

### COMPLAINT FOR VIOLATION OF THE CAMPAIGN FINANCE AND PUBLIC DISCLOSURE ACT

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

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CAMPAIGN FINANCE 6
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#### Information about complaint filer

Name of complaint filer	20 A
Address Park St Ste 250	
St. Paul MN 55to3	Daytime telephone no.

#### Identify person/entity you are complaining about

Name of person/entity being complained about
735 Hi lash Ave
Rew Wing MN 55de 6
Title of respondent (if applicable)
Board/Department/Agency/District # (if legislator)

Signature of person filing complaint

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.
You will find the complete text of Minn. Stat. §10A and Minn. Rules Chapters 4501 - 4525 on the Board's website at <a href="https://www.cfboard.state.mn.us">www.cfboard.state.mn.us</a> .
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 memo and exhibits.

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.

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

#### COMPLAINT FOR VIOLATION OF THE CAMPAIGN FINANCE AND PUBLIC DISCLOSURE ACT

#### Introduction

This complaint alleges a violation of Minnesota Statutes §10A.01 subdivision 18 by the Minnesota DFL Party, DFL Senate Caucus, DFL endorsed Minnesota Senate District 21 candidate Matt Schmit, and the Schmit for Senate committee and/or its agents (collectively referred to as Respondents). On or about September 19, 2012, the Minnesota DFL Party disseminated campaign materials in support of the Matt Schmit campaign. The purported independent expenditure was made with the express or implied consent, authorization, or cooperation of, or in concert with or at the request or suggestion of the DFL endorsed Senate District 21 candidate Matt Schmit, his principal campaign committee Schmit for Senate, and/or its agents (collectively referred to as Schmit). Respondents have violated Chapter 10A, the Campaign Finance and Public Disclosure Act by disseminating campaign materials as independent expenditures that were, in fact, not independent of Schmit.

#### **Facts**

Matt Schmit is the DFL endorsed candidate for the Minnesota Senate in Senate District 21. On or about September 19, 2012, the Minnesota DFL Party disseminated literature by U.S. Mail to influence voters to support the Matt Schmit campaign for Minnesota Senate District 21. See, Exhibit A. Several photographs of Matt Schmit appear on the literature. See, Id. The disclaimer identifies the literature as an independent expenditure prepared and paid for by the Minnesota DFL Party. See, Id.

#### Argument

An independent expenditure requires that the expenditure be made "without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent." Minnesota Statutes, §10A.01, subd. 18. The Board has emphasized that there must be a high wall of separation between the party unit and its candidates if the party unit's expenditures are to qualify as independent expenditures. See, Findings and Order in the Matter of the Complaint of Bob Murray regarding House District 54A Republican Party of Minnesota and Citizens for (Mark) Fotsch.

It is apparent that all of the photographs in which Matt Schmit is a subject in the literature were taken with the active participation of Mr. Schmit. See, Exhibit A. Searches for photographs of Matt Schmit, including his official campaign website, facebook, flickr, and google images, reveal that photographs used in the purported independent expenditure are not publicly available. See, Exhibit B, C, D, and E. The Minnesota DFL Party's use of photographs that are unavailable to the general public is strong evidence that the expenditures were made with the express or

implied consent, authorization, or cooperation of, or in concert with or at the request or suggestion of Schmit. The Minnesota DFL Party did not maintain the necessary high wall of separation from Schmit. As a result, the expenditures do not qualify as an independent expenditure and should be found to be in violation of Minnesota Statutes, §10A.01.

The criteria for independence cannot be maintained even if the photographs are remotely available. The Board has found that it does not require active approval of the expenditure by a candidate or agent to defeat the independence requirement. See, Findings and Order in the matter of the complaint of Arvid Dixen regarding Philip Krinkie. Even implied consent, resulting from action or inaction, can change the character of the expenditure to an approved expenditure. See, Id. In the case of the photographs of Matt Schmit, if the photographs are publicly available they are in an obscure location, and it would require the Minnesota DFL Party or the DFL Senate Caucus to get implied consent, authorization, or cooperation of, or action in concert with or at the request or suggestion of Schmit to locate them. Therefore, even if the photographs are available in some form, approval or acquiescence defeating independence would still be required from Schmit for the photographs to be featured on expenditures paid for by the Minnesota DFL Party.

Further evidence that the expenditures were made with the express or implied consent, authorization, or cooperation of, action in concert with or at the request or suggestion of Schmit is evidenced by the staged photographs. The DFL Senate Caucus reported spending \$547.99 on camera equipment in the month of June. See, Exhibit F. The facts suggest that a DFL Senate Caucus or DFL Party representative met with Schmit to coordinate efforts on supposed independent expenditures. The necessary high wall of separation simply cannot be maintained when representatives of the DFL Senate Caucus and the DFL State Central Committee are literally in the room with Schmit as the purported independent expenditures are being produced.

