

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

<p>Erik Porten; and Kathleen Porten,</p> <p style="text-align: right;">Plaintiffs,</p> <p>City of Hampton; John Knetter, in his official capacity as Mayor of the City of Hampton; and Kelly Roan, in her official capacity as City Clerk of the City of Hampton,</p> <p style="text-align: right;">Defendants.</p>	<p>Case Type: Civil Other/Miscellaneous</p> <p>Court File No. _____</p> <p style="text-align: center;">COMPLAINT</p>
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INTRODUCTION

1. The Minnesota Government Data Practices Act requires government entities to disclose most data to those who request it. The purpose of the MGDPA, of its federal analog, and of similar sister-state statutes, “is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.” *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 152 (1989). This is critical to good government, to the credibility of the governors, and to the consent of the governed.

2. This case concerns egregious violations of the MGDPA by the City of Hampton, Minnesota, and its officials, with respect to data requests by Plaintiffs Erik and Katie Porten.

3. In 2024, the Portens learned that the City of Hampton was considering issuing permits for a large data center. They wanted to learn more, so they submitted MGDPA requests to the City.

4. What they learned from the City's initial response disturbed the Portens: Hampton had entered a non-disclosure agreement with an unknown data center developer, its Mayor was using non-City email addresses, and the Mayor appeared to have expressed an intent to circumvent the MGDPA and the Open Meeting Law. Concerned about all this, the Portens submitted more data requests in an attempt to get as much information as possible.

5. Defendants have failed to make a remotely complete response to some of the Portens' requests for over a year now. Even the skimpy data Defendants have produced has included redactions, with no legal reasons given for them. At least one redaction was made for transparently political or personal purposes, without any basis under the MGDPA.

6. Defendants' responses also have revealed that the City of Hampton is systematically failing to follow even the most basic data-retention practices required by the MGDPA. For instance, Hampton's Mayor and City councilmembers make near-exclusive use of their personal or non-City email accounts to conduct City business. But the City Clerk, who is responsible for MGDPA compliance, has no ability even to access these accounts—not even in response to MGDPA requests—with the result that a huge proportion of the City's business is entirely hidden from public view, in complete contravention of the MGDPA's requirements.

7. In addition, although the MGDPA requires Hampton to update its data access policy annually, Defendants and their predecessors-in-office have failed to issue any updates for nearly 20 years. And Hampton's Mayor personally redacts the City's responses to MGDPA requests, even though the MGDPA prohibits him from doing so.

8. Although the MGDPA prohibits any fee for inspecting government data, the City responded to the Portens' requests by enacting a resolution purporting to require requesters to pay for inspection, and by attempting to enforce this requirement with respect to inspection requests the Portens had made long before.

9. To top things off, Defendants retaliated against the Portens for these requests, by requiring them to view what data the City produced while standing at the City Clerk's window—in contrast to the more comfortable space Defendants have provided for other data inspections.

10. The Portens bring this action pursuant to the MGPDA to compel responses to their requests, to require Defendants to adopt and follow procedures complying with the MGDPA, and to seek recompense for their considerable lost time and other injuries in responding to the unlawful runaround Defendants have put them through just for exercising their rights under Minnesota law.

PARTIES

11. Plaintiffs Erik and Kathleen Porten, husband and wife, are citizens and residents of Hampton Township, Minnesota.

12. Defendant City of Hampton is a statutory city in Dakota County, Minnesota.

13. Defendant John Knetter is the Mayor of the City of Hampton. On information and belief, he resides in Minnesota. He is sued in his official capacity.

14. Defendant Kelly Roan is the City Clerk for the City of Hampton. She is also the Responsible Authority and the Data Practices Compliance Official for the City of Hampton for purposes of the MGDPA. *See* Minn. Stat. §§13.02, subd. 16 (defining responsible authority); 13.05 (outlining duties of responsible authority); 13.05, subd. 13 (defining data practices compliance official). On information and belief, she resides in Minnesota. She is sued in her official capacity.

JURISDICTION AND VENUE

15. This Court has subject-matter jurisdiction over this action pursuant to the MGDPA, Minn. Stat. §13.08, and the Minnesota Uniform Declaratory Judgments Act, Minn. Stat. §555.01.

16. This Court has personal jurisdiction over Defendants because they are domiciled in Minnesota and all events relevant to the action occurred in Minnesota.

17. Venue is proper in this Court because Plaintiffs reside in this County and the City of Hampton exists in this County. Minn. Stat. §13.08, subd. 3.

ALLEGATIONS

I. Background.

18. This case is about MGDPA requests that the Portens* submitted to the City of Hampton between October 2024 and April 2025.

19. In August 2024, the Portens learned that both Hampton Township and the City of Hampton were holding public meetings on the potential construction of a data center.

20. On September 10, 2024, the Portens attended a City of Hampton meeting and learned that the City was considering a proposal for a 1.5-million-square-foot data center complex to be built in Hampton and Hampton Township.

21. The Portens knew that the construction of such a large facility could have significant effects on a small town like Hampton, so they sought to learn more about the proposed data center by making their first MGDPA requests to the City in October 2024.

22. The City produced data responsive to the Portens' initial requests in November 2024.

23. What they saw in the data concerned the Portens. First, they learned that the City, through its contracted City Engineer Cory Bienfang of Bolton & Menk, Inc., had entered into a non-disclosure agreement with a developer back in February 2024.

* For the sake of convenience, this Complaint typically refers to Mr. and Mrs. Porten interchangeably as "the Portens." The Portens married in 2025, during the time period relevant to this suit, and each data request was made by Mr. Porten or now-Mrs. Porten individually. But all actions by either of the Portens described herein were taken with the cooperation and support of both of them.

24. Second, the Portens also read emails from the Mayor that appeared to express an intent to circumvent the Minnesota Open Meeting Law and the MGDPA by using the City Engineer or the City Clerk as proxies for information.

25. And third, they learned that the Mayor was conducting all this business through non-City email accounts, specifically John.Knetter@fhr.com and JohnKnetter1@aol.com.

26. The fhr.com email address belonged to the Mayor's other, private employer, Flint Hills Resources.

27. Around this time, the Portens also learned that a City councilmember had purchased a gas station that had been struggling financially for years but that was located only a few hundred feet away from the proposed site of the data center the City Council would be voting on.

28. At a December 2024 City Council meeting, the Portens expressed their concerns about the non-disclosure agreement.

29. They were shocked to hear all City councilmembers present deny knowledge of any such agreement.

30. Based on these discoveries, the Portens felt that their attempts to get straightforward answers had been stymied. They were reluctant to simply give up. So they decided to try to get to the bottom of the story by issuing more, and more extensive, MGDPA requests. *See Exhibit 1.*

31. Unfortunately, the City's responses to some of these requests have ranged from woefully inadequate to virtually nonexistent. Worse yet, the City's responses have revealed its systematic failure to fulfill even its most basic data-retention obligations under the MGDPA, and its attempts to impose unlawful and retaliatory burdens on the Portens for bringing these realities to light. The Portens bring this suit to remedy matters.

II. The Portens' January 7, 2025, Data Request.

32. The City of Hampton does not provide personal email accounts to any of its officials. Instead, to the extent the Mayor and City councilmembers use email to conduct official business, they do so primarily through other email accounts not issued by the City.

33. The only official email address that the City maintains is a shared address, CityofHampton@midconetwork.com.

34. The Portens learned this in late 2024. In particular, through their initial October 2024 data requests to the City, they learned that the Mayor had used the email addresses John.Knetter@fhr.com and JohnKnetter1@aol.com in connection with his mayoral duties and work.

35. Hampton's response to the Portens' October 2024 data requests also revealed that the Mayor had first been approached about the proposed data center in or around January 2024.

36. Accordingly, in an attempt to learn about the Mayor's conduct of official business, on January 7, 2025, the Portens submitted an MGDPA request to the City Clerk, seeking to inspect City-related emails to and from the Mayor's fhr.com and aol.com addresses going back to January 2024. **Exhibits 2 & 3.**

37. The City Clerk acknowledged receipt of this request the following day.

38. The Portens heard nothing further from the City until six weeks later, when the City Clerk told them that "I don't have any to share" but that Cory Bienfang at Bolton & Menk, the City's contracted engineer, was working on the request. **Exhibit 2.**

39. Two months after the request, during the week of March 10, 2025, the City Clerk informed Mr. Porten that the collection of data responsive to the Portens' request had been completed, but that the Mayor wanted to read through his emails before they were released for inspection.

40. The Mayor did more than just read through the emails. At the Hampton City Council meeting on Tuesday, March 11, 2025, Mayor Knetter proposed a new fee schedule

for MGDPA data requests that would “charge requesters the same hourly rate the city pays Bolton & Menk for retrieving [] data.”

41. At that same meeting, the City Council unanimously enacted the schedule, which was described in the City Clerk’s minutes of the meeting as “ensuring that the costs of extensive data searches are borne by the requesters, not the city.” *See* Randolph-Hampton-Castle Rock Messenger, *Hampton City Council Meeting – March 11, 2025* (posted May 9, 2025), <https://randolphmn.com/stories/hampton-city-council-meeting-march-11-2025,108713>.

42. On March 24, 2025, the City Clerk emailed the Portens that Mayor Knetter had “review[ed] the emails and deemed them good to go,” but that she “need[ed] to double check with him” about “[t]he fees for data requests” before allowing their inspection.

Exhibit 2.

