



March 19, 2025

The Honorable Jay Xiong and Matt Bliss, Co-Chairs  
Veterans and Military Affairs Division  
Minnesota House of Representatives  
75 Rev Dr Martin Luther King Jr Blvd  
St Paul, Minnesota 55155

Dear Co-Chair Xiong, Co-Chair Bliss, and Members of the Committee,

On behalf of Purple Heart Homes (PHH), a North Carolina-based 501(c)(3) nonprofit dedicated to serving Veterans across the nation, we are writing to express our opposition to Minnesota HF 1855.

Purple Heart Homes was founded in 2008 by Veterans John Gallina and the late Dale Beatty, both of whom served together in Iraq and returned with life-altering injuries. Inspired by the unwavering support of their community, they established PHH to honor fellow Veterans. Today, PHH provides housing solutions to service-connected, disabled, and aging Veterans of all eras across the United States, reflecting our core commitment to supporting Veterans and their rights.

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, MN HF 1855 misses the mark and would not only deny a Veteran the right to choose how they pursue their own claim, but they also fail to address the full spectrum of the issues at hand. The bills as sold also fail to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

Rather than purposely restrict a Veteran's right to choose how they pursue their claim as HF 1855 does, a better approach is to implement necessary reforms that must take place to ensure the integrity of the systems and to protect Veterans from potentially bad actors. Some of these reforms include, but are not limited to:

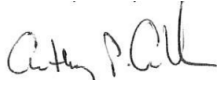
- o Mandating any fees are purely contingent upon a successful outcome and are not to exceed 5x the monthly increase;
- o Prohibiting any initial or non-refundable fees;
- o Mandating that presumptive period Veterans be referred to a VSO of their choice;
- o Getting written confirmation from the Veteran they have been informed of their free options;
- o Prohibiting private companies from having doctors on the payroll performing secondary medical exams;
- o Prohibiting the use of international call centers or data centers for processing Veteran's personal information.
- o Prohibiting aggressive and direct solicitation;
- o Prohibiting advertising or guaranteeing a successful outcome.

These are true protections that will ensure the Veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

PHH also supports Veterans' rights to choose reliable and expert assistance, whether through private entities or traditional Veterans Service Organizations. Veterans deserve the freedom to access the support they need without undue restriction or compromise, and these amendments serve as an important step in that direction.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. HF 1855 does the exact opposite, and we encourage you to oppose this legislation as it denies Veteran's choice and keeps them trapped in the current broken system.

Thank you for your dedication to Minnesota's Veterans.

A handwritten signature in black ink, appearing to read "Paul Cockerham".

Paul Cockerham  
Chief Development Officer  
Purple Heart Homes



**VETERANS GUARDIAN**  
VA CLAIM CONSULTING

March 19, 2025

The Honorable Jay Xiong and Matt Bliss, Co-Chairs  
Veterans and Military Affairs Division  
Minnesota House of Representatives  
75 Rev Dr Martin Luther King Jr Blvd  
St Paul, Minnesota 55155

Dear Co-Chair Xiong, Co-Chair Bliss, and Members of the Committee,

On behalf of Veterans Guardian VA Claim Consulting LLC (Veterans Guardian), the largest Veteran-owned and operated Veteran disability benefits company in the country, we write respectfully in **opposition to Minnesota HF 1855**.

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, HF 1855 misses the mark and would not only deny a Veteran the right to choose how they pursue their own claim, but they also fail to address the full spectrum of the issues at hand. The bills as sold also fail to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

Additionally, nearly identical legislation is currently being challenged in other states on First Amendment grounds, including Veterans' right to petition their government – a right they were willing to give their lives for.

Veterans Guardian is a private Veteran disability claim consulting company owned and operated by Veterans, spouses of Veterans, and spouses of active-duty service members. We fully support the goal of ensuring Veterans have access to a diverse set of options to help them secure the benefits they have earned. We proudly serve more than 30,000 Veterans annually. We assist Veterans with receiving the disability benefits they have earned through their honorable service, achieving a success rate of greater than 90%, in an average of 85 days. This is far below the Veterans Administration average processing time of 150 days.

Trapping Veterans in a backlogged appeals system only benefiting a handful of attorneys is something Veterans Guardian aims to avoid by focusing on getting claims done correctly the first time. The current US Department of Veterans' Affairs (VA) disability benefits system is at best cumbersome and adversarial, and at worse broken to a point where it harms the Veterans for the benefit of a small number of powerful boutique law firms. In fact, in recent US Congressional testimony, Kenneth Arnold, Acting Chairman of the Board of Veterans' Appeals testified under oath:

“The [VA] courts clerk annually approved 6,500 to 7,300 attorney fee requests each year, almost all for remanded cases. **This generates \$45 to \$50 million in attorney's fees each year, with the majority going to a small number of boutique law firms with relatively few Veterans receiving any increase in their monthly compensation.**”

If passed, HF 1855 will only exacerbate the problems with the current system and will add to the ever growing backlog of claims processed through VSOs and perversely incentivized attorneys. HF 1855 would rob Veterans of the opportunity to seek expert help with a wide variety of claims and would force them into the Veterans Administration appeals trap.

According to the VA's publicly available data on accredited service officers and agents, the entire state of **Minnesota has only 288 VSO representatives to provide assistance to the over 285,734 Veterans** who currently reside in the state. This equates to **each representative being responsible for handling the affairs of 992 Veterans**. Even the hardest working and most efficient volunteer would be pressed to give the best possible service to that many Veterans. This further demonstrates how harmful HF 1855 will be by forcing Minnesota's Veterans to rely on a system that is already overloaded and ineffective.

This is why over 70% of Veterans Guardian clients have turned to us for help after trying the other options available – they, not us, are telling you they prefer our expertly trained professional staff and the services we offer.

There is momentum building at the federal level in the United States Congress to reform the accreditation process for third party actors, like Veterans Guardian, that help Veterans achieve the full disability benefits they have earned. There are more than 18 million Veterans in America, but only 5 million have a disability rating. While actors such as VSOs and law firms also serve Veterans, more options, not less, are needed to effectively meet the demand of American Veterans.

Rather than purposely restrict a Veteran's right to choose how they pursue their claim as HF 1855 does, a better approach is to implement necessary reforms that must take place to ensure the integrity of the systems and to protect Veterans from potentially bad actors. Some of these reforms include, but are not limited to:

- o Mandating any fees are purely contingent upon a successful outcome and are not to exceed 5x the monthly increase;
- o Prohibiting any initial or non-refundable fees;
- o Mandating that presumptive period Veterans be referred to a VSO of their choice;
- o Getting written confirmation from the Veteran they have been informed of their free options;
- o Prohibiting private companies from having doctors on the payroll performing secondary medical exams;
- o Prohibiting the use of international call centers or data centers for processing Veteran's personal information.
- o Prohibiting aggressive and direct solicitation;
- o Prohibiting advertising or guaranteeing a successful outcome.

These are true protections that will ensure the Veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. HF 1855 does the exact opposite, and we encourage you to oppose this legislation as it denies Veteran's choice and keeps them trapped in the current broken system.

I would encourage you or your staff to contact me at [Brian.Johnson@vetsguardian.com](mailto:Brian.Johnson@vetsguardian.com) to set up a meeting to discuss this matter further.

Sincerely,



Brian M. Johnson  
Vice President, Government & Public Affairs  
Washington, DC Office



555 Marshall Drive  
Saint Robert, MO 65584  
Support@United-Veteran.com  
www.United-Veteran.com  
(573) 412-5100

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The Honorable Jay Xiong and Matt Bliss, Co-Chairs  
Veterans and Military Affairs Division  
Minnesota House of Representatives  
75 Rev Dr Martin Luther King Jr Blvd  
St Paul, Minnesota 55155

March 19, 2025

Dear Co-Chair Xiong, Co-Chair Bliss, and Members of the Committee,

As one of the founding members of United Veteran Benefits Agency, LLC a majority-Veteran owned and operated organization, I am writing in opposition of Minnesota HF 1855.

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, HF 1855 misses the mark and would not only deny a Veteran the right to choose how they pursue their own claim, but they also fail to address the full spectrum of the issues at hand. The bills as sold also fail to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

United Veteran Benefits Agency LLC, as I mentioned above, is a Veteran owned and operated organization. Our staff is comprised 100% of Veterans, Veteran spouses and family, and spouses and family members of active-duty service members who understand the medical and mental health difficulties Veterans live with and the complexities of the VA disability process. We have a success rate of 90%, which means fewer appeals bogging down the system. Our goal is to do it right the first time, keeping the process moving through the VA system efficiently, preventing appeals and providing the Veteran with the benefits they have earned in a timely fashion. Passing MN HF 1855 will only inflate the backlog that occurs within the VA system and as stated before, strip away a Veteran's choice in how they pursue their VA disability claims.

As a consulting firm, our goal is to assist every Veteran who comes to us requesting help in a manner that is tailored to them and their family. We ensure the Veterans we work with understand their options including free services. And, if they choose to go in that direction, but aren't sure where to go, we help provide them with the service that is nearest to them. Since the inception of our business, we have served over 3500 Veterans. Many of them have

called us crying from joy and relief after receiving their new VA disability rating stating they've been trying to navigate the system for months with no success. Others have written to us stating we "changed their lives".

Rather than purposely restrict a Veteran's right to choose how they pursue their claim as HF 1855 does, a better approach is to implement necessary reforms that must take place to ensure the integrity of the systems and to protect Veterans from potentially bad actors. Some of these reforms include, but are not limited to:

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- o Prohibiting aggressive and direct solicitation;
- o Prohibiting advertising or guaranteeing a successful outcome.

