UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

JOSEPH KIRCHNER, *Plaintiff,* v. KEITH ELLISON, in his official capacity as Attorney General of the State of Minnesota, *Defendant.*	**Case No.** 26-cv-2594-JMB/DJF **COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

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I. INTRODUCTION

1. This is a civil rights action arising from Defendant's demonstrably false statement of Minnesota law to deny a citizen's criminal referral. On February 26, 2026, the Office of the Minnesota Attorney General sent Plaintiff a letter stating that "the Minnesota Legislature... did not delegate any such authority to this Office, nor did it delegate the authority to investigate criminal matters to this Office." **Exhibit A.**

2. That statement is false. Minnesota Statutes Section 8.31, Subdivision 1 provides, in relevant part:

> The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively... the Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70)....

Exhibit E-1.

3. The word is "shall." Not "may." Not "if the county attorney requests." The Legislature used the mandatory. Six days after denying Plaintiff's referral on the ground that the Legislature "did not delegate" investigative authority, Defendant testified before the United States House Committee on Oversight and Government Reform that his office prosecutes fraud "every single day." **Exhibit C at 23, ¶200.**

4. **Procedural history.** Plaintiff previously raised the Chapter 8 claims presented here as part of a broader complaint in *Kirchner v. Ellison*, Case No. 0:26-cv-00726-PJS-ECW (D. Minn.). On March 30, 2026, the Court dismissed that complaint on Rule 8(a)(2) grounds — holding that the pleading was too long and sought too many forms of relief — without reaching the merits of any claim. The dismissal order did not address Minnesota Statutes Chapter 8, the false denial letter, Defendant's contradictory congressional testimony, the 50-state survey, any of the Chapter 8 statutory arguments, Plaintiff's standing under *Bond v. United States*, 564 U.S. 211 (2011), or any of the three severability provisions that requested independent evaluation of the state-law claims. Plaintiff has appealed the dismissal to the Eighth Circuit, *Kirchner v. Ellison*, No. 26-1615 (8th Cir.) (pending).

5. **Preclusion does not bar these claims.** Although the dismissal order did not expressly specify whether the dismissal was with or without prejudice, claim preclusion does not bar the narrowly framed Chapter 8 claims presented here. A Rule 8(a)(2) dismissal addresses pleading form, not claim merit, and does not adjudicate the underlying legal theories. Rule 41(b)'s "adjudication on the merits" language, moreover, governs only the same-court refiling bar; the preclusive effect of a federal dismissal in a subsequent proceeding is determined by federal common law, which requires actual adjudication of the same claims. *Semtek International Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 505-06 (2001). No court has adjudicated the merits of any Chapter 8 claim

presented here. Plaintiff's pending appeal in the Eighth Circuit expressly requests, in the alternative, (a) a holding that the March 30, 2026 dismissal does not operate as an adjudication on the merits under Rule 41(b) and has no preclusive effect on the substantive Chapter 8 claims, or (b) remand for entry of dismissal without prejudice consistent with this Circuit's binding precedent in *Michaelis v. Nebraska State Bar Ass'n*, 717 F.2d 437, 439 (8th Cir. 1983) (per curiam) — either of which would expressly foreclose the preclusion question this Court need not reach to adjudicate the present claims.

6. This Complaint presents those claims — and only those claims. Each arises from Defendant's own conduct: his February 26 letter denying Plaintiff's referral through a false statement of law, his website's institutional disclaimer of authority the Legislature expressly granted, and his selective enforcement under that same Chapter 8 authority for politically favored complainants. No other relief is sought. No federal party is required. Complete relief is available against Defendant alone.

7. Plaintiff seeks a declaratory judgment that Section 8.31 grants the Attorney General independent authority to investigate consumer fraud; an injunction ordering Defendant to correct the false statement on the Attorney General's official website and to process Plaintiff's referral under lawful procedures; and such costs and fees as may be permitted by law.

II. JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction under 28 U.S.C. Section 1331 (federal question) and 28 U.S.C. Section 1343(a)(3) and (4) (civil rights) because this action arises under the First and Fourteenth Amendments to the United States Constitution, enforceable through 42 U.S.C. Section 1983, and under the Declaratory Judgment Act, 28 U.S.C. Section 2201.

9. Venue is proper in this District under 28 U.S.C. Section 1391(b) because Defendant's office is located in Saint Paul, Minnesota, and all events giving rise to this action occurred within this District.

10. Official Capacity. The Eleventh Amendment does not bar suit against a state officer sued in his official capacity for prospective injunctive and declaratory relief. *Ex parte Young*, 209 U.S. 123, 155-56 (1908). Plaintiff's Counts I through IV seek prospective declaratory and injunctive relief arising from Defendant's ongoing use of false statements of law to deny citizens access to a statutory enforcement mechanism.

11. Defendant's connection to Chapter 8 enforcement is direct, not general. In the prior action, Defendant argued that the Attorney General's "broad powers" under Minnesota law are insufficient to establish the requisite connection under *Ex parte Young*. That argument concerned a different statute — Minnesota Statute Section 626.89, which the Attorney General does not administer. This Complaint challenges Defendant's exercise of authority under Chapter 8 — statutes the Attorney General personally administers. Defendant received Plaintiff's criminal referral under Section

8.31. Defendant denied that referral through a letter issued on official letterhead. Defendant exercises this same authority daily, as confirmed by his own congressional testimony. The connection between Defendant and the challenged conduct is not general — it is the most direct connection possible: the official who received, denied, and continues to disclaim the authority at issue.

12. Capacity. Plaintiff sues Defendant solely in his official capacity as Attorney General of the State of Minnesota. Plaintiff seeks prospective declaratory and injunctive relief under *Ex parte Young*, together with such costs and fees as may be permitted by law. Plaintiff does not assert individual-capacity claims for compensatory or punitive damages under 42 U.S.C. Section 1983.

13. Article III Standing. Plaintiff satisfies each element of constitutional standing. *Injury in fact*: Defendant denied Plaintiff's criminal referral through a demonstrably false statement of law, leaving Plaintiff without any law enforcement remedy for documented crimes (Paragraphs 19-20, 64) and chilling Plaintiff's right to petition the government (Paragraph 71). *Causation*: The injury is directly traceable to Defendant's February 26, 2026 letter, issued on official letterhead, falsely disclaiming authority that Section 8.31 expressly grants (Paragraphs 19-20, 69-70). *Redressability*: Declaratory judgment establishing what Chapter 8 requires and injunctive relief correcting the false statement are each available against Defendant alone (Paragraphs 82-83, 91-99). *Bond v. United States*, 564 U.S. 211, 221-22 (2011), confirms that individuals may challenge government action that exceeds statutory and constitutional limits; Defendant's false disclaimer of authority the Legislature expressly granted is precisely such action.

