by itself indicate suspicion of criminal activity. See, e.g., *Santos v. Frederick Cnty. Bd. of Comm’rs*, 725 F.3d 451, 465 (4th Cir. 2013) (“[S]uspicion or knowledge that an individual has committed a civil immigration violation, by itself, does not give a law enforcement officer probable cause to believe that the individual is engaged in criminal activity.”); *Orellana v. Nobles Cnty.*, 230 F. Supp. 3d 934, 945 (D. Minn. 2017) (immigration detainer does not establish probable cause for arrest). Further, immigration detainers are issued by ICE officers and are not reviewed by neutral magistrates like judicial warrants.¹ 8 C.F.R. § 287.7; see also *Abel v. United States*, 362 U.S. 217, 232 (1960) (immigration warrant is “not a judicial warrant within the scope of the Fourth Amendment”).

This Office has previously opined that “Minnesota law prohibits state and local law enforcement agencies from holding someone based on an immigration detainer if the person would otherwise be released from custody.” Op. Atty. Gen. 3a at 2 (Feb. 6, 2025). As that opinion explains, holding an individual beyond when they would otherwise be released constitutes a new arrest, no Minnesota statute authorizes arrest based solely on immigration status or immigration detainers, and an arrest unauthorized by statute is illegal. *Id.* at 5.

That opinion left open, however, “whether detainer arrests by Minnesota officials operating under a valid Section 287(g) agreement would comply with Minnesota law,” *id.* at 7 n.9, which this opinion now answers. For the reasons below, 287(g) agreements do not alter Minnesota law enforcement officers’ obligations to comply with Minnesota law and do not authorize them to hold persons pursuant to immigration detainers who would otherwise be released.

A. Minnesota law does not provide broader arrest authority to law enforcement officers acting pursuant to 287(g) agreements.

The first question is whether a 287(g) agreement relaxes the state law prohibition on complying with immigration detainers discussed in this Office’s prior opinion. Under certain circumstances, state law gives law enforcement officers acting under intergovernmental agreements additional authority. But for the reasons below, 287(g) agreements do not abrogate the state law prohibition on detaining persons solely due to immigration detainers.

¹ Nothing in this opinion should be construed to limit state or local law enforcement officers’ ability to arrest or detain noncitizens pursuant to judicial warrants or the warrantless arrest of noncitizens suspected of violations of criminal law to the extent permitted by Minnesota statutes and the United States and Minnesota Constitutions.

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A potential source of expanded authority for officers with 287(g) agreements is subdivision 12 of the Joint Powers Act, which provides:

In the event that an agreement authorizes the exercise of peace officer or police powers by an officer appointed by one of the governmental units within the jurisdiction of the other governmental unit, an officer acting pursuant to that agreement has the full and complete authority of a peace officer as though appointed by both governmental units and licensed by the state of Minnesota, provided that:

- (1) the peace officer has successfully completed professionally recognized peace officer preemployment education which the Minnesota Board of Peace Officer Standards and Training has found comparable to Minnesota peace officer preemployment education; and
- (2) the officer is duly licensed or certified by the peace officer licensing or certification authority of the state in which the officer's appointing authority is located.

Minn. Stat. § 471.59, subd. 12. Where it applies, subdivision 12 authorizes peace officers from one jurisdiction to exercise “the full and complete authority” of peace officers from another jurisdiction. *Id.* The agreement at issue must “authorize[] the exercise of peace officer or police powers.” *Id.* If it applied here, subdivision 12 could arguably provide local officers with “the full and complete authority” of ICE officers.

Subdivision 12 does not define “peace officer,” but the term is defined several places in Minnesota law.² Most of these definitions “limit the meaning of peace officer to peace officers licensed by the [Minnesota] Board of Peace Officer Standards and Training[.]” *Minnesota v. Lake Minnetonka Conservation Dist.*, 605 N.W.2d 405, 408 (Minn. Ct. App. 2000), *aff’d in part & rev’d in part*, 617 N.W.2d 789 (Minn. 2000). Some expand it to include officers from other states. *See id.*; Minn. Stat. §§ 626.71, subd. 2; 609.487, subd. 2; 626.76, subd. 3. But no definition of “peace officer” in Minnesota law includes federal officers. ICE officers are therefore not “peace officers” as defined in Minnesota law and jurisprudence and 287(g) agreements do not authorize the exercise of peace officer powers by local law enforcement.

