



City of Canton

106 N. Main St. • P.O. Box 92
Canton, MN 55922
CantonMN.com (507) 743-5000

April 11, 2024

Fillmore County Attorney's Office
PO Box 466
Preston, MN 55965

RE: State of Minnesota vs. Lolitta Melander; Fillmore County Court File No. 23-CR-19-671

Dear Fillmore County Attorney & Court:

The Canton City Council respectfully and strongly objects to the petition of expungement of conviction for Lolitta Melander for the theft and criminal taking of city funds. The City of Canton is still struggling to financially recover from the theft of funds. The citizens of Canton and the Council are continuing to build back trust with each other and the financial administration of city affairs. The expungement of Melander's conviction would not be in the best interest of public safety and trust.

In deciding to expunge a criminal record, the Court must make findings under Minn. Stat § 609A.03 Subd 5(c). The Canton City Council presents the following arguments for why those factors do not support expungement in this case.

1. **The nature and severity of the underlying crime, the record of which would be sealed;**
 - a. Ms. Melander was charged with 26 felony counts of similar crimes and received a stay of adjudication on count 2, Theft-by Swindle under Minn. Stat. 609.52(2)(4).
 - b. These charges stem from a ten-year period wherein Ms. Melander took advantage of her position as a trusted government employee. While they were not violent crimes, the number of charges and how long she was able to conceal her crimes makes her actions especially immoral. The public must have trust in our governmental institutions for them to effectively serve the public. The erosion of public trust that resulted from Ms. Melander's actions was perhaps equally harmful to the financial impacts imposed upon the city.
 - c. This factor does not support expungement.



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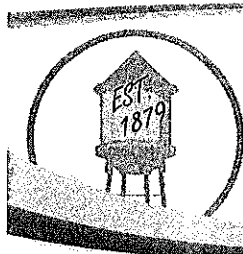
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2. **The risk, if any, the petitioner poses to individuals or society;**
 - a. Ms. Melander is still a risk to individuals and society. This is most apparent by Ms. Melander's shameless attempt to solicit donations from her community through a Go Fund Me page, which we have attached for your review. (Ex 1: Go Fund Me Page). The City of Canton has no knowledge of Ms. Melander's health. However, given her history of dishonesty, it is our firm belief that this is yet another example of such behavior. In her attempt to solicit money, Ms. Melander indicates she is an open book, has a big heart, and has worked extremely hard in her past jobs, usually holding 3 to 4 at one time. Ms. Melander may view herself in that light, but the City of Canton, our community, and residents, know these to be false statements. In fact, if Ms. Melander is such an open book, why would she want these charges expunged? Ms. Melander has learned nothing from her illegal actions.
 - b. This factor does not support expungement.

3. **The length of time since the crime occurred;**
 - a. Ms. Melander took advantage of the faith and trust of an entire community over the course of approximately ten years in her position as city clerk. She was sentenced for this crime in March 2022. She received the benefit of a stay of adjudication and among other things, was sentenced to ten years of supervised probation. The City is frustrated that the restitution ordered was far less than what Ms. Melander was demonstrated to have stolen from the city. Furthermore, after only one year, she received an early release from probation. At every turn during these criminal proceedings Ms. Melander was given a break. Her record should not be expunged and sealed in the same laissez faire manner. The consequences of her actions should follow her for at least as long as she was stealing money from a community of people who trusted her.
 - b. This factor does not support expungement.

4. **The steps taken by the petitioner toward rehabilitation following the crime;**
 - a. Ms. Melander paid the court-ordered restitution, but she has presented no evidence that she has done anything else to rehabilitate herself. The divorce and newfound freedom from past burdens of control issues cited in her petition do not constitute rehabilitation; they are further examples of how Ms. Melander still does not take ownership of her own actions. Her comments clearly indicate that she continues to be more concerned with herself and how this has made her a better person than taking responsibility for her actions. She doesn't mention the community of Canton once in her motion. That is because she hasn't done a single thing to work towards restoring her relationship with our community or mending the distrust that still exists between the community and the local body of government.



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While Ms. Melander has moved on, the city has had to put in the time, day-by-day, to rebuild trust with residents and rebuild its regional reputation.

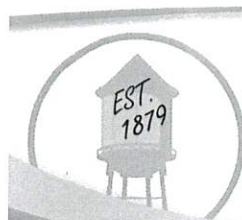
- b. Ms. Melander is not a better person because of this experience. She does not articulate a single way in which she gives back to our society and in this instance, it is not society at large that the Court should be considering when viewing whether Ms. Melander is rehabilitated. The Court should pay particular attention to how Ms. Melander has failed to take any restorative steps with the community she victimized. It is easy to hide away in a community made up of your friends and family, and an entirely different thing to face the people in a community you have wronged. Personal rehabilitation is taking ownership of your actions, and Ms. Melander has not done that.
 - c. This factor does not support expungement.
5. **Aggravating or mitigating factors relating to the underlying crime, including the petitioner's level of participation and context and circumstances of the underlying crime;**
- a. Ms. Melander was a trusted government employee. She is the sole participant in this crime. She made the decision in 2011 to steal from the community who trusted her. She did not just do this on one occasion. She did it continuously over the course of approximately ten years. At some point she became so confident in her scheme, she duplicated her efforts in another local community. This was a systematic scheme, not an insignificant, victimless crime.
 - b. This factor does not support expungement.
6. **The reasons for the expungement, including the petitioner's attempts to obtain employment, housing, or other necessities;**
- a. Ms. Melander's argument for expungement rests solely on the idea that this has been hard on her family. Ms. Melander makes no allegation that she has had trouble finding employment, housing, or obtaining other necessities.
 - b. The City of Canton requests the Court take notice of Court File 23-FA-23-298, Ms. Melander's dissolution of marriage file.
 - c. It is our understanding that as recently as October 2023, Ms. Melander was working for Velv, LLC, in Rochester, MN, making \$3,033.00 per month.
 - d. Additionally, even though her crime was carried out in the course of her employment as the City Clerk of Canton, it appears that Ms. Melander is still entitled to her Public Employees Retirement Account, which was a benefit of her employment with the city. The commuted value as of October 2023, was \$99,577.76. The City often wonders how much of the initial investment and interest made on this account was gained because of her theft over the course of ten years.



