



COMPLAINT FOR VIOLATION OF THE CAMPAIGN FINANCE AND PUBLIC DISCLOSURE ACT

14 JUL 31 AM 11:17
CAMPAIGN FINANCE & PUBLIC DISCLOSURE BOARD

All information on this form is private and confidential until a finding is issued by the Board.

Information about complaint filer

Name of complaint filer <i>James Samborn</i>	
Address <i>825 Yellowstone Trl</i>	
City, state, zip <i>Waconia MN 55387</i>	Daytime telephone no. <i>952-270-6085</i>

Identify person/entity you are complaining about

Name of person/entity being complained about <i>Bob Frey - Bob Frey MN</i>	
Address <i>13150 Stewart Ave</i>	
City, state, zip <i>Norwood Young America MN 55368</i>	
Title of respondent (if applicable)	
Board/Department/Agency/District # (if legislator) <i>Minnesota House of Representatives 47A</i>	

James Samborn
Signature of person filing complaint

7/29/2014
Date

Send completed form to: Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building
658 Cedar Street
St. Paul, MN 55155

If you have questions call: 651/296-1721; 800/657-3889; or
for TTY/TDD communication contact us through the Minn. Relay Service at 800/627-3529
Board staff may also be reached by e-mail at: cf.board@state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651/296-5148; 800/657-3889; or through the Minnesota Relay Service at 800/627-3529.

Give the statute cite of the portion of Chapter 10A, or Minn. Rules you believe has been violated.

10A.27 sub 10, 10A.27 sub 8

You will find the complete text of Minn. Stat. §10A and Minn. Rules Chapters 4501 - 4525 on the Board's website at www.cfboard.state.mn.us .

Nature of complaint

Explain in detail why you believe the respondent has violated Chapter 10A, the Campaign Finance and Public Disclosure Act. Attach an extra sheet of paper if necessary. Attach any documents, materials, minutes, resolutions or other evidence to support your allegations.

See attached

Minn. Stat. 10A.02, subd 11 - Violations; enforcement.

The board shall investigate any alleged violation filed in writing with the board. For an alleged violation of sections 10A.25 (expenditure limits) or 10A.27 (additional limits) the board shall either enter into a conciliation agreement or make a public finding of whether or not there is probable cause, within 60 days of the filing of the complaint. For alleged violations of all other sections, the board shall within 30 days after the filing of the complaint make a public finding of whether or not there is probable cause to believe a violation has occurred.

The deadline for action may be extended by a majority vote of the board. Within a reasonable time after beginning an investigation of an individual or association, the board shall notify that individual or association of the fact of the investigation. The board shall make no finding without notifying the individual or association of the nature of the allegations and affording an opportunity to answer those allegations.

Any hearing or action of the board concerning a complaint or investigation shall be confidential until the board makes a public finding concerning probable cause or enters into a conciliation agreement.

Except as provided in section 10A.28, after the board makes a public finding of probable cause the board shall report that finding to the appropriate law enforcement authorities.

Facts:

“Bob Frey for MN” is the committee that was formed with Minnesota Campaign Finance Board to support Bob Frey as a candidate for House district 47A. The registration number is 17715.

According to the Campaign Finance Board website, Bob Frey for MN has signed the Public Subsidy Agreement, and returned the Affidavit of Contributions. (Reference 1)

The Public Subsidy Agreement §2 states, “That I will not contribute to my principal campaign committee more than \$5,000 in total during the two-year period from January 1, 2013, through December 31, 2014. I understand that my contribution total includes my cash and in-kind contributions and the outstanding balance of any loans I make to my principal campaign committee.” (Reference 2)

Bob Frey for MN filed a pre-primary report as required for receipts and expenditures from January 1, 2014 to July 21, 2014. This report was received by the CFB on July 28. (Reference 3)

The report shows receipts of \$10,810.00 and expenditures of \$10,373.88 with remaining cash of \$436.12. (Reference 4)