These are true protections that will ensure the Veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

UVBA also supports Veterans' rights to choose reliable and expert assistance, whether through private entities or traditional Veterans Service Organizations. Veterans deserve the freedom to access the support they need without undue restriction or compromise, and these amendments serve as an important step in that direction.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. HF 1855 does the exact opposite, and we encourage you to oppose this legislation as it denies Veteran's choice and keeps them trapped in the current broken system.

Thank you for your dedication to Minnesota's Veterans.

Sincerely,



Connie Jones  
A Founding and Managing Member



**BLACK VETERANS EMPOWERMENT COUNCIL INC.**

909 Rose Ave. Suite 400 North Bethesda, Maryland 20852

www.bvecinc.org

The Honorable Jay Xiong and Matt Bliss, Co-Chairs  
Veterans and Military Affairs Division  
Minnesota House of Representatives  
75 Rev Dr Martin Luther King Jr Blvd  
St Paul, Minnesota 55155

March 19, 2025

Dear Co-Chair Xiong, Co-Chair Bliss, and Members of the Committee,

On behalf of Black Veterans Empowerment Council (BVEC), one of the Nation's largest Black Veterans groups, I am writing to respectfully express **opposition to Minnesota HF 1855.**

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, HF 1855 misses the mark and would not only deny a Veteran the right to choose how they pursue their own claim, but they also fail to address the full spectrum of the issues at hand. The bills as sold also fail to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

Additionally, nearly identical legislation is currently being challenged in other states on First Amendment grounds, including Veterans' right to petition their government – a right they were willing to give their lives for.

Rather than purposely restrict a Veteran's right to choose how they pursue their claim as HF 1855 does, a better approach is to implement necessary reforms that must take place to ensure the integrity of the systems and to protect Veterans from potentially bad actors. Some of these reforms include, but are not limited to:

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The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. HF 1855 does the exact opposite, and we encourage you to oppose this legislation as it denies Veteran's choice and keeps them trapped in the current broken system.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Deadwiler', with a long horizontal stroke extending to the right.

Shawn L. Deadwiler  
Chairman of the Board and President





# Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

Tony D. Cardwell  
*President*

Dale E. Bogart, Jr.  
*Secretary-Treasurer*

March 19, 2025

The Honorable Jay Xiong and Matt Bliss, Co-Chairs  
Veterans and Military Affairs Division  
Minnesota House of Representatives  
75 Rev Dr Martin Luther King Jr Blvd  
St Paul, Minnesota 55155

Dear Co-Chair Xiong, Co-Chair Bliss, and Members of the Committee,

On behalf of The Teamsters Rail Conference, the Brotherhood of Maintenance of Way Employees (BMWED-IBT), and our Veteran members in Minnesota, I write today to **oppose HF 1855.**

The BMWED-IBT is proud to offer and encourage private expert support to our Veteran members. Our members are armed with all the information available to them and appreciate the ability to make the best choice for them and their families. We have been working closely with Veterans Guardian to educate our members on the full range of options available free of charge and for a fee. We are proud to ensure that our Minnesota Veteran members and brothers and sisters nationwide are well-informed and choose the best options for them.

As a Veteran myself and the Director of Government Affairs for the BMWED-IBT, I used Veterans Guardian to help me achieve an increase in my rating. Unfortunately, years of navigating the complicated Veterans Affairs process frustrated me. I tried the free services offered by Veteran Service Organizations, but while well-intentioned, they failed to meet my needs. Free doesn't always mean better, and I have the choice to decide who helps me with my claim.

Minnesota HF 1855 might be well-intentioned, but this issue has nuances and complications that require far more understanding.

Minnesota Veterans deserve a choice, and the BMWED members in Minnesota deserve the option to use companies like Veterans Guardian.

This bill is trying to accomplish a noble effort. Unfortunately, it takes away important options for the hard-working, dedicated brothers and sisters of the BMWED-IBT. I strongly urge you to vote against Minnesota HF 1855.

Sincerely,

Jeff Joines  
Director of Government Affairs



March 18, 2025

The Honorable Jay Xiong  
District: 67B  
5th Floor Centennial Office Building  
St. Paul, MN 55155

Dear Chairman Xiong,

As the former Acting Secretary and Chief of Staff of the U.S. Department of Veterans Affairs (VA), the current President of the National Association for Veterans Rights (NAVR), and a Veteran myself, I write to you today in opposition to Minnesota House Bill 1855.

While this bill may be well-intentioned, it fundamentally undermines Veteran choice and limits their ability to seek timely, personalized support. Veterans often turn to trusted advocates outside the accredited system for expert guidance when navigating the complex VA claims process. Forcing them to rely solely on VA-accredited representatives—many of whom are overwhelmed with caseloads—restricts access to crucial resources and risks worsening claim backlogs. Additionally, this bill stifles innovative, effective solutions from private service providers that many Veterans find invaluable.

I have seen firsthand how critical it is for Veterans to have access to flexible, trusted support that meets their individual needs. Our member companies have helped thousands of Veterans in Minnesota navigate the complicated VA disability system and have generated millions of dollars every year in additional benefits for Veterans in Minnesota.

NAVR believes in empowering Veterans, not limiting them. Instead of restricting access to critical services, we urge the House Veterans and Military Affairs Committee to focus on strengthening oversight mechanisms, increasing transparency, and promoting best practices that improve Veteran outcomes without sacrificing their right to choose the advocates they trust.

We respectfully request that you oppose House Bill 1855, stand with Veterans, and defend their right to seek assistance from service providers of their choice. I would be more than happy to speak with you about these issues at your convenience. You may contact me at [Peter.ORourke@NAVR.org](mailto:Peter.ORourke@NAVR.org).

Sincerely,

The Honorable Peter O'Rourke  
President, NAVR



## VETERANS GUARDIAN VA CLAIM CONSULTING

Co-Chair Xiong, Co-Chair Bliss, and Members of the Veterans and Military Affairs Division. Thank you for allowing me to submit testimony regarding Veterans Guardian's views on several important pieces of legislation.

Thank you for the opportunity to provide testimony on HF 1855, a bill that would significantly impact how Veterans in Minnesota can access support for their VA disability claims.

My name is John Blomstrom, and I serve as the Manager of Government and Public Affairs for Veterans Guardian VA Claim Consulting, LLC. I am also a United States Marine Corps Veteran who proudly served in Operation Enduring Freedom and Operation Iraqi Freedom.

Like many service members, when I transitioned out of the Marine Corps, I struggled to navigate the VA disability benefits system. The process was cumbersome, confusing, and inaccessible. Unfortunately, too many Veterans still face these same challenges today. This is why organizations like Veterans Guardian exist—to help Veterans receive the benefits they are entitled to while navigating a complex, inefficient, and often failing system.

### **Veterans Guardian's Mission and Impact in Minnesota**

For these reasons and more, we founded Veterans Guardian. I am proud of the work that we do and the way that we do it. Veterans Guardian employs a staff of veterans, spouses of veterans, or spouses of active-duty service members. We have been recognized by the Department of Labor by receiving the HIRE Vets platinum or gold award five years in a row. We have received the BBB Torch Award for Marketplace Ethics every year since 2020. We were most recently named the Military Family Brands company of the year in 2023. We are the national presenting sponsor for Irreverent Warriors and support more than 60 national and local charities, including support to local chapters of many of the organizations that have also been invited to engage in this important discussion today.

Veterans Guardian's mission is to provide the best possible service to our veteran clients to ensure that they receive all the benefits that they are owed based on injuries that occurred during their time of honorable service to our nation. We do that by offering a transparent, effective, and efficient option to help veterans navigate a complex and oftentimes failing system.

We are a complimentary capability to the other services available to veterans, and we make sure that our clients know that. My trained and expert staff inform every veteran that there are free options and services available to them in the form of county and state Veteran Service Officers, the Veteran Service Organizations, and their local Congressional offices. We also connect them directly to these services if they choose.

We are up front about our process and fee structure, and about who we are, and who we are not. We tell our clients that we are not accredited, and our clients acknowledge their understanding of our status as well as the free options available to them when they sign our consulting agreement and the “Your Claim, Your Choice” affidavit. Because of these policies, we can be confident that our veterans are choosing to utilize our services from a position of knowledge. In fact, our data shows that over 70% of the time, our veteran clients come to us after having used some of the free services at their disposal. That tells me that veterans are not unaware of the free services available to them, they are coming to Veterans Guardian because those free services are not meeting their needs or their standards.

Veterans make a fully informed choice to use our services for a multitude of reasons, including easy access and responsiveness; our experience and knowledge developed and refined over tens of thousands of claims; our specific method, in which experts are involved at each stage of the process; our ability to help develop medical and lay evidence with a network of independent external doctors; and our competence in developing claims for secondary conditions. Those skills and capabilities translate to results for our veterans. I am proud to say that we have assisted tens of thousands of veterans with an over 90 percent success rate in an average of 85 days or less. And the veterans themselves have made clear that we are providing an important and necessary service—veterans consistently give us positive reviews and refer their friends, loved-ones, and fellow veterans to us to assist with their claims. In fact, over 50 percent of our new clients each month are referred from previous or current clients. The thousands of positive reviews and direct referrals that we receive are a direct testament to the importance we place on client care. We have also received extensive outside validation for our work, including eleven awards from AMVETS NC, National AMVETS, Department of Labor HIREVETS – Gold and Platinum Medallion awards, the Better Business Bureau – Ethics Awards three years in a row, Military Friendly Employer, and Military Spouse Friendly Employer.