43. On Thursday, April 3, 2025, City Clerk Roan again emailed that the Portens’ data inspection would not be permitted yet because she was “still ironing out the fees” and needed to consult with the Mayor about them. **Exhibit 2.**

44. On May 14, 2025—well over four months after the Portens’ request—City Clerk Roan emailed the Portens to say that “part of” the January 7 data was ready for inspection. But City Clerk Roan now stated that “the rest of the emails are still under review by [Mayor Knetter].” **Exhibit 4; contra Exhibit 2** (March 24, 2025 email).

45. On May 15, the Portens appeared at the Hampton City Hall to inspect the available portion of the data.

46. On their arrival, City Clerk Roan told them that the Mayor had ordered they must inspect the data while standing at the City Clerk’s window.

47. In the past, the City had allowed data requesters (including the Portens) to inspect data in the City Hall “community room,” which includes chairs, tables, and the like.

48. The Portens complied with the City Clerk’s instructions and stood at her window for over an hour on May 15 inspecting the partial data.

49. On May 21, 2025—nearly four and a half months after their request—the Portens inspected the remaining data the City produced in response to their January 7 data request.

50. On May 21, the City Clerk again required the Portens to inspect the data standing at her window, which they again did for nearly an hour.

51. All of the emails produced by the City for inspection in response to the Portens' January 7 request had been sent to or from either a Bolton & Menk employee email address or CityofHampton@midconetwork.com. **See Exhibits 4 & 6.**

52. The City completely failed to search Mayor Knetter's actual email accounts in response to the Portens' January 7 request.

53. The City thus completely failed to produce responsive emails that the Mayor sent to, or received from, anyone other than Bolton & Menk accounts or CityofHampton@midconetwork.com.

54. The emails produced by the City for inspection in response to the Portens' January 7 request also included redactions, none of them with any explanation or statutory reference.

55. As City Clerk Roan told Mr. Porten, Mayor Knetter personally made these redactions.

56. The City produced several copies of one email for the Portens' inspection—one with redactions and others without—showing that the only redacted sentence was from an email that Mayor Knetter's son, the City's Water/Sewer Superintendent, had written to the Mayor and to Bolton & Menk employees. In the once-redacted sentence, the Mayor's son wrote that "I don't want to send the [State] a hillbilly looking word document." **Exhibit 5.** The redacted version provided no reason for this redaction.

57. Mayor Knetter's only apparent reasons for wanting to hide this language from public view were a political desire to avoid giving offense or a personal desire to

avoid making his son appear unprofessional. Neither is remotely a lawful basis for withholding information under the MGDPA.

58. Neither Defendants nor anyone else has ever explained the basis for this redaction or any of the others.

59. Mr. Porten asked the City Clerk about the redactions during his inspection of the data, and she responded only that the Mayor personally made them.

60. On May 21, 2025, the Portens emailed the City Clerk, asking her to confirm whether all available data had been produced for their inspection and to ensure that no data responsive to open requests was deleted until all Mayor Knetter's email accounts had been searched. **Exhibit 4.**

61. The City Clerk never responded to this email.

62. The Portens repeated their requests to the City Clerk later in 2025, **Exhibit 6**, but neither she nor the City has ever confirmed that Mayor Knetter's actual email accounts have been searched for responsive data, or that the City has produced all responsive data for inspection.

63. To date, Defendants have not produced any further data for the Portens' inspection in response to their January 7, 2025, request.

III. The Portens' April 17, 2025, Data Requests.

64. On April 17, 2025, the Portens submitted two additional data requests to the City Clerk.

65. These requests sought to inspect City-related emails sent or received by City councilmembers, and City-related emails sent or received by John.Knetter@fhr.com or JohnKnetter1@aol.com, for a certain period in early 2025. **Exhibits 7-9.**

66. The City Clerk did not acknowledge receipt of these requests until six days later, on April 23, 2025.

67. At that point, she told the Portens that they needed to give “full consent” to paying any fees the City might demand before she would act further on their requests.

Exhibit 7.

68. The next day, the Portens responded asking for the approximate amount of the fees they would have to pay. **Exhibit 7.**

69. The Portens heard nothing back for a week, at which point they repeated their inquiries. **Exhibit 7.**

70. The City Clerk never responded to either of these emails.

71. On May 19, 2025, legal counsel to the City of Hampton stated that the Portens’ data should be available for inspection and copying “this week.”

72. But although the Portens appeared at City Hall on May 21 to review the remaining data that the City had produced in response to their January request, the City did not make any data responsive to their April requests available for inspection at that time.

73. Nearly two months after their April requests—on June 12, 2025—Mr. Porten again visited Hampton City Hall in person and asked the City Clerk about the status of these requests.

74. City Clerk Roan told Mr. Porten that the requests were on the “back burner” and that she was waiting on Bolton & Menk personnel.

75. As the Portens later learned, the City Clerk had not even forwarded the requests to Bolton & Menk until more than a month after the Portens submitted them.

76. As the Portens also later learned, later in June 2025 Cory Bienfang of Bolton & Menk wrote to the City Clerk stating that “We ‘Bolton & Menk’ have no data to contribute to this request,” because it sought “emails coming into and out of email addresses either owned by the City or owned by other non-BMI individuals,” and so Bolton & Menk would “not ... take any further action on this request.”

77. For more than five months after the City Clerk received that message from Bolton & Menk, she—and all Defendants—wholly failed to communicate with the Portens with respect to their April 17 requests.

78. By November 20, 2025, more than seven months had passed since the Portens made their April 17 requests, and they had received no substantive response whatsoever. They again emailed the City Clerk asking about the status of the requests.

Exhibit 6.

79. Four days later, the City Clerk replied stating that the responsive documents were ready for inspection. **Exhibit 6.**

80. The following week, the Portens visited Hampton City Hall to inspect data responsive to their April 17 data requests.

81. In response to the April 17 request, the City produced exactly one unredacted email for inspection from Mayor Knetter's accounts.

82. In response to the April 17 request, the City produced only a few pages of emails from City councilmembers' email accounts.

83. To the Portens' recollection, once again, all of these City councilmembers' emails had been sent to or from CityofHampton@midconetwork.com or a Bolton & Menk email address.

84. As City Clerk Roan told the Portens when they appeared to inspect the data, she did not search any email account of the Mayor or any City councilmember in response to the Portens' April 17 requests, nor did she even ask City councilmembers to conduct such searches themselves.

85. The City completely failed to search Mayor Knetter's actual email accounts, or the City councilmembers' actual email accounts, in response to the Portens' April 17 requests for documents from those accounts.

86. Indeed, as City Clerk Roan also told the Portens when they appeared to inspect the data, she cannot even *access* Mayor Knetter's fhr.com email account

87. On information and belief, City Clerk Roan cannot access Mayor Knetter's aol.com account, or any City councilmember's account, either.

88. To date, Defendants have not produced any further data for the Portens' inspection in response to their April 17, 2025 requests.

CLAIMS FOR RELIEF

COUNT ONE

Noncompliance With Data Requests

Minn. Stat. §§13.03, subs. 1 & 2(a); 13.08, subd. 2 & 4

89. Plaintiffs incorporate by reference each of the above allegations.

90. The MGDPA requires a government entity to “insure that requests for government data are received and complied with in an appropriate and prompt manner.” Minn. Stat. §13.03, subd. 2(a). Its implementing rules reiterate that “the responsible authority shall provide for a response to a request for access within a reasonable time.” Minn. R. 1205.0300.

91. Defendants did not comply with Plaintiffs' January 7 or April 17 data requests in an appropriate or prompt manner, and did not respond to those requests within a reasonable time.

92. Specifically, Defendants entirely failed to produce for inspection large categories of data that were responsive to Plaintiffs' requests, and that were not protected from disclosure by any provision of law.

93. Additionally, even the data that Defendants did produce contained numerous redactions for which no lawful basis existed or exists.

94. Even the responses that Defendants made took many months, which was not a prompt or reasonable response time for these requests.

95. It further was inconsistent with the MGDPA's promptness and reasonable-time requirements for Defendants to delay production of data for Plaintiffs' inspection in

order to seek payment of fees from them, or in order to allow the Mayor to review and redact the data.

96. Defendants committed these violations of the MGDPA willfully and intentionally.

97. Plaintiffs are entitled to disclosure of the requested data pursuant to Minn. Stat. §§13.03, subd. 1, and 13.08, subds. 2 & 4.

COUNT TWO

Failure to Update Data Access Policy

Minn. Stat. §§13.025, subd. 2; 13.08, subd. 2; 555.01; 555.08

98. Plaintiffs incorporate by reference each of the above allegations.

99. The MGDPA requires each government entity's "responsible authority [to] prepare a written data access policy and update it no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data." Minn. Stat. §13.025, subd. 2.

100. In 2025, in response to Plaintiffs' request for the City's written data access policy, the City Clerk provided them with the "City of Hampton Policy and Procedures for the Minnesota Government Data Practices Act," dated as adopted on June 13, 2006.

101. Defendants and their predecessors in office have failed to update the City of Hampton's written data access policy for nearly 20 years.

102. This failure has harmed Plaintiffs by giving rise to some or all of the many other breaches of the MGDPA described herein.

COUNT THREE

Failure to Keep Records and Establish Procedures

Minn. Stat. §§13.03, subds. 1 & 2; 13.08, subd. 2; 555.01; 555.08

103. Plaintiffs incorporate by reference each of the above allegations.

104. The MGDPA requires each government's responsible authority to "keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use," and to "establish procedures, consistent with this chapter, to insure that requests for government data are received and complied with in an appropriate and prompt manner." Minn. Stat. §13.03, subs. 1 & 2.