III. PARTIES

14. Plaintiff JOSEPH KIRCHNER is 35 years old, a citizen of the United States, and a resident of the State of Minnesota since 1990. Plaintiff is the sole owner of Laws of Existence LLC, a Minnesota limited liability company. Plaintiff resides in Edina, Minnesota.

15. Defendant KEITH ELLISON is the Attorney General of the State of Minnesota. He is sued in his official capacity under *Ex parte Young* for declaratory and injunctive relief. Defendant maintains his principal office at 445 Minnesota Street, Suite 1400, Saint Paul, Minnesota 55101-2131.

IV. FACTUAL ALLEGATIONS

A. The Criminal Referral

16. On February 10, 2026, Plaintiff hand-delivered a criminal referral to the Office of the Minnesota Attorney General. The referral documented consumer fraud, computer crimes, and corporate misconduct by entities operating in Minnesota, citing the Prevention of Consumer Fraud Act, Minnesota Statutes Sections 325F.68 through 325F.70. The referral was supported by approximately 285 exhibits comprising roughly 63,000 forensic files. **Exhibit A** (referral receipt and denial letter).

17. During the February 10 meeting, Plaintiff informed Defendant's staff that his prior attempts to report these matters to the Federal Bureau of Investigation had failed — the FBI had disconnected Plaintiff's calls twelve times after Plaintiff stated he was recording the calls. Plaintiff specifically asked who could assist if the Attorney General's office could not.

18. The attorney representing the Attorney General's office responded: "I don't know."

B. The False Denial Letter

19. On February 26, 2026, Defendant's office issued a letter denying the criminal referral. The letter stated:

> First, the Minnesota Legislature delegated the authority to prosecute criminal matters to the county attorney. It did not delegate any such authority to this Office, nor did it delegate the authority to investigate criminal matters to this Office.

20. Exhibit A. The letter directed Plaintiff to contact the FBI — the same agency that had disconnected Plaintiff's calls twelve times.

21. The February 26 letter is false. Minnesota Statutes Chapter 8 grants the Attorney General independent, mandatory authority to investigate violations of the Prevention of Consumer Fraud Act. The specific statutory provisions Defendant's letter contradicts are set forth in Section IV.E below.

C. The Website Disclaimer

22. Defendant's official website contains the following statement:

> The Minnesota Legislature delegated the authority to investigate criminal matters to the county sheriff... It delegated the authority to prosecute criminal matters to the county attorney. It did not delegate such authority to this Office.

Exhibit B at 4 (AG Website — "Public Protection" and "Government Resources" Pages).

23. This website disclaimer is substantively identical to the February 26 letter. It has persisted across multiple administrations — from Attorney General Lori Swanson through the present. It constitutes an ongoing misrepresentation of Minnesota law to every citizen who visits the Attorney General's website.

24. The website contains its own internal contradiction. In one section, the website states that the office "provides legal assistance to rural county prosecutors in major felonies." Elsewhere, it states the Legislature "delegated the authority to prosecute criminal matters to the county attorney" and "did not delegate such authority to this Office." An office that "provides legal assistance" in "major felonies" necessarily exercises criminal authority. Both statements cannot be true. The website's framing inverts the statutory hierarchy: Section 8.06 establishes that county attorneys act "under the direction of the attorney general," meaning authority flows from the AG to county attorneys — not the reverse.

25. Internal office policy cannot supersede statutory authority. Whether the website claims "limited jurisdiction," "delegated authority to county attorneys," or merely "provides assistance," all such framings constitute internal office policy. An executive agency cannot disclaim authority the Legislature has conferred by statute. The Attorney General's office exercises Chapter 8 authority daily — prosecuting Medicaid fraud, securing Feeding Our Future convictions, and enforcing consumer protection laws statewide — while simultaneously maintaining public-facing language that denies this authority exists.

26. The persistence of this false statement across administrations establishes it as ongoing official policy of the Office of the Attorney General, not a one-time error. Its continuity confirms that prospective relief is appropriate under *Ex parte Young*, 209 U.S. 123, 155-56 (1908), and that Defendant's personal maintenance of this policy demonstrates the deliberate and continuing nature of the constitutional violation warranting declaratory and injunctive relief.

D. Defendant's Congressional Testimony Six Days Later

27. On March 4, 2026 — six days after the February 26 denial letter — Defendant testified under oath before the United States House Committee on Oversight and Government Reform. **Exhibit C.**

28. In that testimony, Defendant stated: "Prosecuting Medicaid fraud is very important work that we do. We do it every single day." **Exhibit C at 23, ¶200.** Defendant further stated: "The only kind of criminal case we can prosecute all on our own is Medicaid fraud." **Exhibit C at 10, ¶51.**

29. The "Medicaid only" claim is false. Defendant's own office publicly claims credit for fifty-seven criminal convictions in the Feeding Our Future case — a child nutrition fraud prosecution, not a Medicaid case. **Exhibit C at 22, ¶193** (Defendant's own testimony: "57 have been convicted"). The Feeding Our Future prosecutions were conducted under the same Chapter 8 authority that Defendant's February 26 letter claimed the Legislature "did not delegate."

30. Later in the same hearing, Defendant described the prosecutorial structure in Minnesota:

> In Minnesota we have 87 county attorneys. The AG does Medicaid fraud and the federal government prosecutes fraud that is germane in its jurisdiction. It operates as a web together. So it's not like the feds are doing it and nobody else is. They're doing the ones they're supposed to do. We're doing the ones we're supposed to do and the counties are doing the ones they're supposed to do.
>
> ... which is one of the reasons why we need to pass stronger legislation in Minnesota to help my office prosecute Medicaid fraud.

Exhibit C at 23, ¶¶194–195, 197. This testimony is irreconcilable with the February 26 letter. Defendant admits: (a) "The AG does Medicaid fraud" — confirming prosecution authority exists; (b) prosecution "operates as a web together" among federal, state AG, and county attorneys — not exclusive county authority; (c) "We're doing the ones we're supposed to do" — acknowledging the AG has designated prosecution duties; and (d) he wants "stronger legislation to help my office prosecute" — implying he already has prosecution authority and seeks its expansion, not its creation.

31. Defendant cannot simultaneously tell Congress his office prosecutes fraud "every single day" as part of a coordinated "web" while telling a citizen that the Legislature "did not delegate the authority to investigate criminal matters to this Office." One statement or the other is false. The statutes prove which one.

32. Defendant's position is logically untenable. Either:

(a) The Attorney General has statewide authority under Chapter 8 to investigate and prosecute crimes that transcend county boundaries, and the February 26 letter and official website misrepresent Minnesota law; or

(b) The Attorney General lacks such authority, and the Feeding Our Future prosecutions, Medicaid fraud convictions, and other statewide enforcement actions were ultra vires. There is no third option.