Those accolades reflect what we don’t do as well as the services we provide. We don’t have doctors on our payroll doing medical exams, nor do we have automated or international call centers. We don’t collect any fee unless the Veteran achieves an increase in their VA benefits, and we don’t have access to a Veteran’s financial or e-benefits accounts. Any fee that a Veteran pays us comes from new benefits we have helped them secure, and no Veteran is financially disadvantaged from where they were before they utilized our services. Our veterans are paying a one-time fee for assistance while receiving a lifetime of benefits. Included in our written submission for the record is a detailed description of our fee structure.

Given the enormous volume of veterans that need assistance, it should be no surprise that there continues to be a backlog of more than 350,000 disabled veterans seeking benefits. Although the VA says otherwise, that number proves that the current system is not working. We simply do not have enough representatives or a level of service sufficient to meet the needs of our veterans. To address those shortcomings, we should be giving our veterans more options and more help, not less. In short, veterans should be able to pursue their claims in the manner that best serves them, with full knowledge of all available providers (including county and state

employees, VSOs, lawyers, claims agents, and companies like Veterans Guardian) who can assist them at any step in the process.

In short, at Veterans Guardian:

- We do not solicit the Veteran, they come to us; 50% of our clients are referrals,
- We never promise or guarantee an increase,
- We never gain access to the Veteran's VA E-Benefit log in or bank account log in information,
- We do not have overseas call or data centers, or other employees,
- We do not have doctors on our pay-roll performing medical examinations,
- We do not charge up-front or initial consultation fees,
- We inform every Veteran of their free options (in fact, 70% of our clients have tried the VSOs and choose to hire us),
- We ensure every Veteran knows we are not accredited currently by the VA (we are working with Congress, HR 1656, to provide a pathway to accreditation for our company and our operations model – one currently does not exist),
- We inform every client of our fee structure, up front, in writing, with their signed consent, before we even begin the onboarding process,
- We are transparent, ethical, and our results speak for themselves.

### **The Problem**

The perversely incentivized federal system permits accredited agents and attorneys to accept compensation only after the agency issues an initial decision in a veteran's case. Veterans Guardian focuses on getting claims right the first time around, so no appeal is needed. Accordingly, Veterans Guardian cannot be accredited under the current system. Veterans Guardian conducts its business in a way that comports with federal law because it limits its activities to consulting services and does not act as a veteran's "agent." We are transparent with our clients that we are not accredited, and our clients acknowledge their understanding of our status as well as the free options available to them.

But we know that the system could work better. The current US Department of Veterans' Affairs (VA) disability benefits system is at best cumbersome and adversarial, and at worst broken to a point where it harms the veterans for the benefit of a small number of powerful boutique law firms. In fact, in recent US Congressional testimony, Kenneth Arnold, Acting Chairman of the Board of Veterans' Appeals testified under oath:

"The [VA] courts clerk annually approved 6,500 to 7,300 attorney fee requests each year, almost all for remanded cases. This generates \$45 to \$50 million in attorney's fees each year, with the majority going to a small number of boutique law firms with relatively few veterans receiving any increase in their monthly compensation."

As our business model has shown, we are strong supporters of improving the process by which Veterans obtain their disability benefits. Our goal should be to expand good options for our Veterans, not restrict them; to improve oversight and ensure Veterans are receiving competent, timely assistance; and to provide our Veterans the freedom to make an informed decision regarding how they want to pursue their disability claims. We have continued to be strong supporters of accreditation reform on the federal level, including increasing knowledge requirements and scrutiny of applicants for accreditation.

Those efforts are underway, and we expect that they will result in bi-partisan legislation that opens the tent to accreditation for companies like Veterans Guardian, which endeavor every day to help veterans secure the benefits they are owed as a result of their honorable service.

### **Minnesota HF 1855**

HF 1855 is well intended, but poorly executed. Instead of giving Veterans more options, HF 1855 limits them to ONLY VSOs and attorneys. Instead of preserving Veteran choice, HF 1855 denies the Veteran the use of private claims experts. Similar bills to HF 1855 have been either defeated, withdrawn, or tabled in 20 states in 2024.

**• There are 285,734 Minnesota Veterans with only 288 Accredited Veteran Service Officers (VSOs) meaning there is 1 VSO for every 992 Veterans (a significant caseload, making it difficult for VSOs to assist every Veteran in a timely manner).**

We expect that some individuals and entities who benefit from the broken system in which veterans are denied the benefits they are owed for years as appeals wind through the VA's backlog would argue that HF 1855 forces our business to close its doors. Those actors would make that argument based on a reading of federal law that is unfaithful to its text and raises significant First Amendment concerns. But they would make it nonetheless and that alone is reason for us to seek critical change of this bill.

Therefore, we write in opposition to HF 1855 as drafted, however we are committed to working with the sponsor and this Committee to make necessary changes.

### **Legal Concerns with HF 1855**

Although apparently well-intended, HF 1855 as substituted, is fundamentally misguided. The Bill would prohibit the services of reputable companies like Veterans Guardian and infringe the First Amendment rights of our company and our clients.

HF 1855 appears designed to add an enforcement mechanism to the federal statutory scheme governing assistance to veterans by accredited agents and attorneys. But the bill in fact deviates from the federal statutory scheme in material and damaging ways. Under federal law, the restrictions on providing assistance to veterans apply only to those who "act as an agent or attorney." That qualifier appears in the foundational rule set out in section 5901 of title 38, which provides that "no individual may act as an agent or attorney in the preparation, presentation, or

prosecution of any claim under laws administered by the [VA] unless such individual has been recognized for such purposes by the Secretary.” 38 U.S.C. § 5901(a) (emphasis added). And it appears in the provision establishing the fees that may be charged for assistance with claims. See *id.* § 5904(c)(1) (“[I]n connection with a proceeding . . . with respect to benefits under laws administered by the Secretary, a fee may not be charged, allowed, or paid for services of agents and attorneys with respect to services provided before the date on which a claimant is provided notice of the agency of original jurisdiction’s initial decision . . . .”) (emphasis added). The same section goes on to say that fees may be charged by “[a] person who, acting as agent or attorney . . . represents a person before the Department or the Board of Veterans’ Appeals after a claimant is provided notice of the agency of original jurisdiction’s initial decision . . . .” *Id.* § 5904(c)(2) (emphasis added). The implementing regulations are no different. See 38 C.F.R. § 14.629(b)(1) (“No individual may assist claimants in the preparation, presentation, and prosecution of claims for VA benefits as an agent or attorney unless he or she has first been accredited by VA . . . .”); *id.* §14.636(a) (rule governing fees “appl[ies] to the services of accredited agents and attorneys . . . in all proceedings before the agency of original jurisdiction or before the Board of Veterans’ Appeals . . . .”); *id.* § 14.636(c) (“agents and attorneys may only charge fees” in particular circumstances, including “for representation provided after an agency of original jurisdiction has issued notice of an initial decision on the claim . . . .”) (emphasis added).

Veterans Guardian does not act as an “agent or attorney,” it simply provides advice and assistance to veterans as they file their own claims. For that reason, our services are not affected by the federal restrictions on claims assistance, and its activities are fully compliant with federal law.

HF 1855 eliminates the “agent or attorney” qualifier and therefore goes beyond federal law to prohibit all advice and assistance to veterans by unaccredited entities. In particular, as amended by HF 1855, section 2599 (a)(4) prohibits advice and assistance to veterans prior to a notice of disagreement being filed, under the threat of substantial civil penalties (see section 2599A, as amended). That means that reputable companies like Veterans Guardian, which consistently help their clients to achieve a successful result the first time around, and therefore obviating any need for a notice of disagreement, are precluded from charging for their services. Accordingly, Veterans Guardian and other reputable companies will cease to exist in Minnesota, leaving veterans at the mercy of a backlogged system where their claims can languish for years before they might see relief.

By putting Veterans Guardian (and other companies) out of business in Minnesota and preventing veterans from working with consultants they believe will give them the best chance of vindicating their rights before the VA, HF 1855 violates the First Amendment. The Supreme Court and the Third Circuit have made clear that the advice Veterans Guardian provides is speech. See *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010); *King v. Governor of New Jersey*, 767 F.3d 216, 225–26 (3d Cir. 2014). And the fact that HF 1855 prohibits the Company from receiving compensation rather than restricting speech directly doesn’t excuse the constitutional violation. As then-Judge Alito has explained, “If the government were free to

suppress disfavored speech by preventing potential speakers from being paid, there would not be much left of the First Amendment.” *Pitt News v. Pappert*, 379 F.3d 96, 106 (3d Cir. 2004).

HF 1855 also infringes veterans’ right to petition the government. Veterans undoubtedly have a First Amendment right to petition the VA for benefits owed them. *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011) (“This Court’s precedents confirm that the Petition Clause protects the right of individuals to appeal to courts and other forums established by the government for resolution of legal disputes.”). Moreover, the First Amendment protects the “right to associate for the purpose of engaging in those activities protected by the First Amendment . . . .” *Roberts v. U.S. Jaycees*, 468 U.S. 609, 618 (1984). HF 1855 would deprive the Veterans Guardian’s clients of effective claims-assistance services, thereby undermining the veterans’ likelihood of success before the VA and infringing their right to associate with an entity they believe will help them vindicate their rights.

Attempting to protect veterans is an honorable endeavor that we all share; unfortunately, HF 1855 misses the mark: It fails to address the full spectrum of issues at hand, which are pending at the federal level, and would be weaponized by some actors intent on denying veterans their right to choose how they pursue their own claims.