105. Although the City of Hampton's Mayor and councilmembers regularly perform their official City duties using their personal email accounts or other email accounts not issued or maintained by the City, the City's responsible authority has no ability to access or search any of those email accounts.

106. Defendants therefore have willfully and intentionally failed to keep records containing the City's data in a way that makes them easily accessible for use, or to establish procedures to insure appropriate and prompt compliance with MGDPA requests.

107. This failure has harmed Plaintiffs by giving rise to some or all of the many other breaches of the MGDPA described herein. In particular, this failure has resulted in the City's failure to produce many emails responsive to Plaintiffs' MGDPA requests that the City was legally required to produce.

COUNT FOUR

Unreasonable and Retaliatory Inspection Conditions

Minn. Stat. §§13.03, subd. 3(a); 13.08, subs. 1 & 2; 555.01; 555.08

108. Plaintiffs incorporate by reference each of the above allegations.

109. The MGDPA requires Defendants to allow data requesters "to inspect and copy public government data at reasonable times and places." Minn. Stat. §13.03, subd. 3(a).

110. A local government fails in this duty when it retaliates against an MGDPA request or requester that it dislikes by requiring the inspection to take place at a less

convenient time, place, or manner than it would have permitted for another request or requester.

111. Defendants required Plaintiffs to inspect hundreds of pages of data, over multiple hours, while standing at the City Clerk's window.

112. This requirement was objectively unreasonable.

113. This requirement also was retaliatory: Defendants willfully and intentionally imposed it because they disliked the Portens and/or their requests in particular, whereas Defendants have permitted other data inspections to occur in the more convenient venue of the City Hall community room.

114. Defendants committed these violations of the MGDPA willfully and intentionally.

COUNT FIVE

Illegal Data-Inspection Fees

Minn. Stat. §§13.03, subd. 3(a); 13.08, subs. 1 & 2; 555.01; 555.08

115. Plaintiffs incorporate by reference each of the above allegations.

116. Under the MGDPA, "the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data." Minn. Stat. §13.03, subd. 3(a).

117. As described above, a resolution of the City Council of the City of Hampton passed on March 11, 2025, requires that data-retrieval fees be charged to requesters even when all they seek is inspection of data.

118. This is a facial and willful violation of Minn. Stat. §13.03, subd. 3(a).

119. Defendants attempted to require Plaintiffs to pay these illegal fees for inspecting data pursuant to their January and April 2025 requests, and significantly delayed the production of data for Plaintiffs' inspection as a result of these attempts.

120. The City's fee requirement also purports to apply to future data-inspection requests that the Portens might submit.

COUNT SIX
Illegal Redactions

Minn. Stat. §§13.03, subs. 1 & 3(f); 13.08, subs. 1 & 2; 555.01; 555.08

121. Plaintiffs incorporate by reference each of the above allegations.

122. The MGDPA allows data responsive to a request to be redacted or otherwise withheld only when it is “classified by [law] as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.” Minn. Stat. §13.03, subd. 1.

123. The MGDPA further requires that, “[i]f the responsible authority or designee” denies access to information on this basis, she must “cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.” *Id.* subd. 3(f).

124. Defendants made numerous redactions to the data they produced for Plaintiffs’ inspection, without ever purporting to identify any statute, temporary classification, or federal-law provision on which the redactions were based.

125. This willfully and intentionally violated the MGDPA.

COUNT SEVEN
Unauthorized Redactions

Minn. Stat. §§13.03, subd. 3(f); 13.08, subs. 1 & 2; 555.01; 555.08

126. Plaintiffs incorporate by reference each of the above allegations.

127. Under the MGDPA, the Mayor has no authority to redact data before it is produced to a requester.

128. Under the MGDPA, only a government entity’s responsible authority or her designee may review data for production and redact or otherwise withhold responsive data from a requester.

129. Under the rules implementing the MGDPA, data-practices designees must be “staff” of the relevant government entity. Minn. R. 1205.1100, subp. 1.

130. The City of Hampton's responsible authority has not designated the Mayor a data-practices designee.

131. The responsible authority could not lawfully designate the Mayor in that way, because he is not "staff" of the City.

132. By nevertheless allowing the Mayor to redact data responsive to Plaintiffs' data requests, Defendants committed an arbitrary, retaliatory, and willful violation of the MGDPA.

133. This violation harmed Plaintiffs because the Mayor made redactions to the data produced for their inspection, including redactions to protect the Mayor's personal and political interests, that the responsible authority or her lawful designee would not have made.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court:

- A. Order a jury trial, which is hereby demanded, on any issues so triable.
- B. Enter judgment declaring that:
 - a. Defendants have not provided the data that the MGDPA requires them to provide in response to Plaintiffs' January and April 2025 requests;
 - b. Defendants did not provide the required data within a reasonable time;
 - c. The data produced by Defendants for Plaintiffs' inspection includes redactions that are not authorized under the MGDPA;
 - d. Defendants have failed to update the City of Hampton's data request policy as required by the MGDPA;
 - e. The Hampton City Clerk has failed to keep records or establish proper procedures, as required by the MGDPA, insofar as she has no ability to access or search email accounts used by the Mayor and City councilmembers to conduct official City business;
 - f. The time, place, and manner of Defendants' production of data for Plaintiffs' inspection were unlawful under the MGDPA because they were objectively unreasonable;
 - g. The time, place, and manner of Defendants' production of data for Plaintiffs' inspection were unlawful under the MGDPA because they were retaliatory;
 - h. The City of Hampton's March 11, 2025, data-request fees resolution and schedule are invalid under the MGPDA insofar as they apply to requests to inspect data;

i. Defendants violated the MGPDA by failing to cite the specific legal provision(s) supporting each redaction in the data they produced for Plaintiffs' inspection;

j. The Mayor violated the MGDPA by personally redacting data from the production for Plaintiffs' inspection, and the other Defendants violated the MGDPA by permitting him to do so; and

k. Each of these violations of the MGDPA was willful and intentional.

C. Enter judgment enjoining and requiring that:

a. Defendants make available for inspection complete responses to Plaintiffs' January 7 and April 17, 2025 data requests—including emails from all requested accounts used by Mayor Knetter and any City councilmembers, and with each and every redaction supported by a specific citation to State or federal law—within 60 days of judgment, with the inspection to take place in the community room of the Hampton City Hall or another facility in the City of Hampton with comparable accommodations;

b. The Hampton City Clerk update the City's data access policy within 60 days of judgment, and at least once by August 1 in each calendar year thereafter;

c. The Hampton City Clerk establish procedures within 60 days of judgment ensuring that she has access to all email accounts used to conduct official City business;

d. Whenever Defendants, or those acting on behalf of or in concert with Defendants, produce data totaling more than five pages in response to a request for inspection under the MGDPA, they must provide at least a table and chair in an indoor space with adequate light, climate control, and restroom facilities for the requester to use for the inspection;

e. Defendants, and anyone acting on behalf of or in concert with Defendants, not enforce, or take any action seeking to enforce, the City's data-

request fees schedule adopted on March 11, 2025, with respect to any MGDPA request to inspect data, nor charge or take any action seeking to charge any fee to a requester in connection with any MGDPA request to inspect data; and

f. The Mayor not redact, and the other Defendants not permit him to redact, data from any future production in response to an MGDPA request.

D. Enter judgment imposing a civil penalty on the City of \$1,000 per MGDPA violation, or whatever amount the Court deems appropriate.

E. Enter judgment awarding Plaintiffs compensatory damages in an amount exceeding \$1,000 to be proven at trial, for lost time, out-of-pocket expenses, and emotional distress and humiliation.

F. In the alternative, enter judgment awarding Plaintiffs nominal damages of \$1 per violation of the MGDPA.

G. Enter judgment awarding Plaintiffs exemplary damages of \$15,000 per willful MGDPA violation, or whatever amount the Court deems appropriate.

H. Enter judgment awarding Plaintiffs their reasonable attorneys' fees incurred in this matter, pursuant to Minn. Stat. §13.08, subs. 1 & 4.

I. Enter judgment ordering an award of costs pursuant to Minnesota Statutes §555.10.

And

J. Order such additional relief as the Court may deem just and proper.

March 11, 2026

**UPPER MIDWEST LAW
CENTER**

/s/ Nicholas J. Nelson

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ATTORNEYS FOR PLAINTIFFS

ACKNOWLEDGMENT

The undersigned acknowledges that sanctions may be imposed pursuant to Minn.
Stat. §549.211, subd. 3.

March 11, 2026

/s/ Nicholas J. Nelson
Nicholas J. Nelson



StayFree MN <stayfreemn@gmail.com>

Letter to the Hampton City Council

1 message

StayFree MN <stayfreemn@gmail.com>

Thu, Mar 13, 2025 at 4:27 PM

To: "jerry.huddleston@usbank.com" <jerry.huddleston@usbank.com>, David.a.luhning@outlook.com,
"anthony@hcrevolutions.com" <anthony@hcrevolutions.com>, "nrussell300@gmail.com" <nrussell300@gmail.com>
Cc: JohnKnetter1@aol.com, John.Knetter@fhr.com, City of Hampton <cityofhampton@midconetwork.com>

3/13/25

Dear Hampton City Council Members,

I am writing this to you all with the aim of sharing some of the knowledge I have learned through my data requests thus far, to educate and give some suggestions on improving city functions, to reiterate citizen concerns with regard to the potential data center, and to challenge recently made public statements about data request costs.

I would like to start with thanking Council Member Verch for seeking to allow me to have a moment to speak at the March council meeting, and for the Mayor to giving me a moment do so, even though it was outside the public comment period. I was not able to fully articulate all that I had hoped to say, but will do so here.