E. The Statutory Framework Defendant Denied

33. The statutory framework Defendant disclaims dates to 1905 and refutes the disclaimer on its face. The provisions Sections 8.01 and 8.31 codify originated in Chapter 227 of the General Laws of Minnesota for 1905 — bearing the title "*An act relating to the duties and powers of the attorney general and his assistants*" (H.F. No. 871, approved April 17, 1905). **Exhibit E-2**. Section 1 required the Attorney General to "appear for the state in all causes in the supreme and federal courts wherein the state is directly interested" and authorized him, in cases involving indictable offenses prosecuted at the governor's request, to "attend upon the grand jury and exercise the powers of a county attorney." Section 3 contained the mandatory corporate-prosecution provision: *"Whenever any corporation shall have offended against the laws of the state, or misused, surrendered, abandoned or forfeited its corporate authority, or any of its franchises or privileges, he shall cause proceedings to be instituted against it."* The word is "shall." The provision applies to any corporation that has offended against state law — not limited to consumer fraud, not limited to Medicaid. Section 10 of the 1905 act provides: "All acts or parts of acts inconsistent with this act are hereby repealed," establishing it as the operative grant of authority that superseded any inconsistent prior law. The February 26 letter states that "the Minnesota Legislature... did not delegate any such authority to this Office." The act bearing the legislative title "*duties and powers of the attorney general*" delegated precisely such authority — by mandatory text — and has never been repealed. The disclaimer is not a contestable interpretation of an ambiguous statute. It is a flat denial of a statutory grant that has been in mandatory operative form for one hundred twenty-one years.

34. The 1905 grant has been continuously documented, ratified, and expanded across 121 years. The 1905 act was codified into the General Statutes of 1913 at § 101, amended through 1911, 1917, 1929, and 1931, and documented at §§ 109 et seq. of Chapter 4 in Mason's Minnesota Statutes 1927 (1940 Supplement). **Exhibit E-3**. When the Minnesota Legislature reorganized state government in 1969 — creating the Department of Public Safety and consolidating the Bureau of Criminal Apprehension, fire marshal, highway patrol, civil defense, and motor vehicles into a single department — it expressly left the Attorney General's office and Chapter 8 authority untouched. Laws of Minnesota 1969, Ch. 1129. **Exhibit E-4**. The 1969 act demonstrates that the Legislature consolidates when it intends to; the deliberate exclusion of the Attorney General's authority from the consolidation is institutional ratification. In 1984, the Legislature affirmatively *expanded* the Attorney General's mandatory consumer-fraud enforcement duties under Minn. Stat. § 45.16, Subd. 2, and Section 5 of that act cross-referenced § 8.31 as operative. Laws of Minnesota 1984, Ch. 641, §§ 1, 5. **Exhibit E-5**. The 1984 enactment is the institutional opposite of SF 856 (Senate File 856, described in Section IV.I below): in 1984 the Legislature expanded the AG's authority because it presumed the authority existed; in 2026 the Legislature bypassed the AG because it had been told the authority does not exist. Across 121 years, the Legislature has touched this authority through a continuous chain of amendments, codifications, expansions, and institutional preservations. None has repealed it. Each has affirmed or expanded the substantive grant.

35. **Section 8.31, Subdivision 1 — Mandatory Investigation Authority.** As quoted in Paragraph 2 above, this statute commands that the Attorney General "shall investigate" violations of the consumer fraud and trade practice laws, "specifically, but not exclusively... the Prevention of Consumer Fraud Act." The operative word is "shall." Under Minnesota law, "shall" imposes a mandatory duty. Minn. Stat. § 645.44, Subd. 16 ("'Shall' is mandatory."). This is not discretionary authority the Attorney General may decline to exercise. It is a legislative command.

36. **Section 8.31, Subdivision 2 — Arrest and Prosecution Authority.** The statute provides:

> [The attorney general] shall have power to investigate... and to take such steps as are necessary to cause the arrest and prosecution of any such person for the violation of any such law.

37. **Section 8.32 — Second Chapter 8 Anchor Commanding Enforcement of the Consumer Fraud Act.** Independent of Section 8.31, Minnesota Statutes Section 8.32, Subdivision 2(1) — codified under the heading "CONSUMER AFFAIRS" — provides: "*The attorney general shall enforce the provisions of law relating to consumer fraud and unlawful practices in connection therewith as set forth in sections 325F.68 and 325F.69.*" **Exhibit E-1.** This statute was created by Laws of Minnesota 1969, Chapter 1129, Article 4, Section 4 (**Exhibit E-4**) and reaffirmed by the Legislature six times through 1986

(Laws 1973 c 654 s 15; Laws 1978 c 674 s 60; Laws 1983 c 213 s 4; Laws 1983 c 289 s 114 subd 1; Laws 1984 c 641 s 1; Laws 1Sp1986 c 3 art 1 s 82). The word "shall" appears in Section 8.32 just as in Section 8.31; Minn. Stat. § 645.44, Subd. 16 ("'Shall' is mandatory.") forecloses any non-mandatory reading of either provision. Defendant's disclaimer that the Legislature "did not delegate any such authority to this Office" must, to be sustained, be reconciled with not one but two Chapter 8 statutes — Section 8.31 commanding *investigation* and Section 8.32 commanding *enforcement* of the very consumer-fraud provisions Plaintiff's referral cited.

38. Section 8.01 — General Appearance Authority. The statute establishes a four-level hierarchy of authority:

(a) **Independent, mandatory**: The Attorney General "shall appear for the state in all causes in the supreme and federal courts wherein the state is directly interested" — no discretion; the AG must appear.

(b) **Independent, discretionary**: The AG shall also appear "in all civil causes of like nature in all other courts of the state whenever, in the attorney general's opinion, the interests of the state require it" — the AG's opinion alone controls.

(c) **County attorney request pathway**: "Upon request of the county attorney, the attorney general shall appear in court in such criminal cases as the attorney general deems proper."

(d) **Governor request pathway**: "Whenever the governor shall so request, in writing, the attorney general shall prosecute any person charged with an indictable offense."

The first two categories are independent authority. The latter two are supplementary triggers — additional pathways for invoking the AG's assistance, not exclusive gates. Nothing in Section 8.01 states that the Attorney General cannot act without a request. The "upon request" provisions supplement the AG's inherent authority; they do not displace it.

39. Section 8.06 — County Attorney Subordination. County attorneys act "under the direction of the attorney general" and "shall, when requested by the attorney general... aid and assist in the prosecution." This provision establishes that the Attorney General holds supervisory authority over county attorneys, not the reverse.

