



201 Administration  
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50 Sherburne Avenue  
St. Paul, MN 55155

Vox: [REDACTED]  
Fax: 651.205.4219

July 30, 2014

James R. Nobles  
Office of the Legislative Auditor  
658 Cedar Street, Room 140  
St. Paul, MN 55155-1603

*Re: Commissioner of Administration advisory opinion request*

Dear Mr. Nobles:

The purpose of this letter is to inform you that JT Haines, on behalf of Public Record Media (PRM), has asked the Commissioner of Administration to issue an advisory opinion regarding the Office of the Legislative Auditor's (OLA) determination about a data practices issue. The Commissioner's authority to issue advisory opinions is found in Minnesota Statutes, section 13.072. This office, the Information Policy Analysis Division (IPAD), prepares advisory opinions for the Commissioner. I am writing to you because we believe that you are the responsible authority for the Office. If this is not correct, please advise us as soon as possible so that we may forward this letter to the person who is the responsible authority.

The Commissioner of Administration will address the following issue in the advisory opinion:

Pursuant to Minnesota Statutes, Chapter 13, did the Office of the Legislative Auditor respond appropriately to a request for the following data?

- All bids submitted in response to the RFPs issued by the Office of the Legislative Auditor and/or the State of Minnesota that seek accounting firms or other persons to conduct, or help conduct, the audits required by Minn. Stat. 256B.69, subdivision 9(d)
- All contracts executed between the Office of the Legislative Auditor and/or the State of Minnesota and any person contracted to conduct, or help conduct, the audits required by Minn. Stat. 256B.69, subdivision 9(d)

In preparing and issuing this advisory opinion, the Commissioner will consider only the comments Mr. Haines provided, which are enclosed, and those you submit in response to this letter. Thus, we invite you, or your attorney, to provide us with information about the OLA's determination. In your comments, please provide information that will help the Commissioner understand your position and the legal basis for your actions.

Although the advisory opinion will not be binding on the OLA, a court must give the opinion deference. In addition, the opinion may offer some legal protection if you choose to follow the conclusion the Commissioner reaches in the opinion. This legal protection also extends to government entities or persons who conform with opinions issued to other parties. The more complete the OLA's explanation of its determination, the more useful the opinion will be not only for you and Mr. Haines, but also for others who may rely on the opinion in the future.

*Please note the following. If you are involved or become involved in a legal dispute regarding the matter Mr. Haines has raised and litigation has commenced, please contact us right away. The Commissioner will not issue an advisory opinion regarding data that may be part of litigation that it is in progress.*

All advisory opinions are public and are posted on our web site at [www.ipad.state.mn.us](http://www.ipad.state.mn.us). If you are unfamiliar with the opinion process, you may find it helpful to look at some previously-issued opinions.

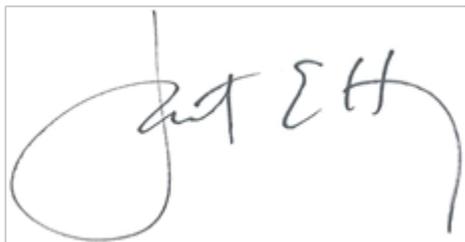
While section 13.072 requires that opinions be issued within twenty days of the receipt of the request, the Commissioner may extend the deadline for one thirty-day period for good cause. Based on limited resources, the Commissioner will be taking the thirty-day extension for issuance of the opinion. Therefore, the Commissioner must issue the opinion by September 17, 2014.

Please submit any comments that you or your attorney choose to provide by close of business on August 14, 2014.

If you have any questions, please contact Janet Hey at [REDACTED] or [REDACTED]

Sincerely,

LAURIE BEYER-KROPUENSKE  
DIRECTOR, COMMUNITY SERVICES DIVISIONS

A handwritten signature in black ink, appearing to read "Janet EH", enclosed in a rectangular box.

By: Janet Hey  
Senior Policy Analyst

Attachments

c: JT Haines