### **A Better Path Forward**

There are more than 18 million veterans in America, but only 5 million have a disability rating. While actors such as VSOs and law firms also serve veterans, more options, not less, are needed to effectively meet the demand of American veterans.

Our alternative proposal is law in Louisiana, is being sent to the Governor in South Dakota to sign, and has passed at least one Committee or Chamber in at least a dozen states.

Rather than handing a weapon to those who would restrict a veteran’s right to choose how they pursue their claim, as HF 1855 does, a better approach is to implement necessary reforms that must take place to ensure the integrity of the systems and to protect veterans from potentially bad actors.

Some of these reforms include, but are not limited to:

- Mandating any fees are purely contingent upon a successful outcome and are not to exceed 5x the monthly increase;
- Prohibiting any initial or non-refundable fees;
- Mandating that presumptive period veterans be referred to a VSO of their choice;
- Getting written confirmation from the veteran they have been informed of their free options;
- Prohibiting private companies from having doctors on the payroll performing secondary medical exams;



- Prohibiting the use of international call centers or data centers for processing veteran's personal information.
- Prohibiting aggressive and direct solicitation;
- Prohibiting advertising or guaranteeing a successful outcome.

These are true protections that will ensure the veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. HF 1855 does the exact opposite, and we encourage you to amend this legislation to protect veteran choices and options.

### **Conclusion**

I look forward to remaining engaged and working with you and your staff as we continue to develop solutions for this and other important issues facing our nation's Veterans. Thank you for the opportunity to submit this testimony.





The Honorable Matt Bliss  
Chairperson House Veterans and Military Affairs  
MN House of Representatives  
658 Cedar St.  
Saint Paul, MN 55155

The Honorable Bjorn Olson  
Vice-Chairperson House Veterans and Military Affairs  
MN House of Representatives  
658 Cedar St.  
Saint Paul, MN 55155

**Re: Veteran Benefits Guide - House File 1855 Oppose as Currently Written**

Dear Chairman Bliss and Vice-Chairman Olson,

My name is Josh Smith and I am the CEO and Co-Founder of Veteran Benefits Guide ([VBG](#)) writing to you today to express my **concerns with House File 1855 as currently written**. VBG provides Veterans with a private, legal and federally compliant service that assists Veterans in navigating the Department of Veterans Affairs (VA) disability claims process to help ensure they receive the full benefits that they have earned.

**VBG strongly supports Representative Greenman's commitment to protecting our Veterans and actually believes that the bill does not go far enough in some areas, as it is absent necessary guardrails which includes disclosure requirements and a fee cap. However, and most unfortunate, House File 1855 as currently written, prohibits the services of honorable for-profit companies like VBG from serving Veterans.**

The proponents of the bill intentionally and inaccurately insinuate that organizations such as ours choose not to be accredited. That is false. VBG would welcome the opportunity to become accredited with the VA but cannot because current law prohibits accredited entities from charging a fee for representation of Veterans on the initial claim. VBG's personnel, medical service provider network and procedures already meet standards required of VA-accredited agents and would meet any reasonable threshold for accreditation set by the VA.

Proponents of the bill also claim that private services like VBG are violating the law. That is also false. Federal law states that "no individual may act as an agent or attorney in the preparation, presentation, or prosecution of any claim under laws administered by the Secretary" without first being accredited. I would like to state for the record that:

- We **DO NOT** practice law.
- We **DO NOT** act as the Veteran's agent of record.
- We **DO NOT** present before the VA.

Our primary concern with HF 1855 is that it provides no path for honorable companies like VBG to become accredited with the VA, and therefore no path to continue serving Veterans.

In addition to being the CEO of VBG, I am also a U.S. Marine Corps Veteran and a former VA employee. At the VA, I served as a Rating Veteran Service Representative, where I reviewed disability compensation applications and assigned disability ratings, determining the amount of benefits Veterans would receive. In that role, I witnessed firsthand that the VA's disability compensation benefits process is inefficient and often running counter to the agency's mission of helping Veterans.

While we were certainly helping some Veterans, far too many were being denied benefits they earned due to an absurdly complicated system. Through no fault of their own, Veterans were receiving lower disability ratings than they deserved or were simply waiting years to receive final determinations on their benefits.

That is why, in 2015, I left the VA and, with my wife, Lauren, created Veteran Benefits Guide to help guide Veterans through the process and ensure they receive the full benefits they earned from their service in a timely manner. Much like a tax service provider, we help Veterans travel through a confusing bureaucracy to get what they are owed.

We are proud to have grown our company and now have more than 200 employees, with offices in Nevada and California. Eighty percent of our employees are Veterans themselves or immediate family members of Veterans. And we have employed former VA personnel, like myself, to keep up-to-date with VA regulations and practice of the VA disability compensation system.

In exchange for our service, we are paid a one-time success-based fee only after the Veteran is paid. Our fee represents a small percentage of the increase in benefits received and is typically around 1% of a Veteran's total lifetime benefits. And if the Veteran's benefit doesn't change, there is no fee.

At VBG, we are committed to putting the Veterans' interests first. All of our clients sign a waiver upfront acknowledging that free services are available. We have never taken a Veteran to small claims court for non-payment and automatically write off 10% of our revenue due to unpaid fees. And we do not offer services around PACT Act claims, which do not require an expert guide.

To date, we have guided more than 35,000 Veterans through the claims process. These Veterans have received an average increase in monthly benefits of \$1,300 benefits they would not have received without our help. Despite their best efforts, Veteran Service Organizations (VSOs), which are intended to represent Veterans in the process, do not have enough resources to keep up with the demand. In fact, more than 70% of our clients first tried navigating the VA benefits process with the help of a VSO representative or on their own. They were either denied their full benefits or felt the process was taking too long.

It is clear that our service is needed. At present, only 5.2 million of 19 million eligible Veterans are receiving benefits. That means there may be millions of eligible Veterans who are not receiving benefits they have earned, either because they aren't aware of their eligibility, have already tried to receive benefits and were wrongly denied, or are too intimidated by the process to even apply.

Unfortunately, the bill as currently written would reduce freedom of choice, representation and access to Veteran services, making it harder for Veterans to receive the benefits they have earned. As members of the House Veterans and Military Affairs Committee, we urge you to consider our concerns and amend House File 1855 so that we can lend our full support.

Very Respectfully,



Josh Smith  
CEO and Co-Founder  
Veteran Benefits Guide

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March 18, 2025

## **VIA E- MAIL ONLY**

Minnesota House Veterans and Military Affairs Division  
Minnesota State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
Room G-23  
St. Paul, MN 55104

Re: **OPPOSITION TO HF 1855 AND REQUEST TO TESTIFY**

Division Members:

We are a Woodbury, Minnesota, based law firm. The members of our firm practice in veterans claims appeals and military law. Our firm's named partner is a retired U.S. Air Force Master Sergeant. Our other partner is a former Navy Petty Officer Third Class.

Our firm agrees that every person who wants to represent a veteran or assist them with their claim in any capacity should be accredited.<sup>1</sup> The current federal statutes and regulations prohibit organizational accreditation unless such an organization is recognized as a Veterans Service Organization.<sup>2</sup> Their relief lies with Congress, not the Minnesota Legislature.

Every member of our firm is accredited to practice before the Department of Veterans Affairs.<sup>3</sup> Until 2017, this firm retained Minnesota veterans who needed to appeal a decision of the Department of Veterans Affairs denying a claim for benefits. This firm still retains clients outside Minnesota to appeal VA claims decisions. However, due to prior bills passed into law by the Minnesota Legislature, this firm no longer accepts Minnesota veterans who have been wrongly denied their earned VA benefits as clients.<sup>4</sup>

### I. Lack of Resources for Minnesota Veterans

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<sup>1</sup> See 38 U.S.C. §5904 (2017).

<sup>2</sup> 38 U.S.C. §5904(a)(1); 38 C.F.R. §14.629(b)(1) (acknowledging only individuals can be accredited unless such an organization is a Veterans Service Organization)..

<sup>3</sup> MSgt White's VA Accreditation Number is 34156. Mr. Lewis' VA Accreditation Number is 41828.

<sup>4</sup> See Minn. Stat. §197.6091.

There are currently 49 accredited attorneys and 4 accredited claims agents who list their office address as in Minnesota as of March 17, 2025.<sup>5</sup> There are 304 accredited VSO's who list their office address as in Minnesota as of March 17, 2025.<sup>6</sup> As of 2019, the Department of Veterans Affairs listed 321,809 veterans in Minnesota.<sup>7</sup> Minnesota veterans need more access to accredited representatives in order to access their earned benefits. As Veterans Guardian's testimony before the Senate Veterans Subcommittee noted, excluding licensed attorneys and accredited claims agents, "there is 1 VSO for every 350 Veterans (a significant caseload, making it difficult for VSOs to assist every Veteran in a timely manner)."<sup>8</sup>

The existing statute, and HF 1855, are pushing legal resources out of this market and not into this market. If the Minnesota Legislature continues pushing attorneys out of representing Minnesota veterans, the net effect will be to harm Minnesota veterans instead of helping them. In essence, this bill is protectionist. It seeks to establish VSO's as the only legal representation for veterans claims appeals in Minnesota.