40. Chapter 388 — Concurrent, Not Exclusive. Minnesota Statutes Section 388.051 grants county attorneys "original jurisdiction" over criminal matters. The word used is "original" — not "exclusive." These two statutory schemes coexist. Minnesota law expressly disfavors implied repeal: "a later law shall not be construed to repeal an earlier law unless the two laws are irreconcilable." Minn. Stat. § 645.39. And under Minn. Stat. § 645.26, Subd. 1, where a general provision conflicts with a special provision, "the two shall be construed, if possible, so that effect may be given to both." *Accord State v. Northwest Linseed Co.*, 209 Minn. 422, 297 N.W. 635 (1941) ("Repeals by implication are not favored. They will not be inferred unless such was the manifest intention of the legislature or unless the later statute fully covers the subject of the prior one and is manifestly inconsistent therewith.").

41. The following table summarizes the statutory framework:

Statute	**Authority Granted**	**Key Language**
§ 8.31, Subd. 1	Mandatory investigation of consumer fraud	"*shall* investigate violations"
§ 8.31, Subd. 2	Arrest and prosecution	"shall have power to... cause the arrest and prosecution"
§ 8.01	General appearance and prosecution	"shall appear for the state in all causes"
§ 8.03	Mandatory prosecution of public officials	"shall cause to be prosecuted all assessors and other officials"
§ 8.06	Supervisory authority over county attorneys	"under the direction of the attorney general"
§ 388.051	County attorney original jurisdiction	"original" — not "exclusive"

42. Each of these provisions was enacted by the Minnesota Legislature. The February 26 letter stated the Legislature "did not delegate" this authority. The Legislature did.

43. The distinction between investigation and prosecution is critical. Plaintiff's criminal referral requested investigation under Section 8.31 — which is mandatory and requires no request from any county attorney or other official. The Prevention of Consumer Fraud Act is explicitly enumerated in Section 8.31, Subdivision 1 as within the Attorney General's mandatory investigative duties. Even if prosecution required a referral from a county attorney (which Section 8.01 does not actually require), investigation under Section 8.31 is independent and mandatory. Defendant's response denied authority that unambiguously exists for the specific relief Plaintiff requested.

44. The "no criminal authority" framing fails because Section 8.31 expressly enumerates a statute carrying criminal penalties. Section 8.31, Subdivision 1 commands the Attorney General to investigate "the Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70)." **Exhibit E-1.** Within that enumerated range, Minn. Stat. § 325F.69, Subdivision 2(6) defines pyramid sales, chain referrals, and related practices as **gross misdemeanors** — criminal offenses under Minnesota law carrying a sentence of up to 364 days imprisonment. **Exhibit E-7.** The Attorney General's mandatory investigative duty under Section 8.31 therefore expressly includes investigation of conduct carrying criminal penalties. Defendant's blanket disclaimer of "the authority to investigate criminal matters" cannot be reconciled with the criminal statute Section 8.31 commands him to investigate.

45. The structural question is not whether the Legislature delegated investigative authority — the Legislature demonstrably did, and reaffirmed that grant repeatedly across 121 years. The structural question is whether the Legislature ever repealed that authority. Where a century-plus of continuous reaffirmation exists, the burden of identifying the repealing act rests on the official asserting the disclaimer — and Defendant has not discharged that burden in any forum. Plaintiff has searched the legislative history of Minnesota Statutes Chapter 8 and its predecessors, including the cumulative history sections published by the Minnesota Office of the Revisor of Statutes at https://www.revisor.mn.gov/statutes/cite/8, and has identified no statute, session law, or legislative action repealing, withdrawing, narrowing, or revoking the Attorney General's investigative authority over consumer fraud and other unlawful business practices. Plaintiff does not contend that his search is exhaustively conclusive, but a continuous chain of affirmative legislative engagement spanning 121 years establishes a foundational baseline against which any disclaimer must be measured. Across five separate institutional opportunities — (a) the February 26, 2026 denial letter; (b) the Attorney General's official website; (c) the meet-and-confer correspondence with Plaintiff in March 2026; (d) Defendant's 16-page Memorandum in Support of the Motion to Dismiss in *Kirchner v. Ellison*, No. 0:26-cv-00726-PJS-ECW (D. Minn.); and (e) the district court's three-page dismissal order in that action — neither Defendant, his counsel, nor any party adopting Defendant's position has cited a single legislative act withdrawing the authority the Legislature has continuously granted since 1905. The disclaimer is therefore technically false regardless of any imperfection in Plaintiff's legislative-history search: the Legislature unquestionably did delegate such authority, and any contention that the authority has nonetheless lapsed bears a burden of disclosure that the constitutional officer charged with enforcing state law has not even attempted to discharge.

46. The 2025 Legislature expressly preserved Attorney General authority within Minnesota's state criminal-investigation framework. In 2025, the Minnesota Legislature amended Minnesota Statutes Section 299C.061 — a provision of Chapter 299C, governing Minnesota's Bureau of Criminal Apprehension ("BCA") and the state's primary statutory framework for state-level criminal investigation. Laws of Minnesota 2025, Chapter 35, Article 3, Section 19, added Subdivision 4(c), which provides: "*Notwithstanding paragraph (b), this section has no effect on the authority of the attorney general to investigate and enforce violations or suspected violations of Minnesota civil or criminal law.*" **Exhibit E-10.** Subdivision 7 of the same statute contains a second Attorney General savings clause exempting the Attorney General from mandatory state-agency reporting flows "when acting in a civil or criminal law enforcement capacity." The Legislature thus used the precise phrase "civil or criminal law enforcement capacity" twice in a single section — once preserving authority, once exempting the Attorney General from reporting requirements.

47. These provisions resolve the structural question this Complaint presents. The Minnesota Legislature itself, in the most recent legislative action bearing on the issue and enacted before the February 26, 2026 disclaimer letter, expressly affirmed that the Attorney General retains authority to investigate and enforce both *civil* and *criminal* Minnesota law — and placed that affirmation directly within the BCA chapter that Defendant's disclaimer would have the Court believe contains no Attorney General role at all. The Legislature's drafting choice is dispositive on three independent grounds. *First*, the textual choice: "Notwithstanding paragraph (b), this section has no effect on the authority of the attorney general..." is the strongest preservation language a legislative drafter deploys. *Second*, the placement: Chapter 299C is the BCA chapter, the state's primary statutory framework for state-level criminal investigation; if criminal-investigation authority truly resided only at the county level (as Defendant's disclaimer asserts), there would be no need for the Legislature to preserve Attorney General authority within the BCA chapter at all. *Third*, the timing: the 2025 amendment predates Defendant's February 26, 2026 disclaimer letter — the disclaimer is younger than the statute it contradicts. Defendant's institutional position is irreconcilable with the operative text of Section 299C.061, Subdivision 4(c), as the Legislature wrote it less than one year before the disclaimer letter was issued.