Also included in the report is Schedule A2-LP (“Receipt From Loans Incurred in the Current Year”). Schedule A2 indicates that a loan was received from Bob Frey on June 2, 2014 in the amount of \$9,000. (Reference 5)

According to Minnesota statute 10A.27 §8, “A candidate must not permit the candidate's principal campaign committee to accept a loan from other than a financial institution for an amount in excess of the contribution limits imposed by this section.” (Reference 6)

According to Minnesota statute 10A.27 §10, “A candidate who signs an agreement under section 10A.322 may not contribute to the candidate's own campaign during a segment of an election cycle more than five times the candidate's contribution limit for that segment under subdivision 1.” (Reference 6)

According to Minnesota statute 10A.27 §1, a candidate for state representative is limited to accepting contributions in excess of \$1,000. By extension, candidates who have signed the public subsidy agreement are limited to \$5,000 in personal contributions. (Reference 6)

\$9,000 is more than \$5,000.

According to Minnesota statute 10A.28 §2, violations are subject to “a civil penalty of up to four times the amount by which a contribution exceeds the applicable limits.” (Reference 6)

Complaint:

From the information listed above, there is probable cause to indicate that Bob Frey for MN has violated Minnesota statute 10A.27 by accepting a personal loan in excess of \$5,000 from the candidate.

Bob Frey for Minnesota has also violated the terms of the Public Subsidy Agreement (specifically section 2)

Further, the committee has not raised nearly enough money to repay Mr Frey’s loan, and it remains with an outstanding balance of \$9000 as of July 21.



Principal Campaign Committee Registration Information

Candidate Information

Candidate Name: Bob Frey

Registration Number: 17715

Address: 13150 Stewart Ave

Registration Date: 2/21/2014

Norwood Young America,
MN 55368

Office: House District 47A

Telephone: (952)467-4474

Party: RPM

Email: BobFrey@BobFreyMN.com

Web Address: www.BobFreyMN.com

Public Subsidy: Yes

Aff.of Contribution: Yes

Committee Information

Committee Name: Bob Frey MN

Chair: Mike Frey

Address: 13150 Stewart Ave
Norwood Young
America, MN 55368

Address: 5580 Cnty Rd 10
Waconia, MN 55387

Daytime Phone: (952)467-4474

Daytime Phone: (612)240-0705

Email: MikeFrey@BobFreyMN.com

Treasurer Name: Kristi Frey

Dpty Treas(if any):

Address: 13150 Stewart Ave
Norwood Young America,
MN 55368

Address:

Daytime Phone: (952)467-4474

Daytime Phone:

Email: Kfrey@BobFreyMN.com

Email:

Depository(ies) Klein Bank
Information:

800 Faxon Rd
Norwood Young America,
MN 55397

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Minnesota Campaign Finance and Public Disclosure Board

PUBLIC SUBSIDY AGREEMENT House of Representatives

Candidate's Name	
Office Sought House of Representatives	District
Telephone with area code	Email address
Committee registration number	

Terms of Agreement:

As a candidate for the House of Representatives, I wish to participate in Minnesota's public subsidy system, which consists of a political contribution refund program and a program of direct payments to candidates. I understand that signing this agreement does not guarantee that I will receive direct payments under that portion of the public subsidy system. As a condition of participating in the public subsidy programs, I hereby agree:

1. That I and my principal campaign committee will abide by the statutory campaign expenditure limit for a House of Representatives candidate through December 31, 2014. I understand that campaign expenditures includes the total of my committee's monetary campaign expenditures, in-kind campaign expenditures, and unpaid campaign expenditures during the two-year election cycle and that the base expenditure for my committee during the 2013 - 2014 election cycle is \$60,000.
2. That I will not contribute to my principal campaign committee more than \$5,000 in total during the two-year period from January 1, 2013, through December 31, 2014. I understand that my contribution total includes my cash and in-kind contributions and the outstanding balance of any loans I make to my principal campaign committee.
3. That my principal campaign committee will return with its 2014 year-end Report of Receipts and Expenditures the amount of public subsidy received (if any) that exceeds my actual campaign expenditures.
4. That I and my principal campaign committee will make no independent expenditures.
6. That I and my principal campaign committee will include closed captioning for deaf and hard-of-hearing persons as required by Minnesota Statutes section 10A.38.