## II. Issues with HF 1855 and Minn. Stat. §197.6091.

The sole reason our firm no longer accepts Minnesota veterans as clients for VA claims appeals is we cannot ethically make the statement required by statute that VSO's can do the same job as attorneys.<sup>9</sup> We are also not aware of any other Minnesota attorneys who do accept Minnesota veterans as clients for VA claims appeals for that same reason. The harsh reality is that VSO's cannot perform the same services that a licensed, and VA accredited, attorney can provide. The United States Court of Appeals for the Federal Circuit was very clear in its holding that "the assistance provided by [VSO's] is not the equivalent of legal representation. ... Indeed, even if [a veteran receives] more significant assistance from [a VSO], representation by an organizational aide is not equivalent to representation by a licensed attorney."<sup>10</sup> The reason is very simple: "VSO's are 'not generally trained or licensed in the practice of law.'"<sup>11</sup> Indeed, the United States District Court for the District of Minnesota held that Minn. Stat. §197.6091, and potentially this bill amending that statute, "appears to cross the line into compelled advocacy on a controversial

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<sup>5</sup> U.S. Department of Veterans Affairs, Office of the General Counsel, Accreditation Report website showing accredited attorneys and claims agents restricted to Minnesota. Available at: <https://www.va.gov/ogc/apps/accreditation/index.asp> (last accessed Mar. 18, 2025).

<sup>6</sup> U.S. Department of Veterans Affairs, Office of the General Counsel, Accreditation Report website showing accredited attorneys and claims agents restricted to Minnesota. Available at: <https://www.va.gov/ogc/apps/accreditation/index.asp> (last accessed Mar. 18, 2025).

<sup>7</sup> [https://www.va.gov/vetdata/docs/SpecialReports/State\\_Summaries\\_Minnesota.pdf](https://www.va.gov/vetdata/docs/SpecialReports/State_Summaries_Minnesota.pdf) (last accessed Mar. 17, 2025).

<sup>8</sup> Statement of John Blomstrom before the Senate Subcommittee on Veterans. March 3, 2025. Available at: [https://assets.senate.mn/committees/2025-2026/3136\\_Agriculture\\_Veterans\\_Broadband\\_and\\_Rural\\_Development\\_Subcommittee\\_on\\_Veterans/SF-1894-Oppose-VG.pdf](https://assets.senate.mn/committees/2025-2026/3136_Agriculture_Veterans_Broadband_and_Rural_Development_Subcommittee_on_Veterans/SF-1894-Oppose-VG.pdf) (last accessed Mar. 18, 2025).

<sup>9</sup> See Minn. R. Prof. Cond.4.1.

<sup>10</sup> *Comer v. Peake*, 552 F.3d 1362, 1369 (Fed. Cir. 2009).

<sup>11</sup> *Comer v. Peake*, 552 F.3d 1362, 1369 (Fed. Cir. 2009) (citing *Cook v. Brown*, 68 F.3d 447, 451 (Fed. Cir. 1995)).

issue (specifically, whether the free services provided to veterans are equivalent to the services provided for a fee.)”, in violation of the First Amendment to the United States Constitution.<sup>12</sup>

Senator Bruce Anderson asked the Minnesota Department of Veterans Affairs in the Senate Subcommittee on Veterans hearing “how many numerous cases that Mr. [Quade] brought up are there? Are there documentations other than the one story that was told? And what court, was it district court, was it supreme court? I don’t know what cases you [are] referencing. You brought up one story, and I’m just wondering, who are the VSO’s that were involved with these numerous cases?”<sup>13</sup>

Mr. Quade responded to that question and testified that:

What I was referring to was one story about an individual in the State of Minnesota that we were referencing to and their experience in engaging with non-accredited individuals, or an individual that was not accredited, an organization or an individual. That example that I gave was one of many, there’s no way for me to put a number on how many individuals that we know at the agency, and I’m also going to step out and speak on behalf of the Minnesota Association of County Veterans Service Officers when I say that we hear these stories also from counties, that individuals are being approached, even in some cases in terms of advertisement in the State of Minnesota, from individuals that are within the state and individuals and organizations that are outside of the State of Minnesota and they’re seeking to engage with those individuals and have them sign agreements, fee agreements, that lock them into paying for these services and the services are subpar, they are just subpar, and these are from individuals that have no access to VA systems, they have no access to VA information, or the case information that would be referenced to, to do even an appropriate job at representing those individuals and their claims with the federal government.<sup>14</sup>

Senator Bruce Anderson then noted that the Minnesota Department of Veterans Affairs doesn’t have the statistics to back up the assertion that these supposed things are happening to Minnesota veterans.<sup>15</sup> Thus, this Legislature is legislating at this point with a blank slate and unsupported statements at best.

Mr. Quade is a currently accredited Veterans Service Officer.<sup>16</sup> He is also a State of Minnesota employee who serves as the Minnesota Department of Veterans Affairs Director of Veterans

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<sup>12</sup> *Jewell v. Herke*, 526 F. Supp. 3d 459, 468 (D. Minn. 2021) (citing references omitted).

<sup>13</sup> Senator Bruce Anderson, Senate Subcommittee on Veterans Hearing. Available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> (last accessed Mar. 17, 2025).

<sup>14</sup> Ron Quade, Response to Question at Senate Subcommittee on Veterans hearing (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> last accessed Mar. 17, 2025).

<sup>15</sup> Sen. Bruce Anderson statement at Senate Subcommittee on Veterans hearing. March 3, 2025. Available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> at 59:42-59:50. (last accessed Mar. 18, 2025).

<sup>16</sup> VA Accreditation Number 6983.

Services. He testified that “[a]ccredited attorneys and claims agents can only take 20% of a backpay of an appeal. Anything more than that is considered an unreasonable fee under 38 C.F.R. §14.636(e) and likewise (f).”<sup>17</sup> That statement is incorrect, and Mr. Quade knew, or reasonably should have known, that such statement was wrong.<sup>18</sup>

Mr. Quade also testified that “there are two primary access points that come with VA accreditation that are critical when representing veterans claims before VA. First, systems access to view the veteran’s claims file. All accredited VSOs, attorneys, and claims agents may receive a PIV card or Personal Identification Card, which allows access into VA systems, mainly the Veterans Benefit Management System. There are many VA systems, but the primary one is VBMS. . . . Without this access, an individual cannot, cannot, effectively represent a veteran’s claim.”<sup>19</sup> Mr. Quade’s last sentence is wrong. Neither attorney at this firm has a PIV card currently. Yet, we competently represent veterans and have achieved success on veteran claims. Additionally, there was a recent decision issued from the United States Court of Appeals for the Federal Circuit that the VA Rules of Behavior that Minnesota Veterans Service Officers apparently routinely sign exceeded the scope of VA’s authority to promulgate.<sup>20</sup> Indeed, one of our attorneys signed an affidavit in support of Military-Veterans Advocacy’s challenge to the VBMS access provisions because he could not sign the required VA documents as the VA search provisions would violate his ethical duty to maintain the confidentiality of client documents.<sup>21</sup> At the minimum, Mr. Quade’s statement highlights a distinct difference between VSOs and attorneys. Attorneys have ethical duties to their clients to maintain the confidentiality of documents.<sup>22</sup> A VSO does not.

### III. Lack of training

At the Subcommittee on Veterans hearing, Senator (MAJ) Duckworth stated that “I think one of the most interesting questions, probably the most pertinent question we should be asking ourselves is ‘why do these veterans even feel the need to be pursuing these organizations to help them in the first place?’”<sup>23</sup> To partly answer Senator (MAJ) Duckworth’s question, part of the reason veterans are abandoning their VSO’s is the lack of training required for VSOs, including Minnesota County Veterans Service Officers. Dr. Kristy Janigo testified that:

While I do have a terminal degree, I did not go to school for this, because you can’t. My initial eligibility for my current position is the DD 214 I received from my

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<sup>17</sup> See Senate Subcommittee on Veterans Hearing, March 5, 2025 (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> at 13:10 – 13:29 (last accessed Mar. 17, 2025))

<sup>18</sup> See 38 C.F.R. §14.636(f)(1) (“Fees which exceed 33 1/3 percent of any past-due benefits awarded shall be presumed to be unreasonable.”).

<sup>19</sup> Senate Subcommittee on Veterans Hearing Mar. 5, 2025 (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> (last accessed Mar. 17, 2025)).

<sup>20</sup> *Military-Veterans Advocacy, Inc. v. Sec’y of Vet. Aff.*, 2025 WL 715263 (Fed. Cir. Mar. 6, 2025).

<sup>21</sup> *Military-Veterans Advocacy, Inc. v. Sec’y of Vet. Aff.*, 2025 WL 715263 at n.3 (Fed. Cir. Mar. 6, 2025).

<sup>22</sup> See Minn. R. Prof. Cond. 1.6.

<sup>23</sup> Senator (MAJ) Zach Duckworth, Senate Subcommittee on Veterans hearing (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3710s> (last accessed Mar. 17, 2025)).

