STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Haishan Yang,

Complainant,

vs.

University of Minnesota,

Respondent.

ORDER DENYING PETITION FOR RECONSIDERATION

This matter comes before Chief Administrative Law Judge Jenny Starr upon the Petition for Reconsideration (Petition) timely filed by Haishan Yang (Complainant) on May 19, 2025. Complainant appears without legal counsel. The University of Minnesota (Respondent) did not respond to the Petition.

After reviewing the Petition and the underlying record, the Chief Administrative Law Judge concludes that the assigned administrative law judge did not make a clear material error. Accordingly, the Petition for Reconsideration is denied.

Based on the record herein, and for the reasons stated in the following Memorandum, the Chief Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED THAT:

Complainant's Petition for Reconsideration is **DENIED.**

Dated: June 3, 2025

JENNY STARR
Chief Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 13.085, subd. 5(d), this order is the final decision in this case. A party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63–.69 (2024).

MEMORANDUM

Background

A complaint alleging a violation of Minnesota Government Data Practices Act (MGDPA) may be filed with the Office of Administrative Hearings.[1] Upon the filing of a data practices complaint, an administrative law judge must conduct a probable cause review.[2] If the judge determines that the complaint and any timely response do not present sufficient facts to believe that a violation occurred, the complaint must be dismissed.[3]

The purpose of a probable cause determination is to ascertain whether, given the facts submitted by the parties, it is fair and reasonable to hear the matter on the merits.[4] A judge's function in a probable cause determination is to determine whether the facts alleged establish a reasonable belief that the governmental entity violated the MGDPA.

If a complaint is dismissed for failure to establish a reasonable belief that the governmental entity violated the MGDPA, the complainant may seek reconsideration of the decision "on the record" by the chief administrative law judge.[5] A petition for reconsideration may be filed no later than five business days after a complaint is dismissed.[6] The chief administrative law judge must determine whether the "administrative law judge made a clear material error" within ten business days after receipt of the petition.[7]

On March 17, 2025, Complainant filed a Complaint alleging that the University of Minnesota (Respondent) violated the MGDPA by (1) making an unauthorized disclosure of Complainant's disciplinary records and grades to faculty members with no legitimate educational interest; (2) making an unauthorized submission of Complainant's exam answer to an external AI detection tool and ChatGPT without Complainant's consent; (3) falsifying evidence against Complainant, corrupting Complainant's student record; (4) making false statements during Complainant's disciplinary hearing; and (5) failing to ensure the accuracy and integrity of Complainant's student disciplinary records.[8] Complainant further alleged throughout the Complaint that Respondent's alleged actions

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[1] Minn. Stat. § 13.085, subd. 2 (2024).
[2] *Id*., subd. 3(a).
[3] *Id.*
[4] *State v. Florence*, 239 N.W.2d 892, 902 (Minn. 1976).
[5] Minn. Stat. § 13.085, subd. 3(b)(2) (2024).
[6] *Id.*, subd. 3(c).
[7] *Id.*
[8] Complaint at 5-6.

constitute willful violations of the MGDPA."[9] Respondent filed a response on April 30, 2025.[10]

Administrative Law Judge Megan J. McKenzie conducted a probable cause review on the record pursuant to Minn. Stat. § 13.085, subd. 3. The record reviewed included the complaint, documents filed with the complaint, the response, and documents filed with the response.

On May 15, 2025, Judge McKenzie determined that the facts put forward by Complainant were insufficient to establish a reasonable belief that Respondent violated the MGDPA as alleged.[11] Accordingly, Judge McKenzie dismissed the matter.[12]

Petition for Reconsideration

On May 19, 2025, Complainant timely filed a Petition for Reconsideration to the Chief Administrative Law Judge. The Petition asserts that the Order "incorrectly concludes that the Office [of Administrative Hearings] lacks jurisdiction over the claims and mischaracterizes the nature of the alleged violations of the MGDPA."[13] The Petition specifically claims that Judge McKenzie erred by (1) asserting that "Complainant wishes to overturn the University's disciplinary decision"; (2) concluding that all claims relating to accuracy and completeness of data must proceed under Minn. Stat. § 13.04, subd. 4, and are therefore categorically barred from enforcement via Minn. Stat. § 13.085; (3) concluding that Complainant's claims involve a request for damages outside the scope of Minn. Stat. § 13.085; (4) claiming that disclosure to University faculty is not disclosure to a third party without further analysis; (5) concluding that the University's submission of Complainant's exam answers to ChatGPT did not violate the MGDPA; and (6) failing to address multiple other claims raised in the Complaint relating falsification of output and the Vice Provost declining to "correct the record."[14]

Analysis and Conclusion

Requests for reconsideration may only be granted if the Chief Administrative Law Judge determines that the assigned administrative law judge made a "clear material error" in dismissing a complaint for lack of probable cause.[15] If a reconsideration request is granted, the assigned administrative law judge must set the matter on for hearing.[16]

After reviewing the Petition and the underlying record, the Chief Administrative Law Judge does not find grounds for granting reconsideration. The Chief Administrative Law Judge adopts the findings, analysis, and conclusions in Judge McKenzie's Order of

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[9] *Id.* at 8, 15, and 22.
[10] The Administrative Law Judge extended the deadline for the University's response pursuant to Minn. Stat. § 13.085. subd. 2(f). *See* Order Extending Deadline for Response (Apr. 2, 2025).
[11] Order of Dismissal.
[12] *Id*.
[13] Petition for Reconsideration at 1.
[14] *Id.*
[15] Minn. Stat. § 13.085, subd. 3(c).
[16] *Id*.

Dismissal. The Chief Administrative Law Judge further finds Complainant has failed to demonstrate that Judge McKenzie made a clear material error in dismissing the Complaint for lack of probable cause.

Importantly, relief available under Minn. Stat. § 13.085 is limited,[17] and Judge McKenzie correctly determined that the bulk of the relief Complainant seeks is outside the scope of the action before this tribunal. As to the portions of the Complaint that may reasonably be construed as falling within this tribunal's jurisdiction, neither Complainant's assertions of factual error nor those of legal error are persuasive. Of note, this lack of persuasion is most apparent in Complainant's application of legal authority: the caselaw citations included by Complainant do not relate to the propositions for which they are cited, and some also include inaccurate reporter citations.[18]

Judge McKenzie properly dismissed the Complaint because the facts presented did not establish probable cause that Respondent violated the Act.[19] The Petition for Reconsideration is denied.

J. S.

[17] Minn. Stat. § 13.085, subd. 2(a).
[18] *See* Petition at 3, 4, 6–7, 7 (reciting quotations or describing holdings which do not appear in the cited materials); *id.* at 10, 14 (referring to case names with incorrect citations as support for propositions which do not appear in the named cases).
[19] Order of Dismissal.