F. The 50-State Comparison

48. To assess whether Defendant's position reflects a legitimate interpretation of Minnesota law or an institutional anomaly, Plaintiff surveyed the official websites of all fifty state attorneys general. **Exhibit B.**

49. Minnesota is the only state in the Union whose Attorney General affirmatively disclaims criminal investigation authority that its own statutes expressly grant. The following comparison illustrates the scope of Defendant's departure from national norms:

State	Official AG Website Statement
Minnesota	"The Minnesota Legislature delegated the authority to investigate criminal matters to the county sheriff... It did not delegate such authority to this Office."
Wisconsin	"Charged with investigating crimes of statewide nature"
Iowa	"Prosecuting major criminal cases"
Colorado	"Investigates and prosecutes on a statewide basis" with concurrent jurisdiction
Pennsylvania	"Responsible for investigating drug trafficking, child predators, organized crime, public corruption"

50. The full survey reveals the following capabilities among the forty-nine comparison states:

Capability	States Maintaining
Digital forensics / cybercrime unit	23 of 49
Special investigations unit	23 of 49

Human trafficking / child exploitation unit	31 of 49
Officer misconduct investigation division	48 of 49

51. Minnesota maintains none of these capabilities. The Attorney General's refusal to exercise Chapter 8 authority has created a structural enforcement gap that leaves Minnesota citizens without recourse when the subject of a complaint implicates statewide interests or exceeds the capacity of a single county attorney.

52. The survey's outlier finding confirmed by post-denial state action. The 50-state survey in Exhibit B was compiled March 18 through March 23, 2026, and identified Florida's Office of Statewide Prosecution — operating under Florida Statutes Section 16.56 — as among the forty-nine state attorney general offices that describe, rather than disclaim, their criminal investigation authority. Exhibit B at 13. On April 9, 2026 — forty-two days after Defendant's denial letter — Florida Attorney General James Uthmeier announced a civil investigation of OpenAI, Inc. under the Florida Deceptive and Unfair Trade Practices Act. OpenAI is one of the corporate subjects identified in Plaintiff's February 10, 2026 criminal referral. Exhibit A at 2 (§ I.A.2). On April 21, 2026 — twelve days later — Attorney General Uthmeier escalated the matter, announcing that his Office of Statewide Prosecution had opened a parallel criminal investigation of the same corporation. Florida's Office of Statewide Prosecution issued a subpoena for OpenAI's internal policies and training materials covering the period March 1, 2024 through April 17, 2026. Attorney General Uthmeier stated, in the official press release announcing the criminal investigation: "if ChatGPT were a person, it would be facing charges for murder." At a press conference in Tampa, Attorney General Uthmeier further stated: "There's nothing new about corporations being held liable for criminal conduct. With AI, we are venturing into uncharted territory, but we need to know if OpenAI has criminal liability." The criminal investigation's predicate is the April 17, 2025 mass shooting at Florida State University, in which the accused gunman entered more than 200 prompts into ChatGPT — including queries about ammunition, gun selection, and the busiest hour at the FSU student union — before killing two and wounding six. The civil and criminal investigations proceed in parallel.

53. The outlier finding holds a fortiori under Florida's weaker grant of authority. Florida's consumer-protection investigatory framework is discretionary on its face. Florida Statutes Section 501.206(1) authorizes the enforcing authority — the Florida Attorney General, per Florida Statutes Section 501.203(2) — to "administer oaths and affirmations, subpoena witnesses or matter, and collect evidence" when the Attorney General "has reason to believe" a violation of the Florida Deceptive and Unfair Trade Practices Act has occurred. Minnesota Statutes Section 8.31, Subdivision 1 is stronger: it commands that the Attorney General "shall investigate" consumer-fraud violations — a mandatory duty, not a discretionary tool. Florida's criminal prosecution authority, Florida Statutes Section 16.56, vests the Office of Statewide Prosecution — an office of the Attorney General — with concurrent jurisdiction over enumerated multi-circuit offenses. Attorney General Uthmeier exercised both authorities in sequence — the discretionary civil authority on April 9, 2026, and the statewide-prosecution criminal authority twelve days later — against the same corporate AI subject Plaintiff's own referral identified. The comparison is not flattering to Defendant. Florida's weaker, discretionary grant of authority sustained two separate investigations of an AI platform within twelve days; Minnesota's stronger, mandatory grant of the same authority is, on Defendant's own official position, not sufficient even to acknowledge that authority exists. No statutory asymmetry could more sharply identify which state's Attorney General stands outside the national norm.

G. The Feeding Our Future Meeting

54. In December 2021, Defendant met with individuals who later became criminal defendants in the Feeding Our Future fraud prosecution. In a recorded 54-minute meeting, Defendant told future fraudsters: "Of course I'm here to help" and "Let's go fight these people" — referring to government investigators examining the attendees' conduct. **Exhibit D at 9, ¶¶72, 74** (recording timestamps 44:26 and 45:00).

55. Several attendees of that meeting subsequently became campaign donors to Defendant's family members.

56. The contrast is stark. When politically connected individuals engaged in a $250 million fraud scheme sought Defendant's assistance, Defendant personally met with them and promised to "fight" the investigators on their behalf. When Plaintiff — a private citizen with no political connection to Defendant — filed a criminal referral under the same statutory framework supported by 285 exhibits and 63,000 forensic files, Defendant's office responded with a letter falsely claiming the Legislature "did not delegate" authority that the Legislature plainly did delegate.

H. Post-Denial Forensic Developments

57. Plaintiff's February 10, 2026 criminal referral was substantially based on forensic investigation of Anthropic's Claude Code software. At the time of the referral, the findings were verifiable by Plaintiff through his own forensic methodology but were not readily verifiable by outside parties without access to proprietary systems. On March 31, 2026, Anthropic's own release of the `@anthropic-ai/claude-code` npm package, version 2.1.88, inadvertently included the full JavaScript source maps for Claude Code — approximately 1,900 files comprising roughly 513,000 lines of TypeScript covering agent orchestration, tool implementations, API service layers, model providers, and prompt logic. Anthropic has publicly acknowledged the release as a packaging issue. Despite Anthropic's subsequent DMCA takedown efforts, the source code has been mirrored and distributed across public repositories and is widely available. The forensic findings underlying Plaintiff's referral are therefore independently verifiable by any qualified investigator, including the Office of the Attorney General.