Army service in the early 2000's. Once hired, I started to take some online VA modules called TRIP training, which takes about two full business days to complete if you're really focused. After that, I had to be sponsored by someone at the Veteran Benefits Administration to come down to the VA Regional Office at the federal building on Fort Snelling to apply for my Personal Identity Verification card, or PIV card. It is how I can access the Veterans Benefits Management System, VBMS, to assist a veteran with tracking their claims. I also receive training from the Minnesota Department of Veterans Affairs, who you just heard from, and my national professional association, the National Association of County Veterans Service Officers.<sup>24</sup>

Dr. Janigo's statement alone demonstrates a large part of the problem, which is the lack of training provided to organizational aides to assist veterans with their claims. Dr. Janigo's statement that a person cannot go to school to help veterans with their claims is highly wrong. Dr. Janigo is correct that she has a terminal doctorate, a Ph.D. in Sustainable Design from the University of Minnesota. Our firm's attorneys, by contrast, have a professional doctorate, the Juris Doctor degree, to learn how to help veterans with their legal issues, such as VA claims. Then our firm members received a license to practice law from the Minnesota Supreme Court that demonstrates their proficiency in legal knowledge and application of law. Our firm's lawyers regularly take Continuing Legal Education in veterans claims from accredited Continuing Legal Education providers. Dr. Janigo next mentioned that she took an online VA training module, called TRIP training, before she started helping veterans in her current position at the Hennepin County Veterans Service Office. So, from her statement, we glean that all it takes to start assisting veterans from the perspective of the Minnesota Association of County Veterans Service Officers position is a 16-hour online training. By contrast, licensed attorneys have three years of graduate education specifically designed to teach interpretation and application of statutes and regulations and case law to factual circumstances. The two are not remotely equivalent.

Indeed, Dr. Janigo's statement is supported by the statement of the Veterans of Foreign Wars at the recent House Committee on Veterans Affairs Disability Assistance and Memorial Affairs hearing regarding federal bills designed to address this problem. Mr. Pat Murray, Acting Executive Director, Washington Office, Veterans of Foreign Wars of the United States, stated that "as VSO's, we have to go through 40 hours of training, a lot of it now can be done self-paced online, need to pass a test with a certain percentage correct, and then pass a background check. That's just the process for Veterans Service Organizations."<sup>25</sup> This openly acknowledged lack of training might be a causal factor in why so many cases go on appeal and why so many veterans seek to not use their VSO.

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<sup>24</sup> Dr. Kristy Janigo. Senate Subcommittee on Veterans hearing (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3710s> (last accessed Mar. 17, 2025)).

<sup>25</sup> <https://www.youtube.com/watch?v=vsfwi5YJbaE&t=6914s> 1:30:24 – 1:30:41 (last accessed Mar. 18, 2025).



#### IV. “Guarantee of Benefits”

Part of the reasons people hire attorneys is for our expertise in analyzing and interpreting law. This bill prohibits us from using that expertise. For instance, if one of our firm’s attorneys look at a veterans rating decision, compare it to the medical evidence they provide me, then compare that to the VA Rating Table, and then say to a potential Minnesota client “based on what you’ve given me, I think you should be rated at 70%,” did our firm just violate this bill?<sup>26</sup>

#### V. Requirement for fee agreements

As was noted in the Subcommittee on Veterans hearing, the Minnesota Bar does not require fee agreements between clients and attorneys before representation can take place. Indeed, the Department of Veterans Affairs only requires a fee agreement be filed with them if the attorney or claims agent wishes to be paid, either by the veteran or by the Department of Veterans Affairs through withholding.<sup>27</sup> However, in some situations, our firm has taken clients pro bono. Therefore, neither the veteran nor the Department of Veterans Affairs is paying a fee to an attorney. In that case, Minnesota would be overstepping the U.S. Department of Veterans Affairs by requiring additional documentation over and above what the Secretary of Veterans Affairs has determined is necessary in fact to be provided.<sup>28</sup>

The fact that the Minnesota Department of Veterans Affairs does not see this bill as a burdensome is irrelevant. The fact that members of the Senate Subcommittee on Veterans did not see this bill, or the existing statute, as driving out options for veterans, is similarly irrelevant. What is happening on the ground is that accredited representatives are refusing to assist Minnesota veterans because we cannot meet the requirements of the existing law or this new bill.

#### VI. The existing statute and this bill are preempted.

Even if this bill, as amended, passes and is signed by Governor Walz, all that is being accomplished is costing Minnesota more money by requiring the Attorney General’s Office to defend a piece of legislation that is preempted by federal law.

In 2021, United States Chief District Judge Patrick J. Schiltz held that “there is a strong argument that [Minn. Stat. §197.6091] effectively regulate the ability to practice before VA, as they attach substantial conditions to the exercise of federal authorization and back up those conditions with significant financial penalties.”<sup>29</sup> State statutes can be either conflict preempted or field preempted. Conflict preemption occurs “when it is impossible to comply with both state and federal law or when ‘the challenged state law stands as an obstacle to the accomplishment and execution of the

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<sup>26</sup> HB 1855 at subd. 3b.

<sup>27</sup> See 38 C.F.R. §14.636(g).

<sup>28</sup> See 38 U.S.C. §511(a).

<sup>29</sup> Jewell v. Herke, 526 F. Supp. 3d 459, 466-67 (D. Minn. 2021).

full purposes and objectives of Congress.”<sup>30</sup> Field preemption occurs when Congress “intends [for the field] to be governed exclusively by federal law. Congress’s intent to occupy the field may be inferred when there is a comprehensive federal regulatory scheme that leaves no room for state regulation or where the federal interest is ‘so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.’”<sup>31</sup> This bill and this Legislature is attempting to violate both. Congress’s regulation of veterans’ benefits is so pervasive that it demonstrates Congress’s intent for states to stay out of the area. It also becomes impossible for attorneys to comply with both state and federal law on the topic of this bill and this section of state law.

## VII. Lack of VA Accredited Attorney Representation

During consideration of this bill, and the attempts to fix the problems with legislation surrounding this issue, one group of stakeholders have been systematically left out of the discussion: VA accredited attorneys.

Indeed, the Senate companion bill’s (SF 1894) author, Senator Aric Putnam, denied another Minnesota based VA accredited attorney, Benjamin Krause, permission to attend a “workshop” held on March 7, 2025, at 3:30 P.M., attended by Dr. Kristy Janigo, Mr. Grady Harn, and Mr. Trent Dilks, among others, to address faults with this bill. None of the people listed as attending are VA accredited attorneys. This may be one reason why the amendment to HF 1855 is ineffectual and does nothing to address the core problems of HF 1855.

Next, SF 1894 was introduced on February 27, 2025. This bill’s initial hearing took place in the Subcommittee on Veterans on March 5, 2025. Senator (MAJ) Zach Duckworth noted the rapidity of action on this bill. Subcommittee Senator Aric Putnam noted that:

“Now, the five days’ notice on this, I think is a little bit curious because I know that you met with people about two weeks ago, two or three weeks ago, about this issue. A lot of us have been talking about this for a lot longer than the bill point of introduction. So, I hesitate to endorse the sense that this is rushed in any sense because we have been having meetings about this for a month and a half, two months now. I appreciate that it still needs some more work, and I’m committed to doing that work. I’ve already discussed this issue with a bunch of advocates today, about going back to work on some of the definitions. And our friends who brought us the bill at MDVA and the Commanders Task Force are totally aware that we have some tweaking to do here and there.”<sup>32</sup>

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<sup>30</sup> Jewell v. Herke, 526 F. Supp. 3d 459, 465 (D. Minn. 2021) (citing references omitted).

<sup>31</sup> Jewell v. Herke, 526 F. Supp. 3d 459, 465 (D. Minn. 2021) (citing references omitted).

<sup>32</sup> Statement of Senator Aric Putnam, Senate Subcommittee on Veterans Hearing (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3710s> (last accessed Mar. 17, 2025)).

Despite the month or two of “work” on SF 1894, and apparently HF 1855, not a single VA accredited, and Minnesota licensed, attorney appears to have been consulted about this bill.

#### VIII. Conclusion

Both MSgt White and Mr. Lewis request the opportunity to testify in-person at the Division hearing scheduled for March 19, 20225, at 8:15 a.m., during the consideration of this bill. Our firm has unique perspectives on HF 1855 due to the nature of our practice and being two of the 46 VA accredited attorneys in this state.

In view of the foregoing, our firm is OPPOSED to HF 1855 as amended. Far better, in our view, would either be an amendment to this bill striking Minn. Stat. §197.6091 in its entirety or an amendment to this bill stating, in subdivision 5, that “the provisions of this section shall not apply to VA claims agents and attorneys accredited pursuant to Title 38 of the United States Code.”

We look forward to answering your questions.

Sincerely,

/s/Francis Herbert White, III

Francis Herbert White, III, Esq.

MSgt, USAF (Ret.)

MN Atty. Reg. No. 0396779

s/Brian K. Lewis

Brian K. Lewis, Esq.

MN Atty. Reg. No. 0398886

Military-Veterans Advocacy

Written Testimony/Statement for the Record  
in Opposition to HF 1855

Submitted to Veterans and Military Affairs Division  
State of Minnesota 94<sup>th</sup> Session

March 18, 2025



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Commander John B. Wells, USN (Ret)  
Executive Director

## **Introduction**

Distinguished Chairmen and Ranking Member and other members of the Committee, thank you for the opportunity to present the views of Military-Veterans Advocacy® (MVA™) on HF 1855.

### **About Military-Veterans Advocacy®**

Military-Veterans Advocacy Inc.® (MVA™) is a tax-exempt IRC 501[c][3] organization based in Slidell, Louisiana that works for the benefit of the armed forces and military veterans. Through litigation, legislation, and education, MVA™ seeks to obtain benefits for those who are serving or have served in the military. In support of this, MVA™ provides support for various legislation at the State and Federal levels as well as engaging in targeted litigation to assist those who have served. We currently have over 2300 proud Members and over 21,000 followers on our social media accounts. In 2023, our volunteer board of directors donated almost 10,000 hours in support of veterans. MVA™ analyzes and supports/opposes legislation, assists Congressional staffs with the drafting of legislation and initiates rule making requests to the Department of Veterans Affairs. MVA™ also files suits under the Administrative Procedures Act to obtain judicial review of veterans' legislation and regulations as well as *amicus curiae* briefs in the Courts of Appeal and the Supreme Court of the United States. MVA™ is also certified as a Continuing Legal Education provider by the State of Louisiana to train attorneys in veterans' law and we do so throughout the nation.