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- e. Next, Ms. Melander also received \$170,000.00 as part of her dissolution of marriage. Further, her judgement and decree from October 2023, states Ms. Melander is able to financially support herself.
 - f. There is no indication that Ms. Melander is struggling financially. It can only be assumed that the hardship on her family is not financial and thus, rests solely on the idea that this crime has been an embarrassment for Ms. Melander and her family.
 - g. This factor does not support expungement.
- 7. The petitioner's criminal record;**
- a. The City is unaware of Ms. Melander's criminal record.
- 8. The petitioner's record of employment and community involvement;**
- a. Ms. Melander was a trusted government employee who stole from the city and its residents. She has not been involved with our community since her employment terminated, nor has she attempted to. Ms. Melander has shown no remorse for her crime.
 - b. This factor does not support expungement.
- 9. The recommendations of interested law enforcement, prosecutorial, and corrections officials;**
- a. The City is unaware of other stakeholder recommendations.
- 10. The recommendations of victims or whether victims of the underlying crime were minors;**
- a. Based on all the arguments presented, the City Council on behalf of the entire community explicitly objects to the Court granting Ms. Melander's motion.
 - b. This factor does not support expungement.
- 11. The amount, if any, of restitution outstanding, past efforts made by the petitioner toward payment, and the measures in place to help ensure completion of restitution payment after expungement of the record if granted; and**
- a. Ms. Melander paid the court-ordered restitution, however, that restitution in no way restored the full financial losses suffered by the community, nor did it serve to restore trust in local government.
 - b. This factor does not support expungement.



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12. Other factors deemed relevant by the court.

- a. We respectfully request the Court consider the following in making a decision:
 - i. Ms. Melander's record currently shows that all the charges were dismissed.
 - ii. She was never convicted of a felony.
 - iii. She was never adjudicated guilty.
 - iv. She received work release during her 120-day jail sentence.
 - v. She was released early from probation.
 - vi. Ms. Melander has not been able to articulate a single reason why this record should be expunged. We contend that is because this record is not hurting her in any meaningful way except to serve as a constant reminder of what she did, and she should continue to be reminded of that.
- b. This factor does not support expungement.

Respectfully,

Anne Koliha
Canton City Clerk

CC Josh Nordsving, Mayor
Randy Gossman, Councilor
Kristy Ziegler, Councilor
Jen Dowling, Councilor
Jason Magnuson, Councilor

Attachments: Ex 1: Go Fund Me Page

Exhibit 1


Search How it works Start a GoFundMe



Sign in



Living with Dementia

 Lolly Melander is organizing this fundraiser.

 Donation protected

I pray to God that Good Christian American people Will listen to me for a moment.

I am a 54 yr old, mother of 3 beautiful children and a husband who has taken on all financial, medical and my care giving needs.

I have been diagnosed with dementia from Mayo Clinic in Rochester, Minnesota in December 2021; due to extended long term severe stress, anxiety and depression that I suffer from for the past 4 years. I know most of you will think, "she can still work, she is young". Well, I have been dismissed from my past 2 jobs within 10 months because I do not remember how to complete my tasks on a day-to-day basis. I do not come from money but I am an open book, have a big heart, and never make anyone feel left out. I have always worked extremely hard in my past jobs, usually holding 3 to 4 jobs at one time.

I am currently in a 8 week treatment program to help me to reconnect brain functions, therapy and psychology to learn how to reduce / cope with stress and anxiety. After this timeframe, things will be reevaluated, more tests done and ongoing treatment for long term prognosis.

I am sad, frustrated and confused daily. I have to write everything down. I am at the point where I don't like to drive because I forget where or why I'm driving. I do not even have enough money to pay for gas in my vehicle that I forget to fill.

My youngest son has stepped up and had been helping us pay our monthly bills, buying groceries and helping make meals because some days I just don't remember. I am so sad

because as his Mom, this is what I am suppose to do for my child. He had plans to move closer to the city where he works (which is an hour away) but decided to stay with us and help me instead of moving on with his life.

I have applied for disability but this takes time. In the mean time I sure could use your help. I have months/years of medical appointments, assistant for our household bills until our financials are in better shape to pay the medical bills, fuel, supplies, utilities, LP fuel, garbage fees, etc.

We have cut as much out of our budget as we could. Our heat is set at 62 degrees (it is winter here in Minnesota), only use lights after sundown, wash laundry late in day, only have 1 meal a day, and only purchase the bare essentials of groceries (bread, milk, eggs, flour, sugar).

We are very proud folks but at this time I had to ask for help. There is no cure for Dementia, I feel ashamed to have to ask for help but I don't know what else to do.

Sincerely and God Bless!
Lolly Melander

Organizer



Lolly Melander

Organizer
Lanesboro, MN

Contact

Created February 8th, 2022 · Medical

\$250 raised

This fundraiser is no longer accepting donations. If you are the organizer, beneficiary, team member, or donor, [sign in](#) to see additional information.



This fundraiser is located near you



Angela Taylor
\$100 · 2 yrs



Shanna Keck
\$50 · 2 yrs



karen neneman
\$50 · 2 yrs



Anonymous
\$50 · 2 yrs