## STATE OF MINNESOTA

## DISTRICT COURT

## **COUNTY OF RAMSEY**

## SECOND JUDICIAL DISTRICT

Reverend Tim Christopher, Sarah Cade Hauptman, and the Minnesota Gun Owners Caucus, Case Type: Other Civil Court File No.: 62-CV-21-4223

Judge: Hon. Laura Nelson

Plaintiffs,

٧.

Ramsey County, Bob Fletcher, in his official capacity as Ramsey County Sheriff, and the State Agricultural Society,

DECLARATION OF JERRY HAMMER IN OPPOSITION TO PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

## Defendants.

I, Jerry Hammer, declare under penalty of perjury as follows:

- 1. I am the General Manager of the Minnesota State Agricultural Society (the "Society" or the "Fair"). I make this declaration based on my own personal knowledge in connection with the Society's opposition to Plaintiffs' Motion for Temporary Injunction.
- I have been the General Manager of the Fair since 1997. I have worked at the Fair since 1970, for a total of 51 years.
- 3. The Society was founded in 1854—before Minnesota was grated statehood—with a mission to promote the Minnesota Territory's agriculture by presenting an annual fair. The Society is charged with the management and control of the Minnesota State Fairgrounds, presentation of the annual State Fair and other events.
- 4. The Society is organized as a public corporation and is made up of delegates representing all 87 county fairs in Minnesota, along with delegates from 43 regional and statewide agricultural and education groups. At its annual meeting each January, this group of delegates

elects a 10-member board of managers to set policy and provide oversight for the State Fair. Nine members represent the Society's nine regional districts, and the tenth member serves at large as President.

- 5. The Society does not receive any financial contributions from any government agency; the State Fair is financially self-supporting.
- 6. In addition to financing the annual production of the State Fair, the Society is responsible for all capital work and maintenance relating to the 322-acre State Fairgrounds. In a typical year, the Society invests between \$10 million and \$20 million in improvements and maintenance regarding the Fairgrounds.
- 7. The State Fair has more than 70 year-round employees. During the summer, the State Fair typically adds another 450 staff members to complete fair preparations. An additional 2,500 individuals are employed for the 12 days of the State Fair.
- 8. The Minnesota State Fair is one of the largest and most successful events in the country. Each year, the State Fair attracts millions of visitors from across the state and the world who gather together to enjoy attractions highlighting the state's agricultural accomplishments, exhibits featuring technology and industry, concerts, food and drink, and other entertainment.
- For many fairgoers, enjoying alcoholic beverages is a component of the Fair experience. The State Fair features dozens of vendors of specialty alcoholic beverages.
- 10. The State Fair's annual economic impact in the Twin Cities is a Super Bowl-sized \$300 million, plus additional unmeasured impact throughout the state. Included in these impacts are 12,600 jobs and job equivalents, \$77 million in household earnings and \$10 million in tax revenue to state and local governments.

- 11. Since it was first held in 1855, the State Fair has been held every year, with only six exceptions related to wars, the 1898 Chicago World's Fair, and public health emergencies.

  Most recently, the 2020 State Fair was cancelled due to the COVID-19 pandemic.
- 12. In 2019, 2,126,551 people attended the State Fair. Visitors came from all 50 states plus 33 nations.
- 13. The State Fair is an event for everyone, but above all it is for families. Conservatively estimated, children make up approximately 20 percent of Fair attendees. By this measure, more than 400,000 children attended the Fair in 2019.
- 14. This year's State Fair will be held August 26 through September 6, 2021. The Society is eager to welcome people back to the Fair in 2021.
  - 15. Tickets for the 2021 State Fair went on sale in June 2021.
  - 16. No one lives on the State Fairgrounds.
- 17. Public safety is the State Fair's most important obligation. Since 2019, the State Fair has nearly doubled its safety and security budget, from \$2.4 million to \$4.5 million, to provide the very best public safety program possible. New and significantly upgraded services are expanded gate security systems and on-grounds law enforcement, emergency medical services, traffic control, enhanced camera and communications systems and emergency management.
- 18. The Society has long prohibited dangerous weapons, including firearms, at the State Fair. This commonsense policy is based on the Society's view that the State Fair is not a safe place for firearms. The Fairgrounds are dense with visitors during the State Fair, many of whom are children. Many State Fair visitors enjoy alcoholic beverages during the Fair and alcohol and guns are a dangerous combination. Prohibiting firearms at the State Fair is necessary for the protection, health, safety, and comfort of the public on the Fairgrounds. If the Fair is forced to

allow permitholders to bring guns to the Fair, the Society has concerns that it will put the safety and comfort of State Fair visitors at risk.