MVA™ is a member of the TEAMS Coalition, the Foundation for Veterans Outreach Programs and other working groups. MVA™ works closely with Veterans Service Organizations including the United States Submarine Veterans, Inc, the National Association of Atomic Veterans, Veterans Warriors, and other groups working to secure

benefits for veterans.

**Military-Veterans Advocacy Executive Director  
Commander John B. Wells, USN (ret)**

MVA™'s Chairman, Commander John B. Wells, USN (Retired) has long been viewed as a technical expert on veterans law. A 22-year veteran of the Navy, Commander Wells served as a Surface Warfare Officer on six different ships, with over ten years at sea. He possessed a mechanical engineering subspecialty, was qualified as a Navigator and for command at sea and served as the Chief Engineer on several Navy ships.

Since retirement, Commander Wells has become a practicing attorney with an emphasis on military and veteran's law. He is counsel on several pending cases concerning herbicide and other toxic exposures. Commander Wells was the attorney on the *Procopio v. Wilkie* 913 F. 3d 1371 (Fed. Cir. 2019) case that extended the presumption of herbicide exposure to the territorial sea of the Republic of Vietnam, which laid the groundwork for the Blue Water Navy Vietnam Veterans Act. He strongly supported, both in Congress and the courts, the extension of the herbicide presumption and to cover veterans in Thailand, Guam, American Samoa, and Johnston Island. He also initiated successful judicial review of the Appeals Modernization Act with a favorable outcome. *MVA v. Secretary of Veterans Affairs*, 7 F.4th (Fed. Cor. 2021). Since 2010 he has visited virtually every Congressional and Senatorial office to discuss the importance of enacting veterans' benefits legislation. With the onset of covid, Commander Wells has conducted virtual briefings for new Members of Congress and their staffs. His curriculum-vitae is attached.

**HF 1855 Violates the Federal Constitution**

In areas traditionally reserved to the States, preemption is not appropriate. Likewise, the

States need to keep out of areas traditionally reserved to the federal government. Raising a military and providing benefits for veterans is the responsibility of the federal government's power to raise and equip a military, *See*, US CONST art. I § 8 cl. 12 & 13. Historically, Veterans benefits flow from this enumerated power of Congress. One court has addressed this issue as follows:

Veterans' Administration functions under the delegation of power conferred upon Congress by Article 1, Section 8 of the Constitution there can be no doubt. It functions under the power conferred upon Congress by the Constitution to raise and support armies and to provide and maintain a Navy. The chief purpose and function of that administration is to care for men and women<sup>39999</sup> after their discharge from the Armed Forces. It provides pensions, health and rehabilitation service, educational advantages, and in other ways alleviates the hardships to veterans which might result by reason of their having served in the Armed Forces of the United States. This is plainly a part of the military—a part of the defense of the United States and waging war against our enemies. *Royce, Inc. v. United States*, 126 F. Supp. 196, 204 (Ct. Cl. 1954)

States have some discretion in managing their National Guard. Federal military matters are the province of the federal government and the states simply need to abstain from any interference. The authority given to Congress by the Constitution is plenary and exclusive. *Perpich v. U.S. Dep't of Def.*, 880 F.2d 11, 16 (8th Cir. 1989), *aff'd sub nom. Perpich v. Dep't of Def.*, 496 U.S. 334, 110 S. Ct. 2418, 110 L. Ed. 2d 312 (1990). The States have no authority in these matters. Even if they could claim any influence at all, it would be subservient to federal power.

Indeed, it is well settled that if Congress evidences an intent to occupy a given field, any state law falling within that field is preempted. *Silkwood v. Kerr-McGee Corp.*, 464 U.S. 238, 248, 104 S. Ct. 615, 621, 78 L. Ed. 2d 443 (1984). Here there is no question that Congress intended to preempt the field of veterans benefits. *Mehrkens v. Blank*, 556 F.3d 865, 870 (8th

Cir.2009). *See, also, Morris v. Shinseki*, 26 Vet. App. 494, 504 (2014).

HF 1855 appears to be an attempt to legitimize claims sharks. Congress is taking action on this issue. 38 U.S.C. § 5901(b) does contain a requirement that the VA post a warning against unaccredited individuals who prey on veterans.

Nor does HF 1855 not limit participation by third party unaccredited consultants to the initial claim. The opposite is true. A fair reading of the bill's definitions encompasses every stage of the veterans benefits proceedings for the original claim to the Supreme Court of the United States. The language of the definition is broad and expansive and there are no limits or exclusions.

No presumption against federal preemption of state law is applicable in this case. Admittedly, there are some areas where state and federal law can exist together. This is not one of those areas. The Constitution has enumerated certain areas that are the sole province of the federal government, *See US CONST art I § 8*. These include immigration, patent and trademark, bankruptcy, declaration of war, coin money and the raising, regulating and disciplining the armed forces. Certainly, we do not want the State of Iowa declaring war on Canada. Nor do we want California issuing patents. No one wants to see Rhode Island distribute a 3 cent coin. The concept of federalism is that both the federal government and the state governments have powers. HF 1855 has not been tied to a specific Constitutional or other provision allowing the States to regulate federal veterans benefits.

The failure of Minnesota to effectively regulate claim sharks under previous legislative efforts highlights the state's lack of expertise in federal veterans' benefits law. Minnesota lawmakers did not consult VA-accredited attorneys prior to drafting these bills, instead relying on non-attorney veterans' groups that lack the necessary technical and legal knowledge to craft

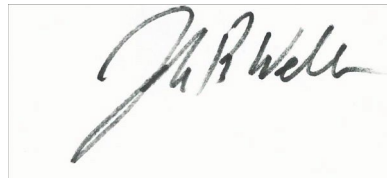


effective legislation. This underscores why states should not interfere in areas of federal jurisdiction—they lack the specialized expertise needed to navigate the complexities of veterans’ benefits law. Without such expertise, state-level intervention results in ineffective or unconstitutional policy, as demonstrated by these bills.

**Conclusion**

HF 1855 violates the United States Constitution. Military-Veterans Advocacy hereby serve notice that if this bill becomes law, we will initiate litigation to prevent its enforcement.

Respectfully Submitted,

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and appears to read "John B. Wells".

John B. Wells  
Commander USN (retired)  
Chairman

**United Veterans Leadership Council, Inc**  
Veterans Service Building  
20 West 12<sup>th</sup> Street  
St. Paul, MN 55155  
(612) 325-3340

March 18, 2025

The Honorable Jay Xiong, Chair  
Minnesota House Veterans and Military Affairs Division  
Minnesota State Capitol  
75 Rev Dr Martin Luther King Jr Blvd  
St Paul, Minnesota 55155

Re: OPPOSITION TO HF 1855 AND REQUEST TO TESTIFY

Dear Chairman Xiong and Members of the Division,

The United Veterans Leadership Council (UVLC) **opposes HR 1855** as written, which expands the problematic 2017 Disclosure statute, imposes unconstitutional restrictions on veterans' access to representation by accredited attorneys, and regulates legal services before the U.S. Department of Veterans Affairs (VA), appellate courts and the Supreme Court of the United States.

**About UVLC**

Founded in 1968, UVLC is one of the oldest independent nonprofit veterans organizations in Minnesota. For decades, UVLC has informed on legislative issues in Minnesota, advising and educating lawmakers, various veterans groups, and members of the public. Starting in 2024, UVLC began a multi-year campaign to educate Minnesotans, Members of the United States Congress, and policymakers about how various advocates may work together to help veterans, rather than work against each other, including federal officials, state officials, VA-accredited representatives (VSO's, CVSO's, attorneys, and claims agents), and Members of U.S. Congress.

**About Benjamin Krause**

Benjamin Krause is the current Chair of UVLC. He is an award-winning veterans' advocate, investigative journalist, and VA-accredited attorney. Throughout his legal career, he has been dedicated to advancing the rights of veterans, holding the U.S. Department of Veterans Affairs and other federal agencies accountable for policies and practices that harm veterans. A University of Minnesota Law School alumnus, Krause is regarded as a national authority on veterans' policy. His insights and investigative work have been featured in such publications as The Hill, Newsweek, Foreign Policy Magazine, Bloomberg TV, the Star Tribune, and the Pioneer Press. Krause has previously testified before the Democratic National Platform Committee on veterans' rights issues in collaboration with Veterans For Common Sense. Krause is a disabled veteran who served honorably in the United States Air Force within the Air Mobility Command and Special Operations Command.

### **Opposition To HF 1855**

The proposed legislation, HF 1855, expands the already controversial Minn. Stat. § 197.6091 Disclosure law without resolving its existing flaws. While intended to protect veterans from "claim sharks," the bill fails to achieve this goal and instead introduces new legal contradictions and consumer fraud concerns under Minn. Stat. §§ 325F.69-70, the Minnesota Consumer Fraud Act. Additionally, it ignores Minn. Stat. § 481.02, which prohibits unlicensed individuals from providing legal services, preparing legal documents, or advertising such services—further complicating its legal standing. Such violations are already a crime.

Ironically, the statute as amended by the bill would maintain the language that would force licensed attorneys promote CVSO benefits/appeal services as equivalent to legal services from a VA-accredited attorney, despite the clear differences in qualifications and oversight. By enforcing use of the Disclosure MDVA drafted, the agency may itself be engaging in a deceptive practice—potentially violating the very Consumer Fraud Act it seeks to enforce, because a CVSO does not provide equivalent legal services to those of a licensed attorney. In February 2025, UVLC requested correspondence between MDVA and MACVSO to better understand how the Disclosure language was created, but MDVA indicated relevant correspondence was destroyed including emails of then Commissioner Larry Shellito, 2017-2019.

