



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

MIKE HATCH  
ATTORNEY GENERAL

November 30, 2006

102 STATE CAPITOL  
ST. PAUL, MN 55155-1002  
TELEPHONE: (651) 296-6196

Clara NiiSka  
P.O. Box 338  
Mound, MN 55364

Dear Ms. NiiSka:

On behalf of Attorney General Mike Hatch, I thank you for your correspondence dated November 3, 2006. I apologize for my delayed response.

You state that your husband, Wub-e-ke-niew, died at home on October 15, 1997. You explain that his death certificate was filed in Beltrami County on October 31, 1997, and that his death record was subsequently amended twice, on December 8, 1997 and April 17, 1998. You state that there are still several disputed items on his death certificate, including your husband's name, race and marital status. You explain that the State Registrar of Vital Statistics at the Minnesota Department of Health has consistently refused to provide you with information regarding the legal basis for the Department's decisions regarding your husband's death record. Specifically, you state that the State Registrar has refused to provide you with copies of legal opinions that she claimed the Attorney General's Office had given to her regarding your deceased husband's death certificate. You request that this Office provide you with copies of all materials relating to your husband's death certificate in our files. You also ask for the specific legal grounds upon which the State of Minnesota based its decisions concerning your husband's death certificate.

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, an attorney in this Office has reviewed our files and cannot find any information regarding legal advice given to the Department of Health regarding your husband's death record. Therefore, with respect to your data practices request, this Office has no documents or other information regarding your husband's death record. Additionally, I should note that any advice that may have been given to the Department regarding this matter would have likely taken place under a previous administration. As a result, I cannot speculate regarding what that advice was, or the legal basis for it.

Second, an attorney in this Office contacted the acting State Registrar, Linda Loftus, regarding this matter. Apparently, it is the Health Department's position that any further changes to the death record would require a court order. Unfortunately, this Office cannot compel the Department of Health to act on matters that are within the Department's jurisdiction and discretion. I should note that both the Governor and the Commissioner of Health have changed

Clara NiiSka  
November 30, 2006  
Page 2

since you last requested information regarding your husband's death record. You may find the current administration more sympathetic to your concerns. If you wish to contact the State Registrar, Commissioner of Health or the Governor directly, you may do so as follows:

Linda Loftus  
Acting State Registrar  
P.O. Box 64882  
St. Paul, Minnesota 55164-0882  
651-201-5970

Dianne Mandernach, Commissioner  
Minnesota Department of Health  
Orville L. Freeman Building  
625 Robert Street North  
P.O. Box 64975  
St. Paul, MN 55164-0975  
(651) 201-5000

Governor Tim Pawlenty  
Office of the Governor  
130 State Capitol  
St. Paul, MN 55155  
(651) 296-3391  
Toll free: 1-800-657-3717

Third, you may wish to contact an attorney to assist you in this matter. If you cannot identify an attorney to advise you, the Minnesota State Bar Association's Attorney Referral Service is available on the Internet at [www.mnfindalawyer.com](http://www.mnfindalawyer.com). If you do not have Internet access, it may be available at your nearest public library. Based upon your address, you may also identify an attorney through the local Bar Association in your area by contacting the Hennepin County Bar Association Referral Service at 612-752-6666. If you select an attorney through the referral service, you should ask about any initial consultation fee since the fees vary.

I regret that I cannot be of further assistance.

Very truly yours,



KRISTINE L. EIDEN  
Chief Deputy Attorney General

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