“Police power” is also not defined in subdivision 12, but that term describes the power of the states, not the federal government.³ ICE, a federal agency whose authority is limited to

² See Minn. Stat. §§ 626.05, subd. 2; 626.71, subd. 2; 626.84, subd. 1(c); 44.01, subd. 8a; 169.791, subd. 1(f); 604.16, subd. 21; 609.487, subd. 2; 626.76, subd. 3.

³ See, e.g., *Gretsch v. Vantium Cap., Inc.*, 846 N.W.2d 424, 433 (Minn. 2014) (“[W]e start with the assumption that the historic police powers of the states were not superseded by the federal act (Footnote Continued on Next Page)

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immigration enforcement, not general criminal law enforcement, therefore does not exercise “police powers.” Because a 287(g) agreement is not an agreement for “the exercise of peace officer or police powers, subdivision 12 is inapplicable and does not expand the authority of officers acting under 287(g) agreements.

Even where subdivision 12 applies, it can only authorize officers to exercise the authority of Minnesota peace officers. The Minnesota legislature clearly lacks authority to authorize persons to exercise powers of law enforcement officers from non-Minnesota jurisdictions. In particular, the Minnesota legislature cannot authorize officers to exercise the powers of ICE officers, which are granted by the federal government.⁴

Subdivision 12’s text confirms it does not purport to do so. It provides officers with authority “as though appointed by both governmental units *and licensed by the state of Minnesota.*” Minn. Stat. § 471.59, subd. 12 (emphasis added). Only Minnesota peace officers need be licensed by Minnesota. It would make no sense to include this provision if subdivision 12 authorized agents to exercise federal law enforcement powers. Moreover, subdivision 12 requires officers to have completed education “comparable to Minnesota peace officer preemployment education,” which indicates it anticipates officers exercising the powers of Minnesota peace officers.

For these reasons, Minnesota law enforcement officers acting under 287(g) agreements have no greater authority under state law than they otherwise have. In particular, the state law prohibition on holding a person based solely on an immigration detainer applies to officers acting under 287(g) agreements.

unless that was the clear and manifest purpose of Congress.”); *Dean v. City of Winona*, 843 N.W.2d 249, 256 (Minn. Ct. App. 2014) (“Generally, police power ‘refers to the power of the state and its political subdivisions to impose such restraints upon private rights as are necessary for the general welfare.’”); *Abeln v. City of Shakopee*, 28 N.W.2d 642, 645 (Minn. 1947) (“[T]he original Constitution did not deprive the states of their police power...”); *United States v. Morrison*, 529 U.S. 598, 618 (2000) (the Founders “denied the National Government” the police power “and reposed [it] in the States”); *United States v. Lopez*, 514 U.S. 549, 566 (1995) (Constitution “withholds from Congress a plenary police power”); *United States v. Koutsos*, 2018 WL 523944, at *5 (S.D. Miss. Jan. 23, 2018) (“[P]rinciples of federalism suggest that federal law enforcement...lacks the general police powers reserved for the state.”).

⁴ Further, reading subdivision 12 to grant Minnesota officers with the authority of ICE officers would arguably tacitly authorize Minnesota officers to violate state laws that prohibit Minnesota officers from arresting persons based on civil immigration offenses. There is no indication the legislature intended this, further supporting the conclusion that subdivision 12 does not authorize the exercise of federal law enforcement powers.

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B. Federal law does not authorize local law enforcement officers acting under 287(g) agreements to make arrests prohibited by state law.

The second question is whether federal law authorizes local officers acting under 287(g) agreements to detain persons pursuant to immigration detainers even if doing so is prohibited by state law. For the reasons below, federal law does not displace state law obligations for officers acting under 287(g) agreements.

Under the U.S. Constitution's Supremacy Clause, federal law can sometimes preempt state law. *See, e.g., Hous. & Redevelopment Auth. of Duluth v. Lee*, 852 N.W.2d 683, 687 (Minn. 2014). "Federal law can preempt state law in three ways: through (1) field preemption, (2) express preemption, and (3) conflict preemption[.]" *Id.*

"Field preemption exists where 'Congress has forbidden the State to take action in the *field* that the federal statute pre-empts.'" *Pharm. Research & Mfrs. of Am. v. McClain*, 95 F.4th 1136, 1140 (8th Cir. 2024) (quoting *Oneok, Inc. v. Learjet, Inc.*, 575 U.S. 373, 377 (2015)) (emphasis in original). There is no field preemption here because Congress did not (and likely could not) prevent states from regulating the conduct of their own officers. In fact, section 287(g) authorizes agreements only "to the extent consistent with State and local law." 8 U.S.C. § 1357(g). By commanding that officers adhere to state and local law while operating under a 287(g) agreement, Congress clearly did not forbid states from taking action in this field. *See Nash v. Mikesell*, 557 P.3d 369, 378 (Colo. Ct. App. 2024) ("Colorado's prerogative to regulate its police powers" is not preempted by section 287(g)); *City of El Cenizo v. Texas*, 890 F.3d 164, 178 (5th Cir. 2018) (section 287(g) "indicates that some state and local regulation of [immigration enforcement] cooperation is permissible").

