

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF JOHN DEITERING REGARDING THE JOE McDONALD FOR STATE REP COMMITTEE

On December 19, 2016, the Campaign Finance and Public Disclosure Board received a complaint submitted by John Deitering regarding the placement of campaign signs by the Joe McDonald for State Rep Committee. The Joe McDonald for State Rep Committee is the principal campaign committee of Representative Joe McDonald for the seat in the Minnesota House of Representatives for district 29A. The complaint provides photographic evidence that a McDonald campaign sign was placed at a location where a business is located. The complaint also provides a copy of a tax record that identify the owner of the property as Randy's Rentals LLC.

The complainant contends that when the corporation allowed the McDonald committee to place the campaign sign the corporation violated Minnesota Statutes section 211B.15, subdivision 2, which prohibits a corporation from making a contribution to a principal campaign committee. The complaints contend that the contribution would be the in-kind value of allowing the sign to be displayed on property controlled by the corporation.

Determination:

Minnesota Statutes section 211B.15, subdivision 2, prevents corporations from giving signage space on their properties to candidates. Nothing in this statute, however, prevents candidates from buying signage space from those businesses. Although the complaint in this matter document that the corporation allowed the McDonald committee to place a sign on the property, the complaint provides no basis for the assertion that the committee did not pay for the use of that space. Typically, the payment for the placement of a small lawn sign for a limited time frame is not large enough to be itemized on a candidate's report. Consequently, the lack of an itemized expenditure on a candidate's report for low cost goods or services is not evidence that the corporation provided the goods or services as a contribution. Absent any basis for the assertion that the committee did not pay for the signage space, the complaint does not state a prima facie violation of the provisions governing corporate contributions.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (1), this prima facie determination is made by a single Board member and not by any vote of the entire Board. Based on the above analysis, the Chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. The complaint is dismissed without prejudice.

/s/ Daniel Rosen
Daniel N. Rosen, Chair
Campaign Finance and Public Disclosure Board

Date: 12/30/2016