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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A09-127**

State of Minnesota,  
Respondent,

vs.

Stephen Walter Solors,  
Appellant.

**Filed January 5, 2010  
Affirmed  
Minge, Judge**

Crow Wing County District Court  
File No. 18-CR-07-5370

Lori Swanson, Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2134; and

Donald F. Ryan, Crow Wing County Attorney, John J. Sausen, Assistant County Attorney, 213 Laurel Street, Suite 31, Brainerd, MN 56401 (for respondent)

Stephen Walter Solors, 51061 Wolf Drive, Deer River, MN 56636 (pro se appellant)

Considered and decided by Minge, Presiding Judge; Schellhas, Judge; and Larkin, Judge.

**UNPUBLISHED OPINION**

**MINGE**, Judge

In this criminal action for a violation of state environmental law, appellant challenges the district court's subject-matter jurisdiction. Because federal and state law

provide that violations concerning appellant's property are within the jurisdiction of the state and that the district court had authority to adjudicate the subject matter of this criminal proceeding, we affirm.

## **FACTS**

Appellant George Solors is a resident of Garrison Township in Crow Wing County. In the summer of 2007, Solors began constructing a driveway over a protected wetlands area, never seeking or receiving an exemption for the construction by the Department of Natural Resources (DNR). DNR officers issued a series of warnings, a cease-and-desist order, and a wetlands-enforcement order directing restoration, none of which were heeded by Solors. On December 1, 2007, the DNR issued Solors a misdemeanor citation for violation of a wetlands-enforcement order pursuant to Minn. Stat. § 103G.2372 (2006).<sup>1</sup> The citation was filed with the district court. Solors appeared pro se and filed a motion to dismiss the proceeding for lack of subject-matter jurisdiction. The district court, in a bench trial, found that Solors violated the enforcement order and imposed a stayed 90-day jail sentence and a \$200 fine. This appeal follows.

## **DECISION**

The sole issue raised by Solors in his appeal is subject-matter jurisdiction. Subject-matter jurisdiction is the court's "authority to hear and determine a particular class of actions and the particular questions which the court assumes to decide."

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<sup>1</sup> "A violation of ['a cease and desist order to stop any illegal activity adversely affecting . . . a wetland'] is a misdemeanor and must be prosecuted by the county attorney where the wetland or public waters are located or the illegal activity occurred." Minn. Stat. § 103G.2372, subd. 2.

*Robinette v. Price*, 214 Minn. 521, 526, 8 N.W.2d 800, 804 (1943) (citation omitted). “Jurisdiction of the subject matter is derived from the law.” *See State ex rel Hansen v. Rigg*, 258 Minn. 388, 390, 104 N.W.2d 553, 554 (1960). We review questions concerning subject-matter jurisdiction de novo. *Johnson v. Murray*, 648 N.W.2d 664, 670 (Minn. 2002).

Although Solors frames his argument in terms of the district court’s subject-matter jurisdiction, it is apparent from his brief that he is challenging the state’s power as a sovereign to enact laws regarding his land. It is undisputed that his property lies within the geographic area established by Congress as the jurisdiction of Minnesota in the Organic Act of 1849 and the 1857 Act Authorizing a State Government.<sup>2</sup> The Minnesota Constitution, pursuant to those federal enactments, confirmed that the State of Minnesota maintains “jurisdiction over the territory embraced in the [organic act].” Minn. Const. art. II, § 1. The Minnesota Statutes also affirm that:

The sovereignty and jurisdiction of this state extend to all places within its boundaries as defined in the constitution and, concurrently, to the waters forming a common boundary between this and adjoining states, subject only to rights of jurisdiction acquired by the United States over places in it.

Minn. Stat. § 1.01 (2008). These acts of Congress, our state constitution, and our state statutes make clear that the laws of this state apply within those geographic boundaries, with few exceptions that are not relevant here. This state’s powers include plenary regulatory authority and so-called “police power” to control conduct occurring on private

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<sup>2</sup> These authorities are printed in introductory pages xli and xlvii to the state-published Minnesota Statutes (2008).

land. *See McShane v. City of Faribault*, 292 N.W.2d 253, 257 (Minn. 1980) (citing *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 475 S. Ct. 114 (1926)).

In Minnesota, judicial powers are vested in the various courts including the district courts. Minn. Const. art. VI, § 1. The district courts have original jurisdiction in all civil and criminal cases. *Id.*, § 3; Minn. Stat. § 484.01, subd. 1(1, 2). The statutes specify that any person may be convicted of a crime under the laws of Minnesota if he “commits an offense in whole or in part within this state.” Minn. Stat. § 609.025 (2008).

The citation issued to Solors states that he violated Minn. Stat. § 103G.2372 (2006). That offense is a misdemeanor. *Id.* Solors failed to appear in response to the citation, and a formal complaint was lodged by an assistant Crow Wing county attorney, served on Solors, and filed in the district court for Crow Wing County. The criminal act in this case—violating a wetlands order—took place within Crow Wing County. The laws of this state, therefore, apply to this offense.

Solors appears to argue that, by his reading, the “subject to” language of Minn. Stat. § 1.01 means the United States must own property in order for the state to exercise jurisdiction over it. This is a nonsensical, inverse reading of the statute. Rather, that section provides that federal property may be excepted from state jurisdiction (i.e. state jurisdiction exists “subject only to rights of jurisdiction acquired by the United States”). *Id.* That this federal jurisdiction means federal ownership is confirmed by subsequent sections of the statute. *See* Minn. Stat. §§ 1.041-.049 (2008). There is no claim that the

land where the wetland violation occurred is federal property. Indeed, Solors clearly claims that he is the owner.<sup>3</sup>

Based on the foregoing constitutional and statutory provisions, we conclude that this record clearly establishes that the district court had subject-matter jurisdiction.

**Affirmed.**

Dated:

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<sup>3</sup> A federal court ruling resoundingly rejected a constitutional claim by Solors on similar grounds in April 2009. *See Solors v. Warta*, 2009 WL 1010626, \*16 (D. Minn. Apr. 14, 2009) (“Section 1.01 . . . makes plain that the State’s jurisdiction applies to all of the land within its boundaries, including [Solors’s] property”).