- 19. Beginning in 2003, and every year thereafter, the State Fair has posted signs at all entry points, and at points around the perimeter of the Fairgrounds, stating "MINNESOTA STATE FAIR BANS GUNS IN THESE PREMISES" and "THIS EVENT BANS GUNS IN THESE PREMISES." Images of the signs are attached hereto as Exhibit A.
- 20. In October 2015, the Minnesota Gun Owners Political Action Committee sent the Fair a letter referencing these signs and attaching a photo of one of the posted signs (the "2015 Letter"). The 2015 Letter is attached hereto as <u>Exhibit B</u>.
- 21. In response to the 2015 Letter, on December 7, 2015, the Fair, through its counsel, sent a response letter (the "Response Letter") clearly stating its policy prohibiting guns on the Fairgrounds:

It is the policy of the Fair, acting through its Board of Directors and management and pursuant to its authority under state law, to prohibit individuals from carrying firearms on the fairgrounds. As you note in your October 30 letter, the Fair has posted signs pursuant to Minn. Stat. 624.714 to notify fairgoers that firearms are prohibited on the fairgrounds.

The Response Letter is attached hereto as Exhibit C.

22. Since 2016, the State Fair has conducted bag checks at entrance points, and posted Prohibited Items Notices at entrance points, stating the following (or words substantially similar):

## **NOTICE:**

The following items are not permitted on the State Fairgrounds during the State Fair.

- Weapons of any kind (including objects that appear to be weapons)
- Fireworks

- Alcoholic Beverages
- Drones (UAVs)
- Bikes, Skateboards, Skates, and Hover Boards

All other items may be refused at the discretion of State Fair management or Law Enforcement

An image of the Prohibited Items Notice that will be on A-frames at entrances to the Fair this year is attached hereto as Exhibit D.

- 23. The Fair has the ability to make rules pursuant to Minn. Stat. § 37.16. However, the Fair is not limited to promulgating only rules or policies that are made pursuant to Minn. Stat. § 37.16. These rules and policies are valid rules and policies of the Fair.
- 24. The Fair's prohibition against guns has been one such rule or policy and has always been clearly published at the gates, around the perimeter of the Fair, and on the Fair's website. There has been no ambiguity about the rule.
- 25. The Fair would not be able to operate successfully if every single one of its rules and policies needed to be promulgated through Minn. Stat. § 37.16. For example, the State Fair includes numerous competitions. The rules, policies and procedures concerning these competitions are not promulgated pursuant to § 37.16, but they nevertheless remain the official rules and policies of the Fair. Similarly, the Society maintains manuals for concessions and exhibits and for managing emergencies that may arise during the State Fair, including safety and security emergencies. These manuals are not promulgated under § 37.16 but they are the official rules and policies of the Fair.
- 26. While the Fair need not promulgate every rule through Minn. Stat. § 37.16, for avoidance of doubt, it has decided to promulgate its long-standing dangerous weapons policy through Minn. Stat. § 37.16. Accordingly, on August 17, 2021, the Board of Managers met to

consider and adopt Rule 1.24 – Dangerous Weapons Policy. Rule 1.24, as it was formally adopted, is attached hereto as Exhibit E. The rule has been filed with the Society's secretary.

27. As set forth in the preamble to the Rule, the State Fair's Dangerous Weapons Policy is necessary and proper for the government of the Fairgrounds, and for the protection, health, safety, and comfort of the public on the Fairgrounds.