58. In ordinary enforcement practice, and in every other State, a citizen whose criminal referral has been denied may, upon a material change in circumstances — such as the subsequent public availability of corroborating evidence — approach the state attorney general's office and reasonably request reconsideration on that basis. Minnesota alone forecloses this pathway. Because Defendant affirmatively disclaims the underlying statutory authority, no subsequent development — however material, however publicly corroborated — can trigger reconsideration. Defendant's institutional position is not that

Plaintiff's particular referral was discretionarily declined (a posture that would permit re-evaluation upon new evidence), but that the Office categorically lacks the authority to investigate the subject matter at all (a posture that forecloses re-evaluation regardless of any evidence).

59. The structural consequence is that Plaintiff — and every Minnesota citizen whose referral implicates conduct for which corroborating evidence may later become independently verifiable — is uniquely foreclosed from the reconsideration pathway available to citizens of the other forty-nine States. This foreclosure is a direct, ongoing consequence of Defendant's false disclaimer of statutory authority. Relief addressing the disclaimer — declaratory relief establishing that Section 8.31 grants the authority Defendant denies, injunctive relief correcting the false statement, and an order requiring reconsideration of Plaintiff's specific referral on the merits — would restore the reconsideration pathway that the false statement forecloses.

60. The public source code release is not the only post-denial development that renders the conduct underlying Plaintiff's referral independently verifiable. Beginning April 6, 2026, Plaintiff captured forensic network traffic documenting ongoing attacks on his internet service at the link between the Comcast ISP modem and Plaintiff's router: an April 6 capture recorded 875 bare TCP RST injection packets exhibiting three independent forgery markers establishing Comcast-link origin; an April 12 capture documented 50 minutes of progressive bandwidth throttling reducing throughput on Plaintiff's encrypted Anthropic tunnel by 98% while leaving other encrypted tunnels unaffected; and an April 13 review of the captured traffic documented persistent cleartext exposure of TLS Server Name Indication fields across 710 segments. The packet capture files are maintained in Plaintiff's possession and will be produced for the Court's inspection upon request. Network packet captures are inherently self-authenticating: each file embeds link-level addressing, microsecond-precision timestamps, and protocol-layer markers whose consistent post-hoc fabrication is computationally impractical, and Federal Rule of Evidence 902(13)–(14) permits their admission upon written certification by a qualified person. Comcast is a regulated utility operating in Minnesota; the documented conduct falls within § 8.31's express enumeration of unfair, discriminatory, and other unlawful business practices. The conduct continues because no Minnesota authority will investigate: the Attorney General disclaims authority, and the FBI to which the denial letter directed Plaintiff disconnected Plaintiff's calls twelve times.

61. Cross-jurisdictional confirmation of referral scope. A third post-denial development has independent significance. Plaintiff's February 10, 2026 criminal referral identified OpenAI, Inc. among the corporate subjects. Exhibit A at 2 (§ I.A.2). On April 21, 2026 — as set forth in Paragraphs 52-53 above — the Florida Attorney General's Office of Statewide Prosecution opened a criminal investigation of that same corporation and subpoenaed its records. Plaintiff does not contend that Florida's investigation speaks to the merits of Plaintiff's specific referral; the investigations arise from different underlying conduct. The development bears on Plaintiff's claims for two separate reasons. First, it confirms at the institutional level that criminal investigation of AI-platform corporate conduct falls within the ordinary authority of a state attorney general office, contradicting Defendant's position that such investigation lies categorically outside the authority the Minnesota Legislature conferred. Second, it demonstrates that the corporate subjects Plaintiff identified are not immune from state criminal process — reinforcing that reconsideration of Plaintiff's referral on the merits, under the lawful investigative authority Section 8.31 commands, is the relief the structural error requires.

I. The Legislature's 2026 Response Confirms the Disclaimer Has Misled a Coordinate Branch

62. The Legislature has advanced legislation creating a parallel statewide fraud-investigation authority — at substantial cost — without engaging Section 8.31 in any provision. By May 9, 2026, the Minnesota Legislature had advanced Senate File 856 to the threshold of enactment — passed by the Senate on May 8, 2025, and by the House, as amended in its 10th engrossment, on May 7, 2026, by a vote of 127-5 — appropriating between $11.48 and $23.01 million biennially to create a new Chapter 15D Office of the Inspector General with statewide peace officer, arrest, and subpoena authority over "any public or private entity that receives public funds." SF 856, 10th Engrossment, art. 1, §§ 5–8. The bill amends fifteen Minnesota statutes and creates a new Chapter 15D. *It does not amend, reference, or engage Minnesota Statutes Chapter 8 in any provision.* In sixteen months of legislative process spanning nine committee re-referrals — including two referrals to the Senate Judiciary and Public Safety Committee, the committee with jurisdiction over the Attorney General — the bill's drafters did not surface Section 8.31. Indeed, where the House companion bill (HF 1338) at § 4(6) originally required the new OIG to operate "independent and distinct from the roles of the attorney general or

Department of Public Safety" — an express acknowledgment of the Attorney General's existing investigative role — the Senate engrossment process removed that language before passage. This silence is not legislative oversight; it is the institutional consequence of an executive-branch disclaimer that has misled a coordinate branch into appropriating tens of millions of dollars to construct a partial substitute for an authority Section 8.31 has granted the Attorney General since 1905. A judicial declaration that Section 8.31 means what its plain text says would correct not only Defendant's denial of Plaintiff's referral but the institutional ecosystem operating on Defendant's misrepresentation. Plaintiff respectfully requests, pursuant to Federal Rule of Evidence 201(b)(2), that the Court take judicial notice of SF 856 — including the 10th engrossment text, the chamber vote records, the committee referral history, and the related House companion bill HF 1338 — and of the corresponding Senate committee hearing record referenced in Paragraph 63 below, as facts not subject to reasonable dispute and accurately and readily determined from the Minnesota Legislature's official records at www.revisor.mn.gov and mnsenate.granicus.com.

63. The procedural mechanics of the engrossment removal demonstrate that the Senate did not engage Section 8.31 because no public deliberation on the AG-acknowledgment provision occurred. At a hearing of the Senate Committee on Health and Human Services Finance and Policy on March 12, 2025, the language at page 5, lines 11–14 of the 3rd engrossment of SF 856 — designated within the bill as duty #5 of the proposed Inspector General — was deleted by the A32 amendment, moved by Senator

Mann and adopted by voice vote. **Exhibit F.**[1] The committee's report formalizing the deletion was filed the following day, producing the 4th engrossment of SF 856 — the engrossment from which the AG-acknowledgment language is absent and which propagates through every subsequent engrossment, including the 10th engrossment cited in Paragraph 62 above. The public record memorializing the deletion is structurally deficient in seven distinct, independently sufficient respects:

(a) **Mover did not enumerate the deletion.** The amendment's own mover did not enumerate the deletion among the amendment's contents — she described five other changes (replacement of "abuse" with "misuse," addition of formal definitions, addition of "failure to act" as an investigation criterion, deletion of certain budget language, and addition of a funding-appropriation provision) but did not mention the duty #5 deletion, and the deletion was surfaced into the record only when the committee Chair raised it as a follow-up question after no member raised any question on the amendment as described. **Exhibit F at 6, ¶¶13–16.**

(b) **Bill author could not identify what was being deleted.** The bill's prime author — who had personally met with every committee member on the bill's contents — was unable to identify what was being deleted from her own bill when the Chair asked, requesting that the citation be repeated as she searched through her papers ("Thank you,

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1 Senate Granicus Recording, Clip 12991,

https://mnsenate.granicus.com/MediaPlayer.php?view_id=1&clip_id=12991, at 01:44:00–01:44:53.