"Express preemption exists where Congress uses 'explicit pre-emptive language' to express its purpose." *In re Aurora Dairy Corp. Organic Milk Mktg. & Sales Practices Litig.*, 621 F.3d 781, 792 (8th Cir. 2010) (quoting *Gade v. Nat'l Solid Wastes Mgmt. Ass'n*, 505 U.S. 88, 98 (1992)). Nothing in section 287(g) expressly preempts state law. In fact, section 287(g) *denies* preempting state law by authorizing agreements permitting state and local officials to take actions only "to the extent consistent with State and local law." 8 U.S.C. § 1357(g)(1).

And "conflict pre-emption exists where 'compliance with both state and federal law is impossible,' or where 'the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.'" *Pharm. Research*, 95 F.4th at 1140 (quoting *Oneok*, 575 U.S. at 377). Section 287(g) does not require anything at all because 287(g) agreements are optional. *See* 8 U.S.C. § 287(g)(9). Because section 287(g) does not mandate anything, it is possible to comply with both section 287(g) and Minnesota law, so there is no conflict preemption. *See United States v. California*, 921 F.3d 865, 890 (9th Cir. 2019) ("[T]he choice of a state to refrain from participation cannot be invalid under the doctrine of obstacle preemption where, as here, it retains the right of refusal."); *Nash*, 557 P.3d at 377 (no conflict preemption "[g]iven the discretionary, not compulsory, language of 8 U.S.C. § 1857(g)(1)").

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The analysis above is bolstered by the fact that the Colorado Court of Appeals recently decided that a Colorado law prohibiting holding a person on an immigration detainer applied to officers operating under a 287(g) agreement. *See Nash*, 557 P.3d at 377–79. That court determined that local law enforcement officers who enforce immigration law under a 287(g) agreement “remain subject to Colorado law even though they are *also* subject to federal law while performing immigration enforcement functions.” *Id.* at 377. The court noted that “compliance with local law is a condition precedent to local law enforcement’s performance of immigration enforcement functions under a 287(g) agreement.” *Id.* at 378. The same holds true for Minnesota officers.

CONCLUSION

Minnesota law permits counties to enter 287(g) agreements, but such agreements must comply with the requirements of the Joint Powers Act. That requires, among other things, that the agreement be entered into by a resolution of the county board of commissioners

Even a valid 287(g) agreement does not permit officers to detain persons based solely on ICE immigration detainers or take any other actions violating Minnesota law. Officers or agencies who do so may expose themselves to liability. *See Lundeen v. Renteria*, 224 N.W.2d 132, 146 (Minn. 1974).

Sincerely,



KEITH ELLISON
Attorney General
State of Minnesota

APPENDIX - D

Consumer Enforcement Actions Resulting in Payments to the Consumer Protection Restitution Account in FY 2026	
CF# 62-CV-24-3652 (J&J Talc)	\$1,323,604.05
CF# 27-CV-24-8179 (Banken)	\$3,750.00
CF# 62-CV-24-5877 (MV Realty)	\$5,000.00
CF# 27-CV-22-15991 (Shipt)	\$400,000.00
CF# 62-CV-25-5640 (Everlight Solar)	\$75,000.00
CF# 62-CV-23-5471 (Inmediata)	\$23,289.25
CF# 27-CV-25-16402 (Ambia Solar)	\$75,000.00
CF# 62-CV-25-10495 (Menards)	\$316,083.57
CF# 62-CV-25-9144 (TFG Holdings)	\$339,433.72
CF# 62-CV-26-385 (Dealer Inspire)	\$1,700.00
CF# 62-CV-25-10463 (Hyundai Motor America)	\$53,255.62
CF# 62-CV-25-10463 (Kia)	\$53,255.63
CF # 62-CV-26-26786 (Norwegian Cruise Lines)	\$110,695.52
CF# 62-CV-25-10620 (Mercedes)	\$118,409.25
CF# 62-CV-26-1336 (Ticket Takedown)	\$29,833.35
CF#s 62-CV-20-4856 and 62-CV-21-1300 (Surgical Mesh)	\$2,196,494.00
CF# 62-CV-23-1273 (Housing Hub)	\$19,883.15
CF# 62-CV-23-5867 (Network 46)	\$10,514.50
CF# 10-CV-16-567 (Your Magazine Service)	\$1,030.80
CF# 19HA-CV-16-480 (United Auto Defense)	\$2,500.00
CF #27-CV-16-18011 (Alpine Fence)	\$841.98
CF# 27-CV-18-15576 (Wilcox dba Concept Marketing)	\$8,828.50
CF# 27-CV-22-6187 (Sunny)	\$1,688.37
CF# 27-CV-22-6187 (Avolta)	\$1,857.20

