



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

LORI SWANSON  
ATTORNEY GENERAL

February 19, 2010

102 STATE CAPITOL  
ST. PAUL, MN 55155  
TELEPHONE: (651) 296-6196

Mr. William Gleason  
14 Potomac Street  
West Roxbury, MA 02123

Dear Mr. Gleason:

I thank you for your correspondence received February 10, 2010.

You are concerned about possible building code violations at Northrop Auditorium on the campus of the University of Minnesota ("University"). You state that University officials have publicly acknowledged that Northrop is out of compliance with code and life-safety requirements. You believe that the University should close Northrop so it can be brought up to code. You indicate that you contacted the City of Minneapolis to report possible code violations. You ask for any assistance this Office can provide.

Under Minnesota law the Attorney General's Office has limited authority. For instance, it does not have jurisdiction to provide legal advice to private citizens. Notwithstanding this limitation, I can provide the following comments, which I hope will be helpful.

First, the University adopted the Code within its boundaries and, thus, administers and enforces the Code. The University must designate a qualified and certified building official to administer the Code, including any building permits and inspections. The building official has the authority to serve an order on any person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the Code. As such, if you have not done so already, I encourage you to file your complaint with the University's building official as follows:

Merwyn Larson  
Building Official  
University of Minnesota  
Building Code Division  
319 15th Avenue SE  
RM 270 Donhowe Building  
Minneapolis, MN 55455  
Phone: 612-625-3318  
Fax: 612-625-6667

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Second, the Minnesota Department of Labor and Industry (“DLI”) is the State agency with the authority to certify and regulate all building officials in Minnesota. DLI may suspend, limit, place conditions on, or revoke a building official’s certificate if he or she violates any provisions of the Code or otherwise engages in fraud, deceit, or misrepresentation. Accordingly, if you are dissatisfied with the Mr. Larson’s response to your complaint, I suggest that you contact Commissioner Steve Sviggum, who heads DLI, as follows:

Steve Sviggum, Commissioner  
Minnesota Department of Labor and Industry  
443 Lafayette Road  
St Paul, MN 55155  
(651) 284-5010  
1-800-342-5354

Third, this Office has no authority over the University, which generally operates free from direct supervision by the State of Minnesota. The University was chartered by the Minnesota Territorial Government in 1851. The United States Government issued the charter that vested autonomous authority in the University’s Board of Regents to manage the affairs of the University. Thereafter, when Minnesota was granted statehood, the Minnesota Constitution, Article XIII, Section 3 essentially preserved the Board of Regents responsibility to govern the University making it autonomous as it relates to the state executive branch and the legislature. I recommend that you contact the University’s Office of General Counsel as follows:

William P. Donahue, Deputy General Counsel  
360 McNamara Alumni Center  
University of Minnesota Gateway  
200 Oak Street Southeast  
Minneapolis, MN 55455  
(612) 624-4100

Fourth, if after contacting the University’s Office of General Counsel you remain dissatisfied, you may wish to contact the University’s Board of Regents as follows:

Ms. Patricia Simmons, Chair Board of Regents  
University of Minnesota  
600 McNamara Alumni Center  
200 Oak Street Southeast  
Minneapolis, MN 55455  
(612) 625-6300

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I thank you again for your correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Angela Skarda".

ANGELA SKARDA  
Citizen Research Specialist

AG: #2587935-v1/2009/429062/BB