Madam Chair, as I go through a pile of paper here. Yeah, sorry. Just give me a moment. I'm sorry, can you give me the page and line again?"). **Exhibit F at 6, ¶17.**

(c) **Co-author's hedged justification identified no doctrine.** The sole on-record justification for the deletion — given by a co-author who interjected as the bill author searched — was a hedged sentence identifying no constitutional doctrine, statutory provision, or case ("I, I think that has to do with the constitutionality of the bill, and, and a lot of that'll depend on... Senator Koran's been working on that very closely. Um, but that, I think that is what we were trying to establish there in a... It, it's, um... Correct me if I'm wrong, but that, that's why it was removed."). **Exhibit F at 6, ¶21.**

(d) **Chair accepted the non-answer without follow-up.** The Chair accepted the non-answer without any follow-up question and the voice vote adopting the amendment was taken approximately eleven seconds later. **Exhibit F at 6, ¶¶22–25.**

(e) **No public testimony was taken.** No public testimony was taken on SF 856 at the hearing because the sole scheduled public witness — Omar Jamal — did not appear. **Exhibit F at 5, ¶¶11–12.**

(f) **Attributed constitutional analyst did no constitutional analysis on the record.** The senator to whom the constitutional analysis was attributed (Senator Mark Koran) did no on-record constitutional analysis in any portion of the hearing — his substantive engagement across the 2-hour, 3-minute hearing addressed only administrative federal-agency-jurisdiction subjects (DHS Medicaid carve-out, DCYF CCAP carve-out, MDH WIC carve-out, interagency-agreement mechanics, and on a separate bill, procurement methodology), which is doctrinally distinct from state constitutional analysis of an AG-acknowledgment provision. Exhibit F at 10–12, ¶¶55–67.

(g) **Committee substituted post-enactment negotiation for the deleted mechanism.** The committee in the same sitting and after the deletion expressly acknowledged through its Chair that the bill creates "potential similar or duplicative investigations" the bill text cannot resolve and that the entities transferring versus not transferring under the bill have not been "fully defined yet how, um, or clearly enough" — and substituted a regime of post-enactment interagency negotiation in place of the deleted statutory mechanism that would have addressed the same jurisdictional question at the statutory level. **Exhibit F at 8, ¶¶32, 36.**

These deficiencies, individually and cumulatively, establish that the AG-acknowledgment language was not removed through legislative deliberation engaging Section 8.31; it was removed through procedural sequencing that bypassed any such engagement. The Legislature's silence on Section 8.31 across nine committee re-referrals — recited in Paragraph 62 above — is the architectural consequence of a deletion that no senator on the record competently defended.

J. Ongoing Harm and Costs of Redress

64. Plaintiff's criminal referral documented ongoing consumer fraud, computer crimes, and corporate misconduct. By denying the referral through a false statement of law — and directing Plaintiff to an agency that had already demonstrated its unwillingness to act — Defendant left Plaintiff without any law enforcement remedy for documented crimes.

65. Plaintiff has incurred substantial costs in compiling the forensic evidence underlying the criminal referral, including the analysis and organization of approximately 63,000 files into 285 exhibits. Plaintiff seeks recovery of such costs as this Court may permit under Federal Rule of Civil Procedure 54(d) and any applicable fee-shifting statute.

66. The false denial has also caused Plaintiff ongoing harm: the documented criminal conduct continues unabated because the state's chief law enforcement officer falsely claims he lacks authority to investigate it.

V. CLAIMS FOR RELIEF

A. Count I: First Amendment Retaliation and Petition Clause Violation (42 U.S.C. Section 1983)

67. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

68. The First Amendment, applicable to the states through the Fourteenth Amendment, protects the right "to petition the Government for a redress of grievances." U.S. Const. amend. I. Filing a criminal referral with a state law enforcement office is a quintessential act of petitioning the government. *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 388-89 (2011).

69. Defendant denied Plaintiff's petition not through a lawful exercise of prosecutorial discretion, but through a false statement of law. A government official who denies a citizen's petition by falsely claiming to lack authority is not exercising discretion — he is making a false representation that forecloses the petition without evaluation on its merits. *See Heckler v. Chaney*, 470 U.S. 821, 832-33 & n.4 (1985) (distinguishing discretionary non-enforcement from denial of statutory authority); *Dunlop v. Bachowski*, 421 U.S. 560, 572-75 (1975) (agency refusal to act reviewable when based on legal error).

70. This distinction is dispositive. A prosecutor who reviews a referral and declines to proceed exercises discretion. A prosecutor who falsely tells the citizen "I have no authority to investigate this" denies the citizen access to the statutory process altogether. The February 26 letter did the latter.

71. The false statement caused injury to Plaintiff's petition rights. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 157-64 (2014) (government action that chills or penalizes exercise of First Amendment rights constitutes cognizable injury). By communicating a false legal position — one contradicted by the plain text of the governing statute — Defendant deterred Plaintiff from further engaging the office and directed Plaintiff to a federal agency that had already refused to assist.

72. The retaliatory nature of the response is further evidenced by the contrast documented in Paragraphs 54 through 56: politically connected individuals received personal meetings and promises of assistance under the same statutory framework, while Plaintiff received a form denial falsely disclaiming authority.

73. Defendant's conduct deprived Plaintiff of his right to petition the government for redress of grievances, in violation of the First Amendment, actionable under 42 U.S.C. Section 1983.

B. Count II: Equal Protection — Selective Enforcement (42 U.S.C. Section 1983)

74. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

75. The Equal Protection Clause of the Fourteenth Amendment prohibits state actors from selectively exercising enforcement authority based on arbitrary classifications. A "class of one" equal protection claim lies where a plaintiff shows that he "has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment." *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000).