Appendix E	
Amounts distributed to each eligible consumer	
OmegaDental1	\$2,749.35
OmegaDental2	\$1,931.50
OmegaDental3	\$5,200.55
OmegaDental4	\$5,767.85
OmegaDental5	\$6,214.62
OmegaDental6	\$6,310.77
OmegaDental7	\$6,762.00
OmegaDental8	\$3,698.00
HighRoadBuilders1	\$30,000.00
HighRoadBuilders2	\$28,750.00
HighRoadBuilders3	\$8,650.00
HighRoadBuilders4	\$86,400.00
HighRoadBuilders5	\$27,000.00
HighRoadBuilders6	\$60,000.00
HighRoadBuilders7	\$45,000.00
HighRoadBuilders8	\$5,000.00
HighRoadBuilders9	\$60,000.00
HighRoadBuilders10	\$100,000.00
HighRoadBuilders11	\$10,720.00
WoodburyDentalArts1	\$7,500.00
WoodburyDentalArts2	\$14,650.00
WoodburyDentalArts3	\$19,245.00
WoodburyDentalArts4	\$24,000.00
WoodburyDentalArts5	\$13,275.00
WoodburyDentalArts6	\$25,694.63
WoodburyDentalArts7	\$20,000.00
WoodburyDentalArts8	\$6,552.00
WoodburyDentalArts9	\$2,500.00
WoodburyDentalArts10	\$35,000.00
WoodburyDentalArts11	\$20,150.00
WoodburyDentalArts12	\$14,400.00
WoodburyDentalArts13	\$1,932.30
WoodburyDentalArts14	\$9,872.60
WoodburyDentalArts15	\$4,500.00
WoodburyDentalArts16	\$13,600.00
WoodburyDentalArts17	\$15,000.00
WoodburyDentalArts18	\$5,790.00
WoodburyDentalArts19	\$6,000.00
WoodburyDentalArts20	\$18,000.00
WoodburyDentalArts21	\$40,000.00
WoodburyDentalArts22	\$4,155.90
WoodburyDentalArts23	\$8,244.00

Appendix E	
Amounts distributed to each eligible consumer	
WoodburyDentalArts24	\$24,000.00
WoodburyDentalArts25	\$3,860.00
WoodburyDentalArts26	\$1,713.00
WoodburyDentalArts27	\$4,409.80
WoodburyDentalArts28	\$17,000.00
WoodburyDentalArts29	\$13,102.00
WoodburyDentalArts30	\$29,270.00
WoodburyDentalArts31	\$3,109.00
WoodburyDentalArts32	\$9,900.00
WoodburyDentalArts33	\$1,691.95
WoodburyDentalArts34	\$1,500.00
WoodburyDentalArts35	\$10,844.25
WoodburyDentalArts36	\$30,137.83
WoodburyDentalArts37	\$23,198.00
WoodburyDentalArts38	\$25,000.00
WoodburyDentalArts39	\$7,033.00
WoodburyDentalArts40	\$20,000.00
WoodburyDentalArts41	\$19,000.00
WoodburyDentalArts42	\$5,000.00
WoodburyDentalArts43	\$16,000.00
WoodburyDentalArts44	\$24,328.25
WoodburyDentalArts45	\$20,109.68
WoodburyDentalArts46	\$20,000.00
WoodburyDentalArts47	\$17,000.00
WoodburyDentalArts48	\$4,540.00
WoodburyDentalArts49	\$7,789.75
WoodburyDentalArts50	\$13,295.63
WoodburyDentalArts51	\$9,790.00
WoodburyDentalArts52	\$30,136.29
WoodburyDentalArts53	\$17,030.00
WoodburyDentalArts54	\$6,284.00
WoodburyDentalArts55	\$1,800.00
WoodburyDentalArts56	\$24,985.00
WoodburyDentalArts57	\$8,550.00
WoodburyDentalArts58	\$10,290.00
WoodburyDentalArts59	\$316.00
WoodburyDentalArts60	\$9,690.00
WoodburyDentalArts61	\$24,575.00
WoodburyDentalArts62	\$20,620.94
WoodburyDentalArts63	\$16,500.00
WoodburyDentalArts64	\$5,602.00
WoodburyDentalArts65	\$7,500.00