I cannot corroborate the claims made that data requests have cost the city in excess of \$10,000. According to the invoices on file, accessible at City Hall, the city has received 4 invoices from Bolton and Menk (BMI) for data request completions. These have been on Nov 14 (\$356.50), Dec 16 (\$503.00), Jan 21 (\$356.50), Feb 13 (482.50) for a total of \$1,698.50, nowhere near the \$10,000 claim Mayor Knetter stated. I have asked the city clerk if any other outside vendors, besides BMI, have submitted receipts for data request completion and was told not to her knowledge. I do not find any other such bills in the council's monthly disbursements either to make up this vast difference.

And while a concern of how taxpayer dollars are being spent is a proper concern for a city council, there is seemingly a large concern about data request costs while little or no concern that in the past year the city paid out around \$8,000.00 to BMI to coordinate and do research for potential developers considering projects around the Hampton area. Some of these billing labels are: "IDP developments," "potential Kinnick development coordination," and "Industrial developer coordination." These bills appear to be separate from the AUAR project and do not fall under the bills reimbursed by the AUAR escrow funds. Many of the emails pertaining to these developments show correspondence with the mayor, but not often with any council members, though it could be possible that the council members are bcc'd on these emails. Either way, all of these bills were approved to be paid by the city council, seemingly without question.

Exhibit 1

My interest in this data center started when first hearing that the city had maybe signed an NDA in this matter. Secrecy is a large concern for many citizens and to my knowledge the city has never publicly stated why there is a need for a business to hide itself behind an NDA in a small town, especially if it intends to be a good neighbor and a positive to the community. This unanswered question only creates a lack of trust in the city's desire for transparency. Saying you want transparency, yet your action of not doing so, contradicts one another.

To learn if this rumor was true, I asked the council in December, and all council members present said they had no knowledge of any signed NDA's on behalf of the city. Data requests found this information, which I presented to the council in January, to which no council member seemed to have any care or question about why an NDA was needed, especially seeing that the NDA issue was one often raised by citizens as a questionable concern.

As I pointed out in January, point # 5 on the signed NDA, by BMI on behalf of the City of Hampton, does not allow the withholding of information when sought through a public data request. Having also found in emails, the Mayor inquiring about ways to work around NDA's, due to open meeting rules, by possibly having the city clerk sign one instead or that "I [Mayor Knetter] can personally keep any information confidential so long as you don't leave any material at City hall..." led to what I viewed as questionable actions and as reasonable reason to dig deeper into emails through additional data requests. A number of us citizens also find it very unlikely that an AUAR should be able to have such specifics pertaining to the amount of water to be used, the number of diesel generators on the proposed site, and location of road changes and turn lanes while have absolutely no conceptual design of the proposed development itself.

Since the council hasn't seemed interested in asking these questions that are often concerns of the citizenry, in the aims of alleviating them, some of us citizens have tried to take such steps. Along the way I have come across several items that the council may want to consider addressing at future council meetings with the aim of bettering their governance.

1. Creation and maintaining of an Official City website so as to upload City Council agendas, documents, and bills for monthly council meetings for public access and long term storage of official documentation.
2. Starting to video record all Council meetings and online posting of them. Again, for public access and for long-term storage of official documentation. A local citizen has also written in to City Hall in the past couple months about a desire for this to resume.
3. It seems the city does not have any Council approved Retention Schedule on file. In concern to the mentioning at the February council meeting about deletion of emails, as was provided in the agenda packet containing a page from the League of MN Cities, the State's data practices office states: "All official records should appear on the records retention schedule. If an official record does not, the record must be retained indefinitely until the schedule is updated." This goes to my stated concern from January's council meeting that if you have no retention schedule approved, ALL emails, especially in your personal email accounts dealing with any official business of your

Exhibit 1

position must be retained indefinitely, until a schedule is updated.

4. The creation of official city emails should be considered. Not only for the ease of future compliance of data requests and separation of your personal accounts, but for the responsibility of records transfers under the Official Records Act, MN Statute 15.17.
5. Consideration of providing a copy of all receipts and bills that are listed on the monthly disbursement sheet along with agenda packets and within the current binder used to store them.
6. Updating the City's Minnesota Government Data Practices Act (MGDPA) on file from 2006 to match the printing costs stated in the City's fee list that was approved at the beginning of 2025.

A few additional items that I would appreciate being addressed by the council would be:

1. Publicly retracting the seemingly erroneous claim by the Mayor that the city has spent over \$10,000 on data requests, as this is currently part of the Official meeting minutes and could errantly mis-inform citizens.
2. Thoroughly review the wording of the newly amended data request fee ordinance for legal compliance with regard to external contractors hired to work on the city's behalf and in regards to inspection of data. The reply from the city attorney mentioned at this month's council meeting stated that a fee can be charged according to a schedule for "anything else where a fee is charged." However, inspection of data, by state law is free, there is no fee, thus it does not fall under the attorney's category of where a fee is charged. Furthermore, a number of MN data practices Advisory Opinions can be looked into: reference AO 04-072, 95-044, 95-042, and 10-019 to support this. I would suggest re-addressing this matter at the next council meeting for compliance to state law.
3. For the council or a council member to publicly inquire/ask of the Mayor and Bolton and Menk why there is a need to have an NDA with Oppidan and what is their reasoning for such a need.
4. For the council or a council member to publicly inquire/ask Bolton and Menk if they have any conceptual drawings or layouts of this potential development. If so, who provided them and when and why they were not provided in data requests. And if the answer is no, to seek an explanation how it is to have numbers pertaining to the amount of water desiring to be used, the number of diesel generators to be on the proposed site, and where road changes and turn lanes might be modified all while having absolutely no conceptual design of the proposed development itself.

This letter isn't done with animosity towards the city or the council, but out of a genuine desire to help make our community better. Thank you for the time you've spent reading this. I am open to answering any questions or clarifying any points if you would like.

Sincerely,

Erik Porten

Stayfreemn@gmail.com

Exhibit 1

1 Attachment & 1 link:

Records vs Non-Records info from MN data practices

<https://chatgpt.com/share/67d1918a-748c-8006-9db1-2fda196d4743>



Records vs Non-Records - Tips for Spotting the Difference final_tcm36-603583.pdf

545K

Exhibit 1



StayFree MN <stayfreemn@gmail.com>

Data Request: Jan 7

27 messages

StayFree MN <stayfreemn@gmail.com> Tue, Jan 7, 2025 at 8:04 PM
To: City of Hampton <cityofhampton@midconetwork.com>

Hi Kelly,

Attached is a new data request.

Thank you,
Erik Porten

 **Data request for all Knetter emails Jan 2024 - Jan 2025.docx**
15K

City of Hampton <cityofhampton@midconetwork.com> Wed, Jan 8, 2025 at 9:35 AM
To: StayFree MN <stayfreemn@gmail.com>

Hi Erik,

I got the request. I'll forward it to the others in charge and add it to the other one.

Thanks

Kelly

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com> Wed, Jan 8, 2025 at 9:47 AM
To: City of Hampton <cityofhampton@midconetwork.com>

Thank you Kelly.
Your help is appreciated, have a good week.
~Erik

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com> Thu, Feb 20, 2025 at 12:06 PM
To: City of Hampton <cityofhampton@midconetwork.com>

Hi Kelly,

I am emailing to follow up on this data request as it has been more than 6 weeks since I submitted it.

I also wanted to thank you for your summation of my speaking at the City council meeting in the Randolph Hampton news paper minutes, you did a great job. The only item for correction is you stated the comprehensive plan year as 2024 and should, I believe, be 2040.

Exhibit 2

Thank you again for all of your help and professionalism.

~Erik

[Quoted text hidden]

City of Hampton <cityofhampton@midconetwork.com>
To: StayFree MN <stayfreemn@gmail.com>

Thu, Feb 20, 2025 at 1:11 PM

Hi Erik

Remind me, that's the data request for John Knetter emails right?

I'm so sorry – there's so many that there starting to get all jumbled up.

Thanks for helping to clarify my brain!

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Thu, Feb 20, 2025 at 1:30 PM

Hi Kelly,

Yes, regarding John Knetter's emails.

As I understand it from the Data practices office, "reasonable time" is often viewed as 30 days, depending on the size of the request. For data requests past that time frame I have been given the advice to check in weekly as to a request's status. And to do so on the original email correspondence chain to document directly to the data request being referenced.

Thank you for asking the clarifying questions, I'm happy to answer anytime. And thank you for your all of your help.

~Erik

[Quoted text hidden]

City of Hampton <cityofhampton@midconetwork.com>
To: StayFree MN <stayfreemn@gmail.com>

Thu, Feb 20, 2025 at 1:49 PM

That seems fair.

Ok. For the John Knetter emails – I don't have any to share and I know Cory Beinfang is currently working on that one. However, I don't know when that will be completed.

I'm hoping today to start working on your latest batch of requests. Cross your fingers, but I'm hoping you and Katie will be able to come in next week to review the data request that I got from Cory – the one that's mega huge and being a pain for me to get in a way for you guys to look at it, but I think I just about got it. I just need to make sure that when you come in, it works and ready to read and any and all bugs are sorted. So, like I said cross your fingers.

Exhibit 2

If everything goes according to plan, sometime next week you should be able to review that data request from Cory and hopefully a few from the new batch from me.

Hopefully that sounds good on your end.

If you need anything else, let me know!

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Thu, Feb 20, 2025 at 2:36 PM

Hi Kelly,

Sounds good on all from your email, thank you for that update.