The bill fails to differentiate between the benefits services/appeal services of claim sharks, CVSO's, VSO's, while failing to address legal services provided by licensed attorneys

who are VA-accredited by the federal VA. The failure to differentiate between credentialing requirements of the different parties impacted by the legislation must be appreciated within future legislation. An example of the differences in credentials follows:

- Unaccredited Parties – Presently there exists no federal accreditation for for-profit companies, or their employees, who get paid for work on veterans benefits services on initial benefits claims.
- Minnesota requires that its CVSO's meet the state definition of veteran (i.e. DD214), gain VA-Accreditation through a chartered federal VSO, and complete on-the-job training. A CVSO is forbidden from charging veterans a fee for their benefits or appeal services.
- Attorneys in Minnesota must complete a bachelor's degree, a juris doctor, pass the Bar to gain a Minnesota License to Practice Law, and gain VA-accreditation once licensed. The services attorneys provide are legal services. Federal VA-accreditation regulations forbid charging a fee for legal services provided to help a veteran file an initial benefits claim.

### **Key Provisions of HF 1855**

- Imposes new penalties, making violations subject to Minn. Stat. §§ 325F.69-70 (Minnesota Consumer Fraud Act).
- Enhances existing mandates that, according to MDVA, requires accredited attorneys to inform veterans and the public that Minnesota County Veterans Service Officers (CVSOs) are equivalent alternatives to paid representation by a licensed attorney, who provide legal services. The statements must be included in a mandatory Disclosure and any advertisement even if representation is at the U.S. Court of Appeals for Veterans Claims, where it appears no Minnesota CVSO is admitted.
- Creates new state regulatory oversight that conflicts with federal laws governing admission, representation, and fee agreements used by VA-accredited attorneys at VA, federal appellate courts, and U.S. Supreme Court admissions requirements.

### **Legal and Constitutional Concerns**

1. Federal Preemption – HF 1855 imposes state restrictions on federally regulated attorneys and claims agents, conflicting with Title 38 of the U.S. Code and violating federal preemption. The federal VA regulates representation by VA-accredited attorneys for

federal veterans benefits; the Minnesota Department of Veterans Affairs (MDVA) presently lacks authority, resources, and expertise for such enforcement in Minnesota.

2. Separation of Powers Violation – Confuses state agency control over “legal services” by apparently reclassifying them as “veterans benefits services” or “veterans benefits appeal services,” violating Minn. Stat. § 481.02 and infringing on the Minnesota Supreme Court’s authority over the practice of law under Minnesota Statutes Chapter 481.
3. Consumer Fraud Act Contradiction – Forces licensed attorneys to promote non-legal CVSO/VSOs services as equivalent alternatives, which may itself be a deceptive practice under the Minnesota Consumer Fraud Act.
4. Void for Vagueness – The bill lacks clear legal definitions, creating regulatory uncertainty and potential due process violations:
  - Fails to differentiate between legal services of a VA-accredited attorneys versus lawful services of a claims agents versus fraudulent services of "claim sharks".
  - Does not clarify which legal services VA-accredited attorneys may provide in Minnesota versus veterans benefits services and appeals services that MDVA can regulate.
  - Fails to account for the 2017 Appeals Modernization Act, leaving outdated references to the Legacy Appeals system.
  - Omits key federal terms like “preparation, presentment, and prosecution of claims,” which define all VA-accredited representatives’ services, whether free or paid.
  - Unaccredited companies indicate they provide consulting services, which are not expressly addressed in the existing statute or bill.

### **Impact on Veterans**

- Restricts Minnesota veterans' ability to choose independent, professional legal representation as provided under federal law.
- Forces more veterans into a state-controlled claims processing system, regardless of their best interests.
- Fails to target real fraud, instead penalizing VA-accredited attorneys who lawfully assist veterans.

## **Conclusion**

This bill, by adding a new penalty to the Disclosure statute (Minn. Stat. §§ 325F.69-70), risks contradicting itself. It forces VA-accredited attorneys to promote CVSO's and VSO's in ways that could be false, misleading, or deceptive, violating the very Minnesota Consumer Fraud Act it relies on to prevent those same activities. If the bill becomes law, the amended statute would maintain its violation of the U.S. Constitution and federal preemption. The federal VA already promulgated federal regulations governing federal VA benefits and representation of veterans before the federal agency. The statute as amended would continue to require that lawful representative provide potentially misleading information to veterans before those veterans can receive higher-level legal services from licensed attorneys.

Minnesota veterans deserve accurate, transparent information to make informed choices, not government-mandated statements that may mislead the very people they claim to protect.

Sincerely,

*Benjamin Krause*

Benjamin Krause, Esq.  
UVLC Chairman

## Attachments

- MDVA Data Practices Response



## MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

20 W 12th St, St Paul, MN 55155  
Phone: 651-296-2562 • Fax: 651-296-3954  
MinnesotaVeteran.org • 1-888-LinkVet

March 7, 2025

Attn: Mr. Benjamin Krause  
United Veterans Leadership Council  
UVLC Chairman  
(612) 325-3340

From: Dan Seburg, DPCO of MDVA  
20 W. 12<sup>th</sup> St.  
St. Paul, MN 55155  
[Daniel.Seburg@state.mn.us](mailto:Daniel.Seburg@state.mn.us)

**Re:** Your request for legal opinions, etc.; meeting minutes, agendas, attendance records; past enforcement actions, challenges, and correspondence related to Minn. Stat. § 197.6091; promotional pamphlet that referenced HF 1209 in 2017; and Commissioner communications that referenced the disclosure statement between 01/01/2017 and 01/01/2019

Attn: Benjamin Krause for UVLC

This letter serves as a follow up to the acknowledgment letter that MDVA sent to you on February 28, 2025, in regards to the request as described above that UVLC submitted on the evening of February 26, 2025.

Below is the cost estimate of the estimated dollar charge that reflects the amount of staff time necessary to search for and retrieve responsive public data that corresponds to your request, broken down by each category of data that was requested.

For request items #1 and #3, the estimated staff search and retrieval time is a combined 7.5 hours with a total cost estimate of \$ 478.18 (four hundred seventy-eight dollars and 18 cents).

For request item #2 (meeting minutes, agendas, attendance records), the estimated staff search and retrieval time is 1.25 hours with a total cost estimate of \$ 89.78 (eighty-nine dollars and 78 cents).

For request item #4 (“Any records that reference HF 1209 including the pamphlet Ben Johnson circulated at the Military and Veterans Affairs Section of the Minnesota State Bar Association May 2017”), the estimated staff search and retrieval time is 3.5 hours with a total cost estimate of \$ 284.58 (two hundred and eighty-four dollars and 58 cents).

For request item #5 (“Disclosure Statement Records o Copies of communications between MACVSO and the Commissioner where the disclosure statement was discussed 01/01/2017 to 01/01/2019”), there are no responsive public data. After looking into this, MDVA determined the Commissioner during that time span was Larry Shellito. The MDVA does not have or maintain former Commissioner Larry Shellito’s e-mails or general correspondence, because they have been securely destroyed in accordance with the agency’s retention period for e-mails.

Please let us know if you wish to proceed with any of the above request items. If you decide to proceed with all of them for this specific data request consisting of the four (4) items above, the total estimated \$ cost is: \$ 852.54 (eight hundred and fifty-two dollars and 54 cents). Please note, as mentioned in MDVA’s February 28, 2025 letter to you on behalf of UVLC, MDVA requires pre-payment of the estimated costs before we will further process your data request. If the costs are agreeable to you,

### Serving Minnesota Veterans and Their Families

MDVA is a Veteran-friendly, equal opportunity and affirmative action employer and service provider. This document can be made available in alternate formats. Contact MDVA’s Diversity, Equity and Inclusion Line at 612-548-5961 or your preferred telecommunications relay service.



## MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

20 W 12th St, St Paul, MN 55155  
Phone: 651-296-2562 • Fax: 651-296-3954  
MinnesotaVeteran.org • 1-888-LinkVet

MDVA requires a check (personal or certified) made out to the Minnesota Department of Veterans Affairs in the amount listed in the estimate above. A check can be mailed to the General Counsel's Office, Veteran Services Building, 20 West 12th Street, Suite 200, Saint Paul, MN 55155. Once payment is received and has cleared, any responsive data will be retrieved, and MDVA will move forward with processing your request for public data.

Finally please note, if the actual search and retrieval processing time for your request item(s) takes longer than anticipated and estimated above, MDVA reserves the right to pause (before incurring additional search and retrieval time) on further processing the request until an agreement is reached with you to receive your payment for any additional estimated costs greater than the original estimate above, and in that event, MDVA would resume processing your request after the additional payment from UVLC has been received and has cleared.

If you have any further questions, requests, or concerns, or if you wish to narrow the scope of your public data requests in order to speed up the response time or reduce the estimated costs of data retrieval for fulfillment of your requests, please do not hesitate to correspond with me directly at [Daniel.Seburg@state.mn.us](mailto:Daniel.Seburg@state.mn.us) or at [dpcv.mdva@state.mn.us](mailto:dpcv.mdva@state.mn.us).

Thank you for your correspondence.

Sincerely,

/s/ Dan Seburg

Dan Seburg

### Serving Minnesota Veterans and Their Families

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