76. Defendant exercises Chapter 8 authority selectively. The following comparison, drawn from publicly available records, demonstrates the differential treatment:

Factor	**Feeding Our Future Defendants**	**Plaintiff**
Nature of complaint	Financial fraud ($250M child nutrition scheme)	Consumer fraud, computer crimes, corporate misconduct
Statutory authority	Chapter 8 (AG investigation/prosecution)	Chapter 8 (AG investigation under § 8.31)
Defendant's response	Personal 54-minute meeting; "Of course I'm here to help"; "Let's go fight these people"	Form letter: "Did not delegate authority to investigate"
Political connection	Attendees became campaign donors to Defendant's family	None
Outcome	57 convictions (claimed by Defendant's office)	Referral denied via false statement of law

77. Both matters fell within the Attorney General's Chapter 8 authority. Both involved allegations of fraud. The sole material difference is the complainant's political relationship to Defendant.

78. The persistence of the false website disclaimer — maintained as official policy across multiple administrations — compounds the equal protection violation. The disclaimer operates as a categorical bar, turning away all citizens who accept its false statement at face value while preserving the office's ability to exercise Chapter 8 authority for politically favored complainants.

79. Defendant's conduct deprived Plaintiff of equal protection of the laws, in violation of the Fourteenth Amendment, actionable under 42 U.S.C. Section 1983.

C. Count III: Declaratory Relief — Section 8.31 Authority (28 U.S.C. Section 2201)

80. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

81. An actual controversy exists between the parties regarding the scope of the Attorney General's authority under Minnesota Statutes Chapter 8. Defendant's official position — expressed in the February 26 letter, on the Attorney General's website, and in congressional testimony — is that the Legislature did not delegate criminal investigation authority to the Attorney General's office. The plain text of Sections 8.01, 8.06, and 8.31 establishes the contrary.

82. This controversy is appropriate for declaratory resolution under 28 U.S.C. Section 2201. The dispute involves the construction of state statutes that confer rights and duties directly relevant to Plaintiff's criminal referral. The controversy is concrete: Defendant denied a specific referral on the basis of a specific legal position. The controversy is ongoing: the false disclaimer remains on the Attorney General's website, and the referral remains unprocessed.

83. Plaintiff is entitled to a declaration that:

- (a) Minnesota Statutes Section 8.31, Subdivision 1 grants the Attorney General mandatory authority to investigate violations of the Prevention of Consumer Fraud Act, independent of any county attorney referral or request;
- (b) Minnesota Statutes Sections 8.01, 8.06, and 8.31, Subdivisions 1 and 2, together establish concurrent jurisdiction between the Attorney General and county attorneys over criminal matters, not exclusive county attorney jurisdiction;
- (c) The February 26, 2026 letter misrepresented Minnesota law by stating the Legislature "did not delegate" investigative authority that Chapter 8 expressly grants; and
- (d) The identical disclaimer on the Attorney General's official website misrepresents Minnesota law.

84. "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803). When a state officer falsely denies statutory authority to shield himself from his duty to act, the judiciary has both the power and the obligation to declare what the law actually provides.

D. Count IV: Declaratory Judgment — Ultra Vires Official Action (28 U.S.C. Section 2201)

85. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

86. A government official acts ultra vires when he issues an official communication that misrepresents the authority conferred upon his office by law. The February 26 letter and the website disclaimer are ultra vires because they disclaim authority that the Minnesota Legislature expressly conferred.

87. The ultra vires doctrine applies here with particular force because Defendant's false statement is not a matter of statutory interpretation at the margins — it is a flat denial of authority conveyed by the word "shall" in a statute that specifically names the Prevention of Consumer Fraud Act. There is no ambiguity to construe. There is no competing provision that could plausibly support Defendant's position. The denial contradicts the plain, mandatory text of Section 8.31.

88. The ultra vires nature of the February 26 letter is independently confirmed by Defendant's own conduct as set forth in Paragraphs 27–32 and 54–56 above. An official who exercises authority while simultaneously denying that authority exists demonstrates that the denial is not a good-faith interpretation of law but a policy instrument used selectively against disfavored petitioners.

89. The February 26 letter and the website disclaimer are void ab initio as ultra vires acts. Plaintiff is entitled to a declaratory judgment under 28 U.S.C. § 2201 that the February 26 letter and the website disclaimer are ultra vires and void ab initio, and to ancillary injunctive relief requiring correction of the false statement.

90. Minnesota Statutes Section 609.43 separately criminalizes the issuance of false official documents by public officers. While Plaintiff does not seek criminal prosecution through this Complaint, the existence of a criminal prohibition on Defendant's conduct confirms that the false statement exceeds the boundaries of lawful official action.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff JOSEPH KIRCHNER respectfully prays that this Court grant the following relief:

91. DECLARE that Minnesota Statutes Section 8.31, Subdivisions 1 and 2, grant the Attorney General independent, mandatory authority to investigate violations of the Prevention of Consumer Fraud Act;

92. DECLARE that Minnesota Statutes Sections 8.01, 8.06, and 8.31 establish concurrent jurisdiction between the Attorney General and county attorneys, not exclusive county attorney jurisdiction;

93. DECLARE that the February 26, 2026 letter misrepresented Minnesota law;

94. DECLARE that the February 26, 2026 letter is ultra vires and void ab initio;

95. ORDER Defendant to correct all false statements on the Attorney General's official website disclaiming criminal investigation authority within thirty (30) days of this Court's order;

96. ORDER Defendant to reconsider Plaintiff's February 10, 2026 criminal referral on the merits — applying the investigative authority vested in the Attorney General by Minnesota Statutes Section 8.31, Subdivision 1, rather than the false statement of law disclaiming such authority — within sixty (60) days of this Court's order, with any subsequent determination resting on the proper exercise of prosecutorial discretion rather than on a disclaimer of statutory authority;

97. ENJOIN Defendant from issuing future denials of criminal referrals based on false statements disclaiming authority that Chapter 8 expressly grants;

98. AWARD Plaintiff costs as permitted by law and Federal Rule of Civil Procedure 54(d);

99. GRANT such other and further relief as this Court deems just and equitable.

Respectfully submitted,

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Dated: May 12, 2026

VII. EXHIBIT INDEX

Exhibit	Description
A	Attorney General Criminal Referral & Denial Letter
B	Multi-State AG Criminal Investigation Authority Comparison
C	Ellison-Walz Congressional Testimony (Mar. 4, 2026)
D	Ellison Feeding Our Future Audio Transcript (Dec. 11, 2021)
E	Attorney General Multi-Statute Authority Analysis — Consolidated Statutory and Historical-Chain Pack (sub-exhibits E-1 through E-10)
F	Minnesota Senate Committee on Health and Human Services Finance and Policy Hearing on S.F. 856, March 12, 2025 (Granicus Clip 12991 transcript)