There is nothing else at this moment, thank you again for all your help. I hope you have a good rest of your week and weekend.

~Erik

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Fri, Feb 28, 2025 at 1:26 PM

Hi Kelly,

I am emailing to follow up on this data request as it has been more than 7 weeks since I submitted it.

~Erik Porten

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Wed, Mar 12, 2025 at 11:48 AM

Hi Kelly,

I am emailing to follow up on the status of this data request, it has now been 9 weeks since it was originally submitted.

~Erik Porten

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Thu, Mar 20, 2025 at 2:15 PM

Hi Kelly,

I am emailing to follow up on the status of this data request, it has now been 10 weeks since it was originally submitted and over 1 week for Mayor Knetter to review the data, as you mentioned last week that this request had been completed, but that the Mayor wanted to read through his emails before releasing the data.

~Erik Porten

[Quoted text hidden]

City of Hampton <cityofhampton@midconetwork.com>
To: StayFree MN <stayfreemn@gmail.com>

Mon, Mar 24, 2025 at 10:44 AM

Exhibit 2

Hi Erik

John stopped in last week to review the emails and deemed them good to go.

However, I need to double check with him first. The fees for data requests have me a little confused and I want to make sure everything is square before having you and Katie read them.

I hope that's alright and I'm sorry for any confusion and waiting.

Thank you,

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Mon, Mar 24, 2025 at 10:53 AM

Hi Kelly,

So are fee being retroactively enforced for data requests submitted before March's city council meeting? And is the city charging fees for inspection of information through data requests.

Thank you for your help.

~Erik Porten

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Tue, Apr 1, 2025 at 8:15 AM

Hi Kelly,

It has been 2 weeks since your first email stating that my data request was completed, but that I could not read them because the Mayor wanted to read the findings first and then last week you said checking into fees (for inspection of information) was holding up the process. Is this data request from January 7, 2025 available for inspection yet?

Sincerely,

Erik Porten

[Quoted text hidden]

City of Hampton <cityofhampton@midconetwork.com>
To: StayFree MN <stayfreemn@gmail.com>

Thu, Apr 3, 2025 at 1:29 PM

Hi Erik

Short answer: No. Close but, not quite.

Long answer: I'm still ironing out the fees and trying to figure out how it all works. And I just want to make sure I have it all sorted. John will be in Tuesday for the City Council meeting and he typically comes in early so I will get all the

Exhibit 2

fees talk sorted out and then get back to you and Katie!

I'm sorry this is taking such a long time, I'm sure it's getting frustrating for you and Katie, but I am working on it.

Have a great weekend!

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: "Carmody, Casey (ADM)" <casey.carmody@state.mn.us>

Thu, Apr 3, 2025 at 1:59 PM

Hello Casey,

My name is Erik Porten. I have often been corresponding with Taya Moxley-Goldsmith, but she mentioned you had been the one to help me on a matter with the City of Farmington last week with regards to a City charging fees for inspection of data request material. I am having a similar issue with the City of Hampton and am forwarding you one of my email chains with the City of Hampton in the hopes you might reach out to them and inform them that inspection of data requests incurs no fees.

The City of Hampton at their March 2025 council meeting voted to charge fees to data requests for all data requests, including inspection when the data request material is held by a city hired outside firm, like Bolton & Menk, who are the hired/contracted city engineers. This data request for inspection was originally submitted on Jan 7 2025 and assumedly is being retroactively charged as well, as I have a couple of additional data requests pending also.

Unless I am mistaken in the data practices statutes, data requests for inspection of data, even if that data is held outside of city computers is still free, even if the City incurs a cost by their outside firm whom they have a city contract with for doing City government business.

Your assistance in this matter would be helpful. If you have any questions for clarification, beyond the short overview I've provided, I am happy to answer them.

Sincerely,
Erik Porten
[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Thu, Apr 3, 2025 at 2:24 PM

Hi Kelly,

Thank you for your reply. I do genuinely appreciate all of your help in this matter and all the assistance you have provided these past few months, but I do believe the City council is in error with regards to their vote last month to impose fees on all data requests (including inspection) for information that is held on external/outside city owned computers, such as city hired and contracted entities like Bolton & Menk. At this time, I have reached out to the State's data practices office for clarification for both of us to know.

Sincerely,
Erik Porten
[Quoted text hidden]

Carmody, Casey (ADM) <Casey.Carmody@state.mn.us>
To: "stayfreemn@gmail.com" <stayfreemn@gmail.com>

Thu, Apr 3, 2025 at 4:03 PM

Hi Erik,

Exhibit 2

Thanks for reaching out to me to raise this issue.

Yes, you're correct that a government entity cannot charge a fee for inspection regardless of the situation. I'll note that data requests can get a little wonky when a government entity contracts with a private party to perform a government function on the entity's behalf. In those situations, the private party is also subject to Data Practices Act in relation to the government functions it is performing (see section 13.05, subd. 11), and the government entity and private party may need to determine specific procedures to provide access to government data in the private party's hands.

However, section 13.05, subd. 11 doesn't change the fact that there cannot be a charge for inspection. Rather, there may be occasional procedural questions over who may be obligated to actually provide action via inspection – the city vs. the private entity. Here, it does sound like the city is facilitating access.

So, I'm certainly open to reaching out to the City of Hampton to offer some guidance. I think the only other information that may be helpful to me is a copy of the city's new policy as it relates to its copy costs or similar information that might describe this policy if you happen to have it. I briefly looked for the information online, but I was only able to find a city website that included meeting minutes of the city council. The most recent minutes were from February.

Of course, if you don't have that information, that's ok. I can certainly reach out to the city and get additional information through that conversation. Just let me know either way, and I'll then reach out to the city. I'd also plan to follow up with you once I have more information.

Also feel free to let me know if you have additional questions. I'm happy to assist however I can.

Thanks,

Casey



Casey Carmody (he/him/his) | Assistant Director

Data Practices Office

200 Administration Building

50 Sherburne Ave

Saint Paul, MN 55155

(651) 201-2505

casey.carmody@state.mn.us

Exhibit 2

<https://mn.gov/admin/data-practices/>

From: StayFree MN <stayfreemn@gmail.com>
Sent: Thursday, April 3, 2025 1:59 PM
To: Carmody, Casey (ADM) <Casey.Carmody@state.mn.us>
Subject: Fwd: Data Request: Jan 7

You don't often get email from stayfreemn@gmail.com. [Learn why this is important](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: "Carmody, Casey (ADM)" <Casey.Carmody@state.mn.us>

Fri, Apr 4, 2025 at 8:01 AM

Good morning Casey,

Thank you for your response yesterday, your confirmation and statute citation will be helpful when talking with the City council and is appreciated.

At this time I do not have a copy of the exact wording of their new policy, the City council meeting is next tuesday 4/8/25, at which time I expect the City will have a new policy completed to adopt pursuant to their vote in March to make such changes. As of yesterday, the City clerk said she was still trying to figure out how it all works as these changes to the wording are being made. My concern here as a citizen is that the State already has this issue sorted out in statute so why is City staff spending time re-writing their policy to be non-compliant only to have to make more amended changes next month all the while adding to delays in access to data.

The City hall is only open Mon, Wed, Thurs. Though sometimes the clerk is in on Friday, so you might be able to inquire today and receive a response. My ask from the State would be to let the City know you have received an inquiry as to changes being made to the City's data practices and that according to the March city council meeting it was voted that the City would seek to pass along any fees assessed by city contracted entities (such as Bolton and Menk) to the data requester for data requests information that is held outside of city owned computers. While this is permissible when being asked for copies of information, inspection is always free, (as you noted in your reply).

Thank you again for your assistance in this matter.

Sincerely,
Erik Porten

[Quoted text hidden]

Exhibit 2

Carmody, Casey (ADM) <Casey.Carmody@state.mn.us>
To: "stayfreemn@gmail.com" <stayfreemn@gmail.com>

Fri, Apr 4, 2025 at 8:35 AM

Hi Erik,

Thanks for this follow-up, and I appreciate the additional context.

I'll reach out to the city to ask about the costs its contemplating and offer the guidance I can. I'll also ask about the status of your data request, which may also shepherd things along. I'll follow up with you when I have some more information.

In the meantime, feel free to let me know if you have additional questions.

Thanks,

Casey



Casey Carmody (he/him/his) | Assistant Director

Data Practices Office

200 Administration Building

50 Sherburne Ave

Saint Paul, MN 55155

(651) 201-2505

casey.carmody@state.mn.us

<https://mn.gov/admin/data-practices/>

From: StayFree MN <stayfreemn@gmail.com>

Sent: Friday, April 4, 2025 8:01 AM

To: Carmody, Casey (ADM) <Casey.Carmody@state.mn.us>

Subject: Re: Data Request: Jan 7

Exhibit 2

You don't often get email from stayfreemn@gmail.com. [Learn why this is important](#)

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: "Carmody, Casey (ADM)" <Casey.Carmody@state.mn.us>

Fri, Apr 4, 2025 at 9:22 AM

Hi Casey,

You're welcome for the extra context. It's always a balance between giving too little and giving way too much pedantic context.

I do have one question: Since the City of Hampton has chosen not to have/use dedicated City email addresses, which is fine and legal to do, in my data request I have asked for the Mayor's emails pertaining to his official duties from his personal and work email addresses which he uses for his mayor correspondence. As I understand it, it is not on the mayor to compile this requested data (which is fine) but for the City to designate someone to do so. In my talking with the City Clerk, it seems that this was designated to Bolton and Menk and that they complied all the emails they have with the mayor and these two email addresses and that is what I should be able to inspect once this fee issue is resolved; as the Clerk has already stated the data request is complete, the mayor has read through the emails and has approved it good to go, but now only this "fee" matter is preventing me from being able to inspect.