Pursuant to the laws of the United States, I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 18, 2021

Jerry Hammer / Ramsey County, Minnesota

## Exhibit A

Filed in District Court
State of Minnesota
8/18/2021 4:19 PM

## THIS EVENT

62-CV-21-4223

# BANS GUNS IN THESE PREMISES

## MINNESOTA STATE FAIR BANS GUNS IN THESE PREMISES

## Exhibit B



Jerry Hammer
Executive Vice President & General Manager
Minnesota State Fair
1265 Snelling Avenue
Saint Paul, MN 55108-3099

Art Blakey Chief of Police Minnesota State Fair 1265 Snelling Avenue Saint Paul, MN 55108-3099

October 30th, 2015

Dear Sirs:

I'm writing on behalf of the Minnesota Gun Owners Political Action Committee, an organization that represents the two-and-a-half-million law abiding gun owners here in Minnesota to understand your policy on individuals carrying a firearm at the Minnesota State Fair under a Minnesota Permit to Carry issued under MN Statute 624.714.

We've noticed for some time that the state fair, inconsistently, and at various times, has posted the entrances to the state fair with signage stating that guns are banned on state fair grounds. See the attachment for examples captured by our volunteers.

We have, through volunteers, filed a number of Minnesota Government Data Practices Act requests in an attempt to obtain a copy of your actual policy on this issue and have been told that documents to that effect do not exist.

With that as background, we'd like to understand the following, in writing, to determine our next course of action:

- 1. What is the policy of the Minnesota State Fair in regards to the lawful carry of a firearm under the Minnesota Permit to Carry law (MN 624.714)?
- 2. Please provide us a copy of your written policy on firearms at the State Fair.
- 3. Under what authority do you post signs at your entrances banning firearms?

Paid for by the Minnesota Gun Owners Political Action Committee and not endorsed by any candidate or candidate's committee.

PO Box 131718 – Saint Paul, Minnesota 55113 – 612-424-4032 www.mngopac.org



Thank you for your prompt attention to this matter.

Sincerely,

Bryan Strawser
Executive Director

## MINNESOTA JUDICIAL BRANCH

Paid for by the Minnesota Gun Owners Political Action Committee and not endorsed by any candidate or candidate's committee.

PO Box 131718 – Saint Paul, Minnesota 55113 – 612-424-4032 www.mngopac.org





Paid for by the Minnesota Gun Owners Political Action Committee and not endorsed by any candidate or candidate's committee.

PO Box 131718 – Saint Paul, Minnesota 55113 – 612-424-4032 www.mngopac.org

## Exhibit C



December 7, 2015

Via U.S. Mail

Bryan Strawser Minnesota Gun Owners Political Action Committee P.O. Box 131718 Saint Paul, MN 55113

Dear Mr. Strawser:

This letter is in response to your October 30, 2015 letter addressed to Messrs. Jerry Hammer and Art Blakey of the Minnesota State Fair (the "Fair"), in which you posed several questions regarding the Fair's policies regarding the carrying and use of firearms on the fairgrounds.

It is the policy of the Fair, acting through its Board of Directors and management and pursuant to its authority under state law, to prohibit individuals from carrying firearms on the fairgrounds. As you note in your October 30 letter, the Fair has posted signs pursuant to Minn. Stat. §624.714 to notify fairgoers that firearms are prohibited on the fairgrounds.

As you also acknowledge in your letter, and as the Fair has indicated in response to prior records requests, the Fair has not previously adopted or maintained a written policy regarding firearms, with the exception of its policies on the carrying and use of firearms by the State Fair police set forth in Minnesota State Fair Police Policy 100.015. If the Fair adopts a written policy regarding firearms in the future, it will comply with its legal obligations in responding to any valid records request for such a policy.

Sincerely.

Jessica L. Edwards Direct Dial: 612.492.7420 Email: jedwards@fredlaw.com

cc: Kent Harbison (via e-mail) Jerry Hammer (via e-mail)

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Attorneys & Advisors main 612.492.7000 fax 612.492.7077 www.fredlaw.com Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, Minnesota 55402-1425

## Exhibit D

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The following items are not permitted on the State Fairgrounds during the State Fair.