Appendix E	
Amounts distributed to each eligible consumer	
WoodburyDentalArts66	\$17,480.00
WoodburyDentalArts67	\$3,361.91
WoodburyDentalArts68	\$8,196.00
WoodburyDentalArts69	\$1,840.00
WoodburyDentalArts70	\$4,130.00
WoodburyDentalArts71	\$3,790.00
WoodburyDentalArts72	\$25,695.11
WoodburyDentalArts73	\$35,000.00
WoodburyDentalArts74	\$16,000.00
WoodburyDentalArts75	\$10,000.00
WoodburyDentalArts76	\$25,154.00
WoodburyDentalArts77	\$4,507.68
WoodburyDentalArts78	\$15,200.00
WoodburyDentalArts79	\$6,000.00
WoodburyDentalArts80	\$33,500.00
WoodburyDentalArts81	\$31,244.00
WoodburyDentalArts82	\$10,671.00
WoodburyDentalArts83	\$12,802.00
WoodburyDentalArts84	\$1,183.00
WoodburyDentalArts85	\$15,650.00
WoodburyDentalArts86	\$850.00
WoodburyDentalArts87	\$14,006.50
WoodburyDentalArts88	\$2,880.84
WoodburyDentalArts89	\$25,000.00
WoodburyDentalArts90	\$22,396.00
WoodburyDentalArts91	\$3,315.00
WoodburyDentalArts92	\$3,900.00
WoodburyDentalArts93	\$37,000.00
WoodburyDentalArts94	\$12,163.75
WoodburyDentalArts95	\$7,496.12
WoodburyDentalArts96	\$25,000.00
WoodburyDentalArts97	\$10,000.00
WoodburyDentalArts98	\$5,000.00
WoodburyDentalArts99	\$10,000.00
WoodburyDentalArts100	\$10,000.00
WoodburyDentalArts101	\$25,000.00
WoodburyDentalArts102	\$33,500.00
WoodburyDentalArts103	\$5,000.00
WoodburyDentalArts104	\$5,564.70
WoodburyDentalArts105	\$6,639.37
WoodburyDentalArts106	\$15,358.00
WoodburyDentalArts107	\$39,000.00

Appendix E	
Amounts distributed to each eligible consumer	
WoodburyDentalArts108	\$630.14
WoodburyDentalArts109	\$15,975.80
WoodburyDentalArts110	\$12,852.02
WoodburyDentalArts111	\$23,000.00
WoodburyDentalArts112	\$7,337.00
WoodburyDentalArts113	\$32,000.00
WoodburyDentalArts114	\$23,000.00
WoodburyDentalArts115	\$26,100.00
WoodburyDentalArts116	\$25,659.00
WoodburyDentalArts117	\$20,000.00
WoodburyDentalArts118	\$10,590.90
WoodburyDentalArts119	\$2,425.00
WoodburyDentalArts120	\$2,065.00
WoodburyDentalArts121	\$24,000.00
WoodburyDentalArts122	\$4,837.40
WoodburyDentalArts123	\$20,000.00
WoodburyDentalArts124	\$6,240.00
WoodburyDentalArts125	\$9,960.00
WoodburyDentalArts126	\$10,000.00
WoodburyDentalArts127	\$17,100.00
WoodburyDentalArts128	\$17,544.00
WoodburyDentalArts129	\$4,431.00
WoodburyDentalArts130	\$5,511.10
WoodburyDentalArts131	\$7,750.00
WoodburyDentalArts132	\$3,748.08
WoodburyDentalArts133	\$3,731.00
WoodburyDentalArts134	\$9,000.00
WoodburyDentalArts135	\$9,890.00
WoodburyDentalArts136	\$11,914.00
WoodburyDentalArts137	\$6,639.00
WoodburyDentalArts138	\$9,305.00
WoodburyDentalArts139	\$9,040.00
WoodburyDentalArts140	\$3,790.00
WoodburyDentalArts141	\$29,478.00