



Advisory Opinion 10-004

This is an opinion of the Commissioner of Administration issued pursuant to Minnesota Statutes, section 13.072 (2009). It is based on the facts and information available to the Commissioner as described below.

Facts and Procedural History:

On February 2, 2010, the Information Policy Analysis Division (IPAD) received a letter dated February 1, 2010, from Annette Margarit, attorney for the Dakota County Agricultural Society. In her letter, Ms. Margarit asked the Commissioner to issue an advisory opinion as to whether the Agricultural Society is subject to the provisions of Minnesota Statutes, Chapter 13.

A summary of the facts as Ms. Margarit provided them is as follows. She wrote in her opinion request:

The [Agricultural Society] was incorporated in 1918 as a perpetual non-profit corporation pursuant to now Minnesota Statute Chapter 38....Its primary task is to run the Dakota County Fair....Any adult who resides in Dakota County can be a member of the Agricultural Society....The Agricultural Society members elect a Board of Directors at its annual meeting in November....The Agricultural Society owns real property within Dakota County upon which it annually conducts the Dakota County Fair....

Issue:

Based on Ms. Margarit's opinion request, the Commissioner agreed to address the following issue:

Is the Dakota County Agricultural Society subject to Minnesota Statutes, Chapter 13?

Discussion:

All government entities are governed by Minnesota Statutes, Chapter 13. (Minnesota Statutes, section 13.01, subdivision 1.)

The term "government entity" is defined as "a state agency, statewide system, or political subdivision." (Minnesota Statutes, section 13.02, subdivision 7a.)

The term "political subdivision" is defined, in relevant part, as "any board, commission, district or authority created pursuant to law, local ordinance or charter provision." (Minnesota Statutes, section 13.02, subdivision 11.)