Because one of the Mayor's emails is his work email at Flint Hills Resources (John.Knetter@fhr.com), I don't understand how a designated person or company like Bolton and Menk would gain access to this private business email for full compliance to search for the requested data. I am sure they (Bolton and Menk) can pull their records of correspondence, but that would not contain any emails the Mayor did not send to them from this email address, that pertain to his official duties. What questions of clarity can I ask for from the City to better verify that a full accounting of my request has been done? It would seem to me that the most proper accounting would be that this request be made by the city to Flint Hills Resources I.T. department to be done since they are the only one entity with access to this email account besides the Mayor. Were they to compile all the emails from this email address and send them to the City or the City attorney for review, that would seem to ensure full and impartial assurity to my data request.

For a bit of context for you, all of this has come about because prior data requests have uncovered the Mayor saying in emails regarding the City entering into NDA's regarding local building developments:

"I [Mayor] can't sign an NDA due to 'Open meeting rules'. I can personally keep any information confidential so long as you don't leave any material at City hall. Cory [who is the engineer from Bolton and Menk] can represent Hampton as well and has done so extremely well through several very sensitive issues". End Quote.

Cory did sign an NDA on behalf of the City of Hampton on Feb, 1 2024. (I have a copy if you would like it)

And in a separate email, regarding the potentiality of a second NDA, the Mayor said:

"Meeting would be fine, but I still can not sign an NDA. Or you and clerk can meet if ND is an issue. Regards John Knetter"

The concerns of trying to subvert NDA's by using proxies is a concern of some local citizens. That is why the questions regarding these private email addresses and possible correspondence.

I would welcome any input to this complex concern.

Thank you for all of your time and assistance.

~Erik Porten

[Quoted text hidden]

Carmody, Casey (ADM) <Casey.Carmody@state.mn.us>

Fri, Apr 4, 2025 at 1:50 PM

Exhibit 2

To: StayFree MN <stayfreemn@gmail.com>

Hi Erik,

Thanks for these additional questions.

The Data Practices Act doesn't prescribe specific internal procedures for how government entities must respond to data requests. Rather, the law simply requires each entity to "establish procedures, consistent with this chapter, to insure that requests for government data are received and complied with in an appropriate and prompt manner." (See section 13.03, subd. 2.)

So, you're correct that the city can establish procedures for how it searches for and retrieves data, and my office would generally defer to each government entity on this front. However, those procedures should ensure that all responsive public data are compiled and provided in response to a request.

Additionally, the Data Practices Act defines government data as "all data collected, created, received, maintained or disseminated by any government entity *regardless of its physical form, storage media or conditions of use.*" In other words, it doesn't matter where government data are stored (e.g., a government computer vs. a private computer; government email vs. personal email vs. private work email) if the data are responsive to the request. So, I don't think the Mayor's point about keeping data confidential so long as it's outside city hall holds much weight.

The city also cannot classify data as not public via a contract. Rather, it's the legislature that determines whether specific data are public or not public via specific classifications in state law. Any clauses of a contract that indicate a city should withhold public data from requesters would not comply with the requirements of the Data Practices Act.

Here, it's not fully clear to me what the specific procedures the city may be using to gather data. It sounds like the city's engineering firm is primarily compiling the data, and it's possible that it may maintain copies of all data responsive to your request. Of course, I think a practical way for you to approach the situation would be to review the data to see whether there are any emails that are solely from the mayor's work email where Bolton and Menk are not a recipient. If so, then the city found some type of process to ensure all the mayor's emails were searched.

If not, then it's possible that there may be some responsive data missing (but it's not dispositive). At that point, I would encourage you to push back a bit on the city to get some more clarification on whether all applicable email accounts were searched. If that still produces nothing, then you may need to consider the remedies to compel compliance under section 13.08 or section 13.085 of the Data Practices Act if you believe data was not provided.

As a side note: Whether an entity has provided all responsive data is an issue that's difficult for my office to resolve. We don't have authority to enforce the requirements of the law, and we don't have the ability

Exhibit 2

to conduct any type of audit of an entity's specific procedures when responding to a request. Of course, I could certainly offer guidance to the city to make sure it has procedures in place to ensure government data are searched for in all applicable locations (and I would likely discourage the city from allowing its officials to use their private work emails to conduct government business). But that's the most I'd be able to do.

All that said, I think the first step is to actually inspect the data that are responsive to your request. Once that happens, you can certainly follow up with me with any additional questions, and I'm happy to offer additional guidance about next steps or the remedies contained within the Data Practices Act.

Let me know if you have other questions in the meantime. I'm happy to offer the guidance I can.

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: "Carmody, Casey (ADM)" <Casey.Carmody@state.mn.us>

Fri, Apr 4, 2025 at 2:12 PM

Hi Casey,

Thank you for that answer, it was right along the lines of what I had come to understand regarding data practices statutes and regulations, but the confirmation is good.

I appreciate your thought on a practical way to assess the data in my request, once the City allows me to review it, to see if the emails are all between the Mayor and Bolton & Menk or if there are other recipients other than Bolton and Menk.

I will wait to see what next week holds for access to inspect this request as well as any final approval for a policy change at the City council meeting and will stay in touch. I greatly appreciate your time, thoroughness and input as to these next steps!

I hope you have a nice weekend.

~Erik Porten

[Quoted text hidden]

Carmody, Casey (ADM) <Casey.Carmody@state.mn.us>
To: "StayfreeMN@gmail.com" <stayfreemn@gmail.com>

Thu, Apr 10, 2025 at 11:46 AM

Hi Erik,

I'm following up to let you know that I spoke with Mayor John Knetter yesterday about the issues you've raised as it relates to your data request.

Specifically, I noted that you had concerns with a possible change in the city's policy that may require requesters to pay when inspecting data. The Mayor explained that the city intended to charge costs in situations where it asked a contractor (i.e., Bolton & Menk) for any data it may have that the city did not already maintain. The Mayor added that the contractor would bill the city when providing the data, and he believed that it was appropriate for the city to pass along those costs to the data requester. He also explained that requesters would not be charged for any responsive data the city already maintained.

Exhibit 2

In response, I explained that section 13.03, subd. 3(a) was very clear that government entities may not charge a fee when providing access via inspection. I noted that it didn't matter what costs may be involved when compiling data for inspection, and the law was clear that inspection of data was always free. I added that the city would be able to charge applicable costs when a requester asked for copies of data. The Mayor said he thought the law regarding inspection costs was a bit gray on whether a costs for inspection could be assessed, and I responded that it was not.

The Mayor also suggested that the data that the contractor solely maintained may not necessarily be subject to the Data Practices Act. I disagreed, explaining that section 13.05, subd. 11 was clear that a private company was subject to the Data Practices Act when it was under contract with a government entity to perform a government function. In discussing the specific instance at hand, I clarified that all information Bolton and Menk created and maintained was not subject to the Data Practices Act. Rather, it is the specific data that Bolton and Menk creates, receives, and maintains related to its work on behalf of the City of Hampton that are subject to the law, regardless of whether those data are later provided to the city.

I added what was a little more unclear was what type of process might be in place when it comes to providing access to government data that Bolton and Menk solely maintained and were not ever provided to the city. I explained that those data were still government data that could be responsive to a request, and the city should develop some clarity with Bolton and Menk about whether data requests should be directed to the city to coordinate a response or to the engineering firm for any government data that it solely maintained. I stressed the point that any government data Bolton and Menk were maintaining related to its work for the city were subject to the Data Practices Act.

The Mayor appeared to disagree and said that he thought the law was unclear on whether Bolton and Menk would have government data. He added that the city attorney also indicated this was the case. I reiterated that section 13.05, subd. 11 was clear that any government data Bolton and Menk had as it related to being the city's engineer were subject to the requirements of the law. I again added that the only question in mind on this front was whether the city or Bolton and Menk should be receiving and responding to data requests that the engineering firm solely maintained.

We also briefly discussed the timelines in which government entities must respond to a data request, and I explained that responses to requests for public data must be "appropriate and prompt" and "within a reasonable time." I added that these terms are not defined in law, and the amount of time in which a government entity must respond to a request can depend on the amount of responsive data and the complexity of the request, including the time to redact data.

After concluding that initial call, the Mayor did call me back to discuss the language of section 13.03, subd. 3(b) about data available on "a remote access basis." I explained that the specific language was related to data that are available on government websites, and a government entity could not charge someone to print and download data from a website.

He also pointed to the language that notes entities may charge a fee when data or access is enhanced at the request of the person seeking access. The Mayor suggested that the city's process of gathering data from Bolton and Menk was enhancing data. I explained that process did not sound like what section 13.03, subd. 3(b) was contemplating. (For your context, [Advisory Opinions 00-006](#), [02-036](#), and [06-011](#)

Exhibit 2

discuss the “enhanced” aspects of remote access. The telephone call ended before I was able to share these opinions with the Mayor.)

In short, the Mayor disagreed with much of the guidance I offered about the requirements of the Data Practices Act, and I suspect that there’s little additional information I could offer that may be persuasive after the lengthy phone calls I had with him.

Practically speaking, I think the next step would be for you to await the city’s formal response to your data request to learn whether the city does indeed try to charge a fee in order for you to inspect data. If the city does not assess a fee, then it’s possible that some of the issues may be resolved.