#### Conclusion

Photographs of Minnesota Senate District 21 candidate Matt Schmit are on campaign material identified as independent expenditures approved and paid for by the Minnesota DFL Party. The facts demonstrate a coordination of effort between Schmit, the DFL Senate Caucus and the Minnesota DFL Party. As a result, the expenditures do not qualify as an independent expenditure and should be found to be in violation of Minnesota Statutes, §10A.01. It is requested that the Board provide appropriate relief and penalties as prescribed by law.

Dated: 11/2/12

Respectfully submitted,

Pat Shortridge, Chair

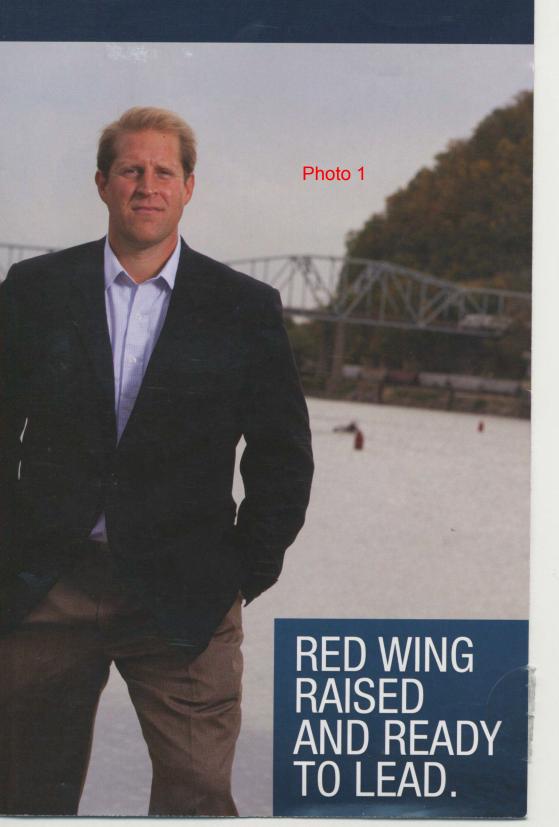
Republican Party of Minnesota 525 Park Street, Suite 250

Saint Paul, MN 55103

651-222-0022

chair@mngop.com

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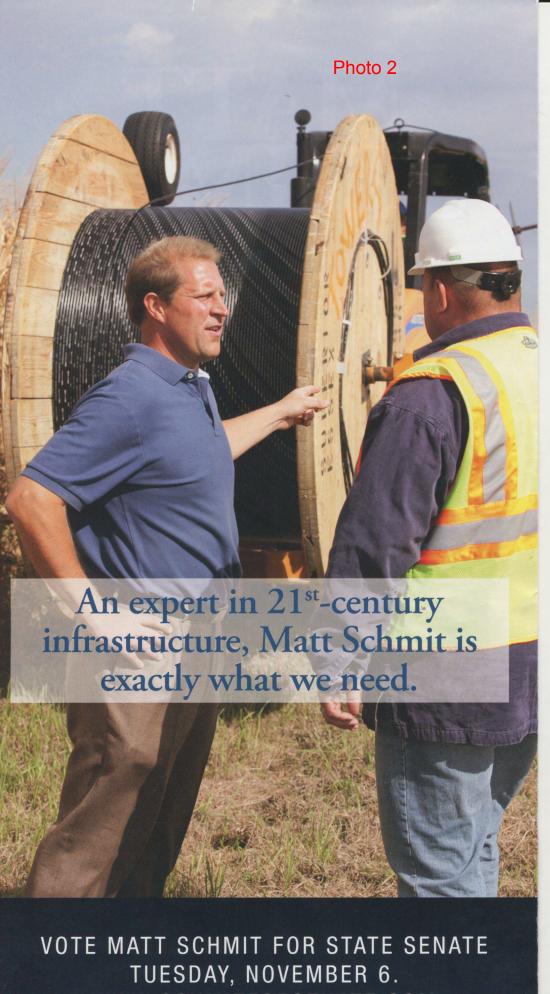
Building a better Minnesota for the future.

WWW.SCHMITFORSENATE.COM

This is an independent expenditure, not approved by any candidate, nor is any candidate responsible for it. Prepared and paid for by the Minnesota DFL Party, 255 E. Plato Blvd, St. Paul, MN 55107. Not authorized by any candidate or candidate's committee.



Minnesota Democratic-Farmer-Labor Party St. Paul, MN 55107 255 E. Plato Blvd.



WWW.SCHMITFORSENATE.COM



Like you, I've grown tired of witnessing one failed state legislative session after another. Instead of investing in our future, elected leaders have overseen shutdown and scandal—and they've repeatedly punted the ball on important decisions.

Rather than more smoke and mirrors, we need a Legislature committed to honest and responsible budgeting. We need real compromise and a good dose of common sense—not empty rhetoric and politics as usual. If anything, the Legislature should strengthen and grow local businesses, communities and schools—not weigh them down with property taxes.

-