- Weapons of any kind (including objects that appear to be weapons)
- Fireworks
- Alcoholic Beverages
- Drones (UAVs)
- Bikes, Skateboards, Skates and Hover Boards

All other items may be refused at the discretion of State Fair management or Law Enforcement



MINNESCITA STATE FAIR

## Exhibit E

## MINNESOTA AGRICULTURAL SOCIETY RESOLUTION ADOPTING A NEW RULE 1.24

Whereas, Minnesota Statutes Chapter 37 vests in the Minnesota Agricultural Society ("the Society") the rights and responsibilities of the custody, management, and control of the fairgrounds; and

Whereas, Minnesota Statutes Chapter 37 gives the Society the power to make all bylaws, ordinances, and rules consistent with law which it considers necessary or proper for the government of the fairgrounds and all activities to be held on them, including the State Fair; and

Whereas, Minnesota Statutes Chapter 37 law gives the Society the power to make all bylaws, ordinances, and rules consistent with law which it considers necessary or proper for the protection, health, safety, and comfort of the public on the fairgrounds; and

Whereas, the State Fair is an internationally renowned exposition and a time-honored tradition deeply rooted in the attendance and participation of millions of Minnesotans and beyond, providing priceless educational and social value along with an estimated economic impact of nearly \$300 million in the Twin Cities alone; and

Whereas, the Society considers public safety at the State Fair to be its most important responsibility; and

Whereas, the Society has maintained a policy that private citizens may not bring dangerous weapons into the fairgrounds during the State Fair; and

Whereas, at least 20 percent or more of the 2021 State Fair's patrons will be children; and

Whereas, the presence of weapons at the fairgrounds would put the entire entertainment program in serious jeopardy since standard practice throughout the entertainment industry prohibits weapons in entertainment venues, the presence of weapons conflicts with the Society's contractual obligation to provide artists with a safe and secure environment, and many artists demand that weapons be banned from the venues in which they perform; and

Whereas, the Society's dangerous weapons policy is especially necessary and proper for the 2021 State Fair, because during these turbulent times law enforcement officers must not be unnecessarily burdened with sorting out who may be carrying a firearm; and

Whereas, a group seeking to carry dangerous weapons (by both concealed carry and open carry) on the fairgrounds during the State Fair contends that the Society's dangerous weapons policy is not enforceable because it has not been promulgated as a bylaw, ordinance, or rule within the meaning of Minnesota Statutes Chapter 37; and

Whereas, the Society disagrees with the group's contention but wishes to remove all doubt regarding the Society's policy that State Fair patrons may not bring dangerous weapons into the fairgrounds or possess them, whether by concealed carry or open carry; and

Whereas, both the concealed carry and open carry of dangerous weapons within the fairgrounds would cause discomfort to many patrons, and open carry by groups would be perceived as intimidating, thus harming the reputation of the State Fair as a safe, family-friendly place where all Minnesotans may gather; and

Whereas, the Society's dangerous weapons policy is necessary and proper for the government of the fairgrounds, and for the protection, health, safety, and comfort of the public on the fairgrounds, all within the meaning of Minnesota Statutes Chapter 37; and

Whereas, having considered the specific facts and circumstances of the 2021 State Fair, the Society has a compelling interest in maintaining and further implementing its dangerous weapons policy; now, therefore, be it

Resolved, that the Society adopts the following Rule 1.24 - Dangerous Weapons Policy:

- (a) The Society's dangerous weapons policy covers all weapons including but not limited to firearms, air-propelled guns, and explosive devices.
- (b) The Society shall implement a system of screening (including metal detectors) at the fairground gates, by which persons who wish to be admitted to the fairgrounds shall be notified of the Society's dangerous weapons policy and be screened for dangerous weapons.
- (c) Persons in possession of dangerous weapons will be denied admission to the fairgrounds and their admission tickets will be refunded. Persons may not possess dangerous weapons within the gates of the fairgrounds.
- (d) The Society, through management, may issue written exceptions to this policy for law enforcement and security personnel, and to persons needing to use dangerous weapons in the safe conduct of State Fair business, exhibitions, or shows.

Minnesota State Fair Rule 1.24 was adopted by the Minnesota State Agricultural Society Aug. 17, 2021.

Attest:

Jerry Hammer, Executive Vice President & Secretary

Minnesota State Agricultural Society