However, if the city does inform you that it will assess a fee in order to inspect data, then it may appropriate to [seek an advisory opinion from the Commissioner of Administration](#) or seek the appropriate remedies under [section 13.08](#) or [13.085](#).

Specifically, the Commissioner of Administration may issue advisory opinions upon request from an individual who disagrees with an entity’s determinations regarding data practices. In other words, you’d need to be informed by the city that you must pay before inspecting data because the Commissioner does not have authority to issue opinions on hypothetical scenarios (i.e., the possibility that you will be charged for inspection).

Please note that the Commissioner doesn’t accept all requests, and her decisions are non-binding on government entities. However, the opinions do provide substantial guidance, and courts are obligated to give the opinions deference in any further proceedings that involve the requested data.

As for the remedies: Section 13.08 provides actions you may bring in a district court, including an action for damages (you’d need to show you sustained harm), an injunction to prevent a violation, or to compel compliance. Meanwhile, section 13.085 offers an expedited process at the Office of Administrative Hearings to compel compliance. If this is the only action you would be seeking to bring, then this process may be appropriate. The Office of Administrative Hearings has a [webpage that provides some general guidance about filing a complaint and the subsequent process](#).

If you are seeking to file a complaint under either section 13.08 or 13.085, I would encourage you to contact an attorney. My office does not provide legal advice or legal referrals. I can note that I have seen complainants represent themselves via the process at Office of Administrative Hearings with varying levels of success. However, I would defer to your judgement about whether you sought to file a complaint and whether consulting an attorney would be helpful.

Of course, feel free to follow up with me if you have additional questions. I recognize this is a lot of information, and I’d be happy to set aside some time for a phone call to discuss any of these aspects to offer further clarification.

[Quoted text hidden]

Exhibit 2

StayFree MN <stayfreemn@gmail.com>
To: Doug.Seaton@umwlc.org

Thu, Apr 10, 2025 at 1:10 PM

Hi Mr. Seaton,

This is a forward of my email correspondence with the City of Hampton and the States data practices office.

Please let me know if you have any questions.

Sincerely,
Erik Porten
[Quoted text hidden]

4 attachments

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StayFree MN <stayfreemn@gmail.com>
To: "Carmody, Casey (ADM)" <Casey.Carmody@state.mn.us>

Thu, Apr 10, 2025 at 1:12 PM

Hi Casey,

That is a lot of information and I greatly appreciate your knowledge and help in this matter. This will take me a bit to digest and sort through as I consider the next steps available to me.

Thank you very much for your time and help!

Sincerely,
Erik Porten
[Quoted text hidden]

4 attachments

 **image001.jpg**
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 **image001.jpg**
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 **image001.jpg**
3K

Exhibit 2



image001.jpg
3K

Doug Seaton <Doug.Seaton@umwlc.org>
To: MN StayFree <stayfreemn@gmail.com>

Thu, Apr 10, 2025 at 1:34 PM

Thanks you, Erik. Best, Doug

Douglas P. Seaton
Upper Midwest Law Center
[12600 Whitewater Drive, Suite 140](#)
[Minnetonka, MN 55343](#)
612-428-7001 direct
612-428-7000 main
Doug.Seaton@umwlc.org

Sent from my iPad

On Apr 10, 2025, at 2:10 PM, StayFree MN <stayfreemn@gmail.com> wrote:

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Date: 7 January 2025

To the Responsible Authority for the City of Hampton, Mayor John Knetter

Government Entity: City of Hampton

Address: 5265 238th Street East, P.O. Box 128, Hampton, MN 55031

Dear Mr. Knetter:

I am writing to you as the responsible authority of the City of Hampton. This is a formal request for access to government data under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

I am requesting for inspection, all emails, sent and received, within the email addresses John.Knetter@fhr.com and JohnKnetter1@aol.com that pertain to any correspondence regarding to the Mayor of Hampton's official duties between 1 January 2024 and 7 January 2025

I look forward to arranging a time to review the data.

If you have any questions or need clarification, please contact me. I can be reached at StayfreeMN@gmail.com

Sincerely,
Erik Porten



StayFree MN <stayfreemn@gmail.com>

John Knetter emails

City of Hampton <cityofhampton@midconetwork.com>
To: StayFree MN <stayfreemn@gmail.com>

Wed, May 14, 2025 at 3:50 PM

Hi Erik

I just wanted to let you know that I got the emails ready for the first 'John Knetter email' data request. I'm still working on the second one.

Just a heads up though it's only part of it, the rest of the emails are still under review by John. So you can either review them as there ready or all at once, its up to you.

You know city hall's hours, but just in case: Monday 9am – 1pm, Wednesday noon – 4pm, and Thursday 2pm – 6pm.

Stop in whenever your ready.

Have a nice day,

Kelly

Exhibit 4



StayFree MN <stayfreemn@gmail.com>

John Knetter emails

StayFree MN <stayfreemn@gmail.com>

Thu, May 15, 2025 at 1:36 PM

To: City of Hampton <cityofhampton@midconetwork.com>

Hi Kelly,
Thanks for letting me know, I will stop down this afternoon around 3ish.

~Erik
[Quoted text hidden]



StayFree MN <stayfreemn@gmail.com>

John Knetter emails

StayFree MN <stayfreemn@gmail.com>

Wed, May 21, 2025 at 3:17 PM

To: City of Hampton <cityofhampton@midconetwork.com>

Hi Kelly,

Thank you again for your help today. I do have several follow up questions.

1. You mentioned that the data the city provided for us to inspect was compiled by Bolton and Menk regarding the Jan 7th 2025 data request and printed off by the city. As this is a compiling of the emails that BMI has been emailed or cc'd on, has BMI or you, as the Responsible Authority, had direct access to either of the email accounts listed in the Jan 7th data request? Do you ensure, as the Responsible Authority, that all available data relating to correspondence regarding the Mayor of Hampton's official duties has been accounted for? I raise this question as it does not seem that this Jan 7th data request has been completed in full, and that only emails that BMI were attached to have been provided. I believe there is reason to challenge the completeness of this request and continue to ask that no data be deleted pursuant to this, or any of our open data requests, until you, unless you as the Responsible Authority, can attest that these email accounts have been searched by you or someone you directed, pursuant to city policy in accordance with MN Statute 13.025 subd 2.
2. You also mentioned that the Mayor wanted to review all documents pertaining to our other data requests once printed off before giving us access to inspect. If this is the City policy, that is fine, but the Responsible Authority is ultimately the city representative responsible for guaranteeing the completeness of all data requests. Will you ensure that all documents are still accounted for after the Mayor does this review?
3. On May 15, you mentioned that the Mayor directed that data requests be printed. Up until our legal letter was sent, the city allowed for inspection on a city computer. As the Mayor has been very concerned about the costs of data requests, it seems cost prohibitive to print. On a matter of cost savings, the city has the data mostly in digital form, and that the city has provided prior data through access to a city computer, I would like to ask to inspect this data in a digital form, when possible, as the city maintains much of this data in a digital format and not in print. I will reference Advisory Opinion 09-006. Access to digital may also limit the city from missing any attachments while printing. As we inspected what was given so far on the Jan 7th data request, several email attachments were not printed off and now must be additionally requested, creating more delay.

Sincerely,

Erik Porten

[Quoted text hidden]

Exhibit 4

City of Hampton

From: John Knetter <Johnknetter1@aol.com>
Sent: Tuesday, January 16, 2024 9:07 AM
To: Brad Fisher
Cc: Joshua Dixon; Cory Bienfang
Subject: Re: Hampton Phosphorus Management Plan & Permit Requirements
Attachments: Hampton Memorandum Template.docx, Untitled attachment 6358465.htm

Brad please send me the email address of folk from MPCA that we're at original meeting we had in Hampton

Regards

John Knetter

On Jan 15, 2024, at 9:15 AM, Brad Fisher <Bradley.Fisher@bolton-menk.com> wrote:

Josh – As long as it includes all the required information, I don't think it needs to be anything special. This is something you could clarify directly with the MPCA when you and John meet with them if you want. I copied our memo format into a Hampton letterhead for your use and this is what I would recommend using. See attached.

Thanks!

Brad Fisher P.E.
 Principal Engineer
Bolton & Menk, Inc.
 Mobile: 612-759-7240
Bolton-Menk.com

From: Joshua Dixon <dixon.joshua@aol.com>
Sent: Sunday, January 14, 2024 2:47 AM
To: Brad Fisher <Bradley.Fisher@bolton-menk.com>; John Knetter <Johnknetter1@aol.com>
Cc: Cory Bienfang <Cory.Bienfang@bolton-menk.com>
Subject: Re: Hampton Phosphorus Management Plan & Permit Requirements

Bradley,

Would you by chance have a progress report template? [REDACTED]

Thank you!

John,

I've already taken action last discharge on reducing phosphorus by reducing turbulently to enhance the settling of solids. I got other plans for the future if needed. I also had MRWA send me some ideas we can cover later.

On Wed, Jan 10, 2024 at 11:39 AM, Brad Fisher
<Bradley.Fisher@bolton-menk.com> wrote

John & Josh,

Below is a summary of submittals/action items required as part of the permit and this PMP. I know you plan to meet directly with the MPCA to discuss the permit and ensure you understand things, but hopefully this gives you a better baseline to go into that meeting with. As a reminder, there was confusion even between the permit writer (who is not the original permit writer) and the enforcement specialist. This summary is in addition to the sampling and sample data reporting, which I understand you now have a better understanding of.

Overall, Hampton's future phosphorus limit is 279 kg/year but does not go into effect until one day after the expiration of this permit (January 30, 2028) so there will not be a fine with exceeding that limit as the permit lays out requirements to prepare the city to meet the limit in below the 279 kg/year

City of Hampton

From: John Knetter <johnknetter1@aol.com>
Sent: Tuesday, January 16, 2024 9:20 AM
To: Brad Fisher
Subject: Re: Hampton Phosphorus Management Plan & Permit Requirements
Attachments: Hampton Memorandum Template.docx, Untitled attachment 6388473.htm

Can you send list of MPCA attendees to original meeting

Regards

John Knetter

On Jan 15, 2024, at 9:15 AM, Brad Fisher <Bradley.Fisher@bolton-menk.com> wrote:

Josh – As long as it includes all the required information, I don't think it needs to be anything special. This is something you could clarify directly with the MPCA when you and John meet with them if you want. I copied our memo format into a Hampton letterhead for your use and this is what I would recommend using. See attached.

Thanks!

Brad Fisher P.E.
Principal Engineer
Bolton & Menk, Inc.
Mobile: 612-759-7240
Bolton-Menk.com

From: Joshua Dixon <dixon.joshua@aol.com>
Sent: Sunday, January 14, 2024 2:47 AM
To: Brad Fisher <Bradley.Fisher@bolton-menk.com>; John Knetter <JohnKnetter1@Aol.com>
Cc: Cory Bienfang <Cory.Bienfang@bolton-menk.com>
Subject: Re: Hampton Phosphorus Management Plan & Permit Requirements

Bradley,

Would you by chance have a progress report template? I don't want to send the MPCA a hillbilly looking word document.

Thank you!

John,

I've already taken action last discharge on reducing phosphorus by reducing turbulently to enhance the settling of solids. I got other plans for the future if needed. I also had MRWA send me some ideas we can cover later.



StayFree MN <stayfreemn@gmail.com>

Follow up on data requests

4 messages

StayFree MN <stayfreemn@gmail.com>

Thu, Nov 20, 2025 at 7:46 AM

To: City of Hampton <cityofhampton@midconetwork.com>

Hi Kelly,

I am emailing to follow up from our last conversation on June 12, 2025 when I stopped in to review data requests #10 and #11 at City hall. You had mentioned that my remaining data requests were on the "back burner" and that you were waiting on Cory, but that they were not forgotten. Is there any word on when those data requests will be completed?

I had also emailed on May 21 regarding concerns of missing data from my January 7th 2025 data request. Specifically to the concern that the emails the City provided were only emails in which Bolton & Menk (BMI) had been emailed or CC'd on and were missing all other communication of the Mayor's official duties from the requested time period. You still have not responded to that email or completed that data request.

The City lawyer said that all data should have been available the week of May 19th and I have yet to hear from the City on these outstanding data requests:

7 January 2025 (incomplete, as only BMI emails were provided)

5 February 2025 (in emails as data request #10)

28 February 2025 (in emails as data request #12)

17 April 2025 (3 separate data requests on this date, in emails as data request #13, 14, 15)

Sincerely,

Erik Porten

City of Hampton <cityofhampton@midconetwork.com>

Mon, Nov 24, 2025 at 12:31 PM

To: StayFree MN <stayfreemn@gmail.com>

Hi Erik!

I have everything ready. You can come in anytime. We're close to closing for today, but it's normal hours on Wednesday and Thursday we're closed for Thanksgiving. Next week is back to normal. So, stop in whenever you're ready!

If I remember right, Jan 7 data request is the John Knetter emails – that request is completed. If you look back at the emails I did state that I don't have any emails to share and that any and all emails will be provided by Bolton and Menk. Which again, if I'm remembering right that was that huge fat stack of emails I printed out.

Exhibit 6

However, it has been quite some time, so please correct me if I am wrong! But everything else is ready.

See you Wednesday. If not, I wish you and Katie a great Thanksgiving Holiday!!

Kelly

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: erik.katie143@gmail.com

Mon, Nov 24, 2025 at 4:21 PM

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>
Cc: Cory.Bienfang@bolton-menk.com

Tue, Nov 25, 2025 at 8:14 AM

Hi Kelly,

Thank you for your reply and completing the remaining open data requests. It is unlikely I will be able to make it to city hall this week to inspect due to the Holiday week, I will aim for next Monday.

Yes, you are correct that the Jan 7 data request was for John Knetter's emails from 1 Jan 2024 through 7 Jan 2025. I had mentioned to you at city hall that it seemed the large stack of printed pages were ONLY from Bolton and Menk servers as every page contained at least one of their email addresses. I had challenged at that time, and still do, that the data request did not seem complete as there was no general correspondence pertaining to the Mayor's duties from any other sources and you said that is what you got from Cory.

To clarify and confirm, Cory Bienfang at Bolton and Menk is approved as a "designee" by you, the Responsible Authority for the City of Hampton, under MN Statute 13, to act and comply with completing data requests for the City of Hampton. And he can account for, as you state, "any and all emails" pertaining to general correspondence, in a full review and inventory of the email accounts (John.Knetter@fhr.com and JohnKnetter1@aol.com) in completing my data request. Is this accurate?

Sincerely,
Erik Porten

[Quoted text hidden]



StayFree MN <stayfreemn@gmail.com>

Public Data Request #15

4 messages

StayFree MN <stayfreemn@gmail.com>

Thu, Apr 17, 2025 at 4:50 PM

To: City of Hampton <cityofhampton@midconetwork.com>

Hi Kelly,
Attached is a public data request I am submitting for inspection.

Sincerely,
Erik Porten

**Data request for all Council member emails between Jan 8 2025 and April 17 2025.docx**

15K

City of Hampton <cityofhampton@midconetwork.com>

Wed, Apr 23, 2025 at 10:06 AM

To: StayFree MN <stayfreemn@gmail.com>

Hi Erik

Sorry for the late reply, things have been busy. Anyway! I got your 3 latest requests and I will get to work on them as soon as I can.

Am I safe to assume you only want to inspect the City's computers? I know the fee situation is messy right now and we're still working it out, but I don't want to forward these requests to Bolton & Menk without full consent from you and Katie.

Let me know and have a great day!

Kelly

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>

Thu, Apr 24, 2025 at 12:39 PM

To: City of Hampton <cityofhampton@midconetwork.com>

Hi Kelly,

Sounds good, thanks for the confirmation that you have received data requests 13, 14, and 15.

As for the fee situation and the procedures that the city is still working on, regarding them, would it be possible to ask for an approximation of costs for these 3 (13, 14, 15) requests that the City would charge me for? That would help me know that information.

Thanks and hope you have a great day too.

~Erik

Exhibit 7

[Quoted text hidden]

StayFree MN <stayfreemn@gmail.com>
To: City of Hampton <cityofhampton@midconetwork.com>

Thu, May 1, 2025 at 1:40 PM

Hi Kelly,

I have not received any reply from you in the past week and so I am following up on the status of my request and what the City's fees are going to be for inspection of government data. It has been nearly two months now since the March council meeting regarding the change in this fee issue.

I will take a moment to try and clear up any assumptions (per your April 23rd reply) regarding what data I am requesting. I am asking for all emails, that are government data for these requests during the stated time periods. It is your responsibility as the Responsible Authority as Hampton City Clerk to ensure that this data is maintained and preserved under MN Stat 13 and 15.17 pursuant to a public data request. If the city is insistent on charging a fee for these requests, then please notify me of what that fee will be, as I recall the council voted to charge what the outside company, like Bolton and Menk would charge, so I don't see why the city is having difficulty telling me what that cost is for these or already completed data requests that I haven't been allowed to inspect, specifically my Jan 7 data request. If all the requested data is held on City computers fine, if not, it is your responsibility as the Responsible Authority to obtain it. If you find there is any conflict of interest in your ability to neutrally obtain this data, and the city chooses to use a third party such as Bolton and Menk, that is the City's choice of procedure afforded you under MN Stat 13.03 subd. 2 (procedures). If you have any other questions of clarification I am happy to answer them. Otherwise, I look forward to your timely response.

Sincerely,
Erik Porten

[Quoted text hidden]

Date: 17 April 2025

To the Responsible Authority for the City of Hampton, City Clerk Kelly Roan

Government Entity: City of Hampton

Address: 5265 238th Street East, P.O. Box 128, Hampton, MN 55031

Dear City Clerk Kelly Roan,

I am writing to you as the responsible authority of the City of Hampton. This is a formal request for access to government data under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

I am requesting to inspect data of all emails, sent and/or received, by all City council members pertaining to any correspondence regarding their official office as an elected officials for the City of Hampton between 8 January 2025 through 17 April 2025.

I look forward to arranging a time to review the data.

If you have any questions or need clarification, please contact me. I can be reached at StayfreeMN@gmail.com

Sincerely,
Erik Porten

Date: 17 April 2025

To the Responsible Authority for the City of Hampton, City Clerk Kelly Roan

Government Entity: City of Hampton

Address: 5265 238th Street East, P.O. Box 128, Hampton, MN 55031

Dear City Clerk Kelly Roan,

I am writing to you as the Responsible Authority of the City of Hampton. This is a formal request for access to government data under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

I am requesting for inspection, all emails that were sent from and/or received in the email addresses John.Knetter@fhr.com and JohnKnetter1@aol.com that pertain to any correspondence regarding to the Mayor of Hampton's official duties between 8 January 2025 and 17 April 2025

I look forward to arranging a time to review the data.

If you have any questions or need clarification, please contact me. I can be reached at StayfreeMN@gmail.com

Sincerely,
Erik Porten