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September 24, 2019

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*Sent by Certified Mail*

President Kent Hanson  
Anoka Technical College  
1355 West Highway 10  
Anoka, MN 55303

Re: Anoka Technical College Firearms Agreement  
Our File No.: H1212-01

Dear President Hanson,

This law firm represents the Minnesota Gun Owners Caucus. I am writing regarding the Memorandum of Understanding ("MOU") and Conceal and Carry Policy posted on the College's "Public Safety" page on its website.

As you may know, the Gun Owners Caucus is a membership organization representing more than 1,000 law-abiding Minnesota gun owners. Accordingly, the Gun Owners Caucus is extremely concerned on behalf of its members about the MOU, which purports to transform any visitor into a criminal if they happen to be exercising their right to carry a firearm. The MOU and Conceal and Carry Policy are thus in direct conflict with the Minnesota Citizens' Personal Protection Act of 2003, which provides that no "governmental unit, government official, government employee, or other person or body acting under color of law or governmental authority may . . . limit the exercise of a permit to carry." Minn. Stat. § 624.714, subd. 23.

Moreover, the MOU appears to be based on a reading of Minn. Stat. § 609.66 that is at odds with the law that the Legislature enacted. In particular, the MOU is premised on the "determin[ation]" that "all buildings comprising the College's campus constitute school property of STEP."

Such a determination is impermissible under Section 609.66, subd. 1d(e)(4), which defines "school property" as

- (i) a public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;
- (ii) a child care center licensed under chapter 245A during the period children are present and participating in a child care program;

(iii) the area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and

(iv) *that portion* of a building or facility *under the temporary, exclusive control of* a public or private school, *a school district*, or an association of such entities *where conspicuous signs are prominently posted at each entrance* that give actual notice to persons of the school-related use.

(emphasis added).

Nevertheless, the MOU and Conceal and Carry Policy purport to apply at all times, to the entire campus of the College. Therefore, they cannot possibly comply with the statutory limitation of a “portion” of the “facility under the temporary, exclusive control” of the school district. (Nor are conspicuous signs prominently posted at each entrance on the entire campus.)

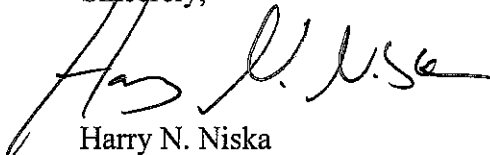
The Gun Owners Caucus does not take the College’s unlawful MOU or its resulting Conceal and Carry Policy lightly. Section 609.66, subd. 1d(d) makes it a crime to carry a firearm on school property, even if a person has a lawful permit to carry. If the College does not voluntarily bring its policy in line with state law, the Gun Owners Caucus will have no choice but seek legal recourse.

Therefore, the Gun Owners Caucus hereby demands that the College take the following steps by October 31, 2019:

1. Formally rescind the MOU in writing;
2. Prominently state on the “Public Safety” page of the College’s website that the MOU and Conceal and Carry Policy have been rescinded; and
3. Remove all other copies and references to the MOU and Conceal and Carry Policy (or any similar policy) from the College’s website.

If the College does not take such steps and otherwise cease and desist the unlawful actions detailed in this letter, the Gun Owners Caucus reserves all legal rights and remedies.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry N. Niska", written over a horizontal line.

Harry N. Niska