I have read and understand this Agreement and I understand that it is a binding legal contract. I know that once I sign and file it, I may not cancel or rescind it even if I do not meet the other requirements to receive direct payments of public subsidy.

Signature of candidate

Date signed

Statement of qualification for first-time candidate campaign expenditure limit increase (see instructions). I have reviewed the requirements for a first-time campaign expenditure increase and by signing below; I claim eligibility for this increase.

Signature of candidate

Date signed

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Minnesota
**Campaign Finance and
Public Disclosure Board**

14 JUL 28 AM 8:23
CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD



Suite 180 - Centennial Office Building - 658 Cedar Street - St. Paul MN 55105-1800
Email at: cfb.reports@state.mn.us

Report of Receipts and Expenditures for Political Committees and Political Funds
Period Covered: January 1 through July 21, 2014
REPORT DUE DATE IS JULY 28, 2014

FILING INSTRUCTIONS

- This report may be emailed to cfb.reports@state.mn.us or faxed to 651-539-1196 or 800-357-4114
- All information on this report is public information and may be published on the Board's website at www.cfboard.state.mn.us
- It is unlawful to use this information for commercial purposes.
- Board staff may be reached by phone at 651-539-1180 or 800-657-3889 or by email at cfb.reports@state.mn.us

COMMITTEE OR FUND INFORMATION

Committee or fund name <i>Bob Frey, MN</i>	Registration number <i>17715</i>
Treasurer name <i>Kristi Frey</i>	Treasurer email address <i>bobfreymn@aol.com</i>
Treasurer address <i>13150 Stewart Ave.</i>	
Treasurer city, state, zip <i>Norwood, Mn. 55369</i>	Treasurer telephone (daytime) <i>952-467-4474</i>

REPORT OPTIONS

Check one of the boxes below *only if applicable* and provide the requested information.

- No change statement** Check this box only if your committee received *no* contributions and made *no* expenditures during this reporting period. Do not use this statement if there was any monetary change. If there was no change:
Provide the current cash balance: \$ _____, and sign here
- I, the treasurer or deputy treasurer (check one) _____ Date _____
certify there has been no change and that this report is complete, true and correct.
- Amendment** Check this box if your committee or fund is filing this report to amend a previously filed report for this period.
Provide date of the report being amended: _____
- Termination** Check this box if your committee has dissolved. A committee may not dissolve unless it has settled all its debts and disposed of all its assets in excess of \$100.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180; 800-657-3889; or through the Minnesota Relay Service at 800-627-3529.

For office use only		
<input checked="" type="checkbox"/> Checked in	<input type="checkbox"/> Scanned	<input type="checkbox"/> Data entered

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COMMITTEE TRANSACTION SUMMARY

1	Beginning cash balance 1/1/14 (should be the same as the 12/31/13 ending cash balance)	\$ 0.00
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A RECEIPTS:			Cash (Col. 1)	Blank (Col. 2)	In-kind (Col. 3)	Total (Col. 4)
2	Total contributions received	Sch. A1 - CR	\$ 1,810. ⁰⁰		\$	\$ 1,810. ⁰⁰
3	Receipts from loans payable	Sch. A2 - LP	\$ 9,000. ⁰⁰			\$ 9,000. ⁰⁰
4	Miscellaneous income	Sch. A2 - MISC	\$			\$
5	TOTAL RECEIPTS	Sum #2 thru #4	\$ 10,810. ⁰⁰		\$	\$ 10,810. ⁰⁰

B DISBURSEMENTS:			Cash (Col. 1)	Unpaid bills (Col. 2)	In-kind (Col. 3)	Total (Col. 4)
6	General Expenditures	Sch. B1 - EXP	\$ 10,373. ⁸⁸	\$	\$	\$ 10,373. ⁸⁸
7A	Direct Contributions to candidate committees	Sch. B2A - CAN	\$			
7B	Approved Expenditures for candidate committees	Sch. B2B - CAN	\$	\$		\$
7C	TOTAL CONTRIBUTIONS TO CANDIDATE COMMITTEES	Sum #7A + #7B	\$	\$	\$	\$
8	Contributions to political party units	Sch. B2 - PTY	\$		\$	\$
9	Contributions to political committees and funds	Sch. B2 - PCF	\$		\$	\$
10	Independent expenditures See required form on page 20	Sch. B3 - IND	\$	\$	\$	\$
11	TOTAL EXPENDITURES AND DISBURSEMENTS	Sum #6 + #7C thru #10	\$ 10,373. ⁸⁸	\$	\$	\$ 10,373. ⁸⁸
12	Ending cash balance 7/21/14	#1 + #5 - #11	\$ 436.12			

SCHEDULE A2 - LP - RECEIPTS FROM LOANS INCURRED IN CURRENT YEAR

Make photocopies of this page if additional space is needed.

Page ____ of ____

Date	Name and full address Name of employer if individual (if self-employed, list "self" & disclose the occupation)	Col. 1 Original loan amount	Col. 2 Outstanding balance on loan
6/2/14	Bob Frey - self - Frey Mfg - Manufacturing 13150 Stewart Ave Norwood, Min. 55368	\$ 9,000. ⁰⁰	\$ 9,000. ⁰⁰
		\$	\$
		\$	\$
		\$	\$
		\$	\$
Total of non-itemized receipts		\$	\$
TOTALS		\$ 9,000. ⁰⁰	\$ 9,000. ⁰⁰
		To pg. 3, line 3, col. 1 & 4	To pg. 5, line 14A

SCHEDULE A2 - MISC - RECEIPTS FROM MISCELLANEOUS INCOME

Date	Name and full address Name of employer if individual (if self-employed, list "self" & disclose the occupation)	Description or purpose of miscellaneous income	Total receipts from miscellaneous income
			\$
			\$
			\$
			\$
			\$
Total of non-itemized receipts			\$
TOTALS			\$
			To pg. 3, line 4, col. 1 & 4

It is unlawful to use this information for commercial purposes.

10A.27 CONTRIBUTION LIMITS.

Subdivision 1. Contribution limits.

(a) Except as provided in subdivision 2, a candidate must not permit the candidate's principal campaign committee to accept aggregate contributions made or delivered by any individual, political committee, political fund, or association not registered with the board in excess of the following:

(5) to a candidate for state representative, \$1,000 in the election segment of an election cycle for the office sought

Subd. 8. Excess loans prohibited. A candidate must not permit the candidate's principal campaign committee to accept a loan from other than a financial institution for an amount in excess of the contribution limits imposed by this section. A candidate must not permit the candidate's principal campaign committee to accept a loan from a financial institution for which the financial institution may hold an endorser of the loan liable to pay an amount in excess of the amount that the endorser may contribute to that candidate.

Subd. 10. Limited personal contributions. A candidate who signs an agreement under section 10A.322 may not contribute to the candidate's own campaign during a segment of an election cycle more than five times the candidate's contribution limit for that segment under subdivision 1.

10A.28 PENALTY FOR EXCEEDING LIMITS.

Subd. 2. Exceeding contribution limits. The following are subject to a civil penalty of up to four times the amount by which a contribution exceeds the applicable limits:

(4) a candidate who permits the candidate's principal campaign committee to accept contributions in excess of the limits imposed by section 10A.27.