

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

)	Court File No. _____
Nathan M. Hansen,)	
)	
Plaintiff,)	
)	
v.)	
)	
Carol Molnau, in her official)	VERIFIED COMPLAINT AND PETITION FOR WRIT OF MANDAMUS
capacity as the Commissioner of)	
the Minnesota Department of)	
Transportation,)	
)	
Defendant.)	

STATE OF MINNESOTA)
) ss.
 COUNTY OF RAMSEY)

Nathan M. Hansen, Plaintiff herein, for his claim or cause of action, states and alleges as follows:

VENUE AND FACTUAL BACKGROUND

1. Plaintiff Nathan M. Hansen is a resident of Ramsey County Minnesota and conducts business in Ramsey County, Minnesota.
2. Defendant Carol Molnau is the Lieutenant Governor of the State of Minnesota and is also the Commissioner of the Minnesota Department of Transportation.
3. The Minnesota Department of Transportation’s Central Office is located in Ramsey County, Minnesota.
4. On February 1, 2007, Plaintiff Nathan M. Hansen made a request pursuant to Minn. Stat. § 13.03, subd. 3 to inspect documents related to The Minnesota Department of Transportation’s membership in “North America’s SuperCorridor Coalition, Inc.,” of

which the Minnesota Department of Transportation is a member. A true and correct copy of this request is attached to this Complaint as Exhibit 1.

5. In response to this request, the Data Practices Coordinator for the Minnesota Department of Transportation contacted the Plaintiff, collated the requested documents for inspection, and invited the Plaintiff to come to the Minnesota Department of Transportation's Central Office on March 13, 2007 to inspect these documents.
6. The Plaintiff inspected the documents on March 13, 2007 at the Minnesota Department of Transportation's Central Office, and they consisted of at least six or seven reams of paper, roughly 3,000 to 3,500 hundred pages of documents.
7. Plaintiff was invited by the Data Practices Coordinator to flag documents he wished to have copies of, and he did so.
8. Copies of these documents were provided and were picked up by the Plaintiff on March 27, 2007, and this was acknowledged in an e-mail from the Data Practices Coordinator dated March 28, 2007, a true and correct copy of which is attached hereto as Exhibit 2.
9. The documents that the Plaintiff obtained included information about programs which were inchoate and ongoing in nature between NASCO, Lockheed Martin, and other entities and states, to, among many other things, track all modes of transportation in the United States from a militarized facility in Chesapeake, Virginia, operated by Lockheed Martin, and named "The Center of Excellence" for its civilian tracking operations.
10. The documents obtained were posted on the Internet by the Plaintiff and were the subject of some press coverage in local and national publications.
11. In that the programs discussed in the documents previously obtained were inchoate and ongoing in nature, the Plaintiff made a follow-up request on August 2, 2007 to the Data

Practices Coordinator for review of documents generated between February 1, 2007 and the present. A true and correct copy of this request is attached hereto as Exhibit 3.

12. After not hearing anything whatsoever about his Data Practices Act request, the Plaintiff sent a follow up letter about the request on September 18, 2007. A true and correct copy of this follow-up letter is attached hereto as Exhibit 4.
13. After still not hearing anything whatsoever about his Data Practices Act request, Plaintiff sent a letter on October 22, 2007, setting a deadline for some sort of response by October 24, 2007. A true and correct copy of this letter is attached hereto as Exhibit 5.
14. On the morning of October 25, 2007, the Plaintiff received a voice mail from “Diane” from the Data Practices Office at the Minnesota Department of Transportation that indicated that the documents the Plaintiff was requesting were going to be sent out “on Friday.” Which Friday this was to be was not specified.
15. As of the date of this Complaint, the Plaintiff has not heard anything further whatsoever from the Minnesota Department of Transportation about his requests.
16. Defendant has a duty under the Minnesota Data Practices Act to make these documents available for inspection by the public.

COUNT I: ACTION TO COMPEL COMPLIANCE PURSUANT TO MINN. STAT. § 13.08, SUBD. 4

17. Plaintiff re-states and re-alleges the allegations contained in paragraphs 1 through 16 of this Complaint as if fully set forth herein.
18. Defendant has failed to substantially comply with general data practices under Minn. Stat. § 13.01 *et seq.*

COUNT II: MANDAMUS PURSUANT TO MINN. STAT. § 586.01 et seq.

19. Plaintiff re-states and re-alleges the allegations contained in paragraphs 1 through 18 of this Complaint as if fully set forth herein.
20. The right to require the performance of the acts requested herein of the Defendant are clear, and there is no apparent or explicit excuse for nonperformance that can be given.

WHEREFORE, the Plaintiff requests and prays for the following relief:

- 1) That this matter be heard as soon as possible as required by Minn. Stat. § 13.08, subd. 4.
- 2) That this Court issue a Writ of Mandamus ordering the Minnesota Commissioner of Transportation to provide the documents requested by the Plaintiff.
- 3) A monetary award in the form of a civil judgment of Plaintiff's attorney's fees, costs, disbursements and statutory civil penalties incurred in bringing this Complaint in an amount to be determined at hearing of this matter pursuant to Minn. Stat. § 13.08, subd. 4 *et seq.*
- 4) Granting any other relief that the court deems just and equitable.

Nathan M. Hansen, having been duly sworn, on oath, deposes and says that he is the Plaintiff in the above-entitled proceeding; that he drafted this Complaint; and that the same is true and correct to his own knowledge, except as to matters therein stated on information and belief, and as to such, he verily believes them to be true. Plaintiff further acknowledges that pursuant to Minn. Stat. § 549.21 that costs, disbursements and reasonable witness and attorney's fees may be awarded to the Defendant.

Respectfully Submitted,



Nathan M. Hansen

Attorney Pro Se

2440 North Charles Street, Suite 224

North St. Paul, MN 55109

651-704-9600

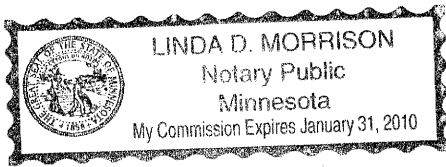
651-704-9604 (fax)

Attorney Reg. No. 0328017

Subscribed and sworn before
me this 8 day of November, 2007.



NOTARY PUBLIC



Nathan M. Hansen

Attorney at Law

2440 North Charles Street, Suite 224

North St. Paul, MN 55109

Main:
(651) 704-9600

E-mail: nathan@hansenlawoffice.com

Fax:
(651) 704-9604

February 1, 2007

The Honorable Carol Molnau
Lt. Governor of Minnesota
Commissioner, Minnesota Department of Transportation
Transportation Building
395 John Ireland Boulevard
Saint Paul, MN 55155

Dear Lt. Governor/Commissioner Molnau:

I write to request the opportunity to inspect any documents related to the Minnesota Department of Transportation's membership in "North America's SuperCorridor Coalition, Inc." The website for this organization is located at www.nascocorridor.com and indicates that the Minnesota Department of Transportation is a member.

I make this request pursuant to Minn. Stat. § 13.03 subd. 3. Please have your designee contact my office within two weeks of this request so that I may set up a reasonable time and place to inspect these documents.

Thank you kindly for your assistance.

Sincerely,



Nathan M. Hansen

EXHIBIT 1

Date: Wed, 28 Mar 2007 10:21:46 -0600 [09:21:46 AM PDT]

From: Barbara Forsland <Barbara.Forsland@dot.state.mn.us>

To: nathan@hansenlawoffice.com

Subject: Data Practices Request on NASCO

Dear Nathan:

Diane reports that you picked up the copied documents concerning Mn/DOT's membership in NASCO. Let me know if there are any problems with the copies: I hope they will be satisfactory for your purpose. Please feel free to contact me at 651-366-4822, or Brad Larsen at 366-4821. He is the most knowledgeable about NASCO, and wanted to have the chance to answer any questions you might have. I would encourage you to contact him to verify any data that you find in the documents, as so many of the documents involved drafts, etc. that may have been superceded by other documents. Brad can likely verify that you have the latest and most correct data.

In addition, I wanted to mention that I found two documents that were hand marked "Confidential". I discussed these with our staff, since hand marking documents is not sufficient to make documents confidential under the Minnesota Government Data Practices Act. (The general rule is that all documents received by Mn/DOT are public government data, and these two documents are now, and always have been- once in Mn/DOT's possession-, public government data.) I was told that the documents were versions that the sources had not yet released publicly that were supplied so Mn/DOT could review and make suggestions before publishing. They were regarded as confidential by the sources until such time as publication was accomplished. I advised staff that the documents are public government data even before publishing, once they are in our hands. At any rate, I wanted to let you know about this.

I have waived any fees for these copies, due to the limited nature of your request, exclusive of the e-mails. (The e-mails had to be created in paper form to provide them for your review.)

Barbara Forsland
Data Practices Compliance and Policy Analyst
Room 459 Mailstop 140
395 John Ireland Boulevard
St. Paul, MN 55155-1899
Phone: (651) 296-3513
Fax: (651) 282-2656
barbara.forsland@dot.state.mn.us

EXHIBIT 2

Nathan M. Hansen

Attorney at Law

2440 North Charles Street, Suite 224

North St. Paul, MN 55109

Main:
(651) 704-9600

E-mail: nathan@hansenlawoffice.com

Fax:
(651) 704-9604

August 2, 2007

Barbara Forsland, Esq.
Data Practices Coordinator, Minnesota Department of Transportation
Transportation Building
395 John Ireland Boulevard
Saint Paul, MN 55155

Dear Ms. Forsland:

I write to request the opportunity to inspect any documents related to the Minnesota Department of Transportation's membership in "North America's SuperCorridor Coalition, Inc." The website for this organization is located at www.nascocorridor.com and indicates that the Minnesota Department of Transportation is a member.

I make this request pursuant to Minn. Stat. § 13.03 subd. 3.

As you may recall, I made a previous request on February 1, 2007, and inspected the documents you provided on March 13, 2007. This request involves any documentation and correspondence and so forth that have been generated since February 1, 2007.

Thank you kindly for your assistance and your prior hospitality.

Sincerely,

Nathan M. Hansen

EXHIBIT 3

Nathan M. Hansen

Attorney at Law

2440 North Charles Street, Suite 224

North St. Paul, MN 55109

Main:
(651) 704-9600

E-mail: nathan@hansenlawoffice.com

Fax:
(651) 704-9604

September 18, 2007

Barbara Forsland, Esq.
Data Practices Coordinator
Minnesota Department of Transportation
Transportation Building
395 John Ireland Boulevard
Saint Paul, MN 55155

Dear Ms. Forsland:

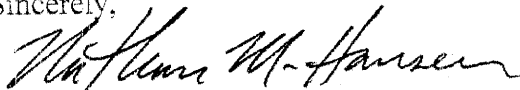
I write to follow up on a data practices act request I made on August 2, 2007 regarding the opportunity to inspect any documents related to the Minnesota Department of Transportation's membership in "North America's SuperCorridor Coalition, Inc." The website for this organization is located at www.nascocorridor.com and indicates that the Minnesota Department of Transportation is a member. I made this request pursuant to Minn. Stat. § 13.03 subd. 3.

As you may recall, I made a previous request on February 1, 2007, and inspected the documents you provided on March 13, 2007. This request involves any documentation and correspondence and so forth that have been generated since February 1, 2007.

I would appreciate it if you would contact my office about this matter within the next week so that I may arrange a time to inspect these documents.

Thank you kindly for your assistance and your prior hospitality.

Sincerely,



Nathan M. Hansen

EXHIBIT 4

Nathan M. Hansen

Attorney at Law

2440 North Charles Street, Suite 224

North St. Paul, MN 55109

E-mail: nathan@hansenlawoffice.com

Main:
(651) 704-9600

Fax:
(651) 704-9604

October 22, 2007

VIA FACSIMILE & U.S. MAIL – 1 PAGE, NO COVER SHEET

651-366-4795

Barbara Forsland, Esq.
Data Practices Coordinator
Minnesota Department of Transportation
Transportation Building
395 John Ireland Boulevard
Saint Paul, MN 55155

Dear Ms. Forsland:

I write to follow up on a data practices act request I made on August 2, 2007 regarding the opportunity to inspect any documents related to the Minnesota Department of Transportation's membership in "North America's SuperCorridor Coalition, Inc." The website for this organization is located at www.nascocorridor.com and indicates that the Minnesota Department of Transportation is a member. I made this request pursuant to Minn. Stat. § 13.03 subd. 3.

As you may recall, I made a previous request on February 1, 2007, and inspected the documents you provided on March 13, 2007. This request involves any documentation and correspondence and so forth that have been generated since February 1, 2007.

I also followed up with you in a letter to you dated September 18, 2007 about my request. Further, shortly after that, I left you a voicemail about my request. In that it has been more than two months since my request and I have heard absolutely nothing, I am putting you on notice that if I don't hear anything from MN DOT about this request by the close of business on October 24, 2007, I will attempt to obtain a peremptory writ of mandamus directed to the Commissioner of Transportation pursuant to Minn. Stat. § 13.08 coupled with Minn. Stat. § 586.04. I will also likely further plead in the alternative for an alternative writ of mandamus pursuant to Minn. Stat. § 586.04 and for other costs, penalties and attorneys' fees available under Minn. Stat. § 13.08 *et seq.*

Thank you kindly for your assistance and your prior hospitality.

Sincerely,



Nathan M. Hansen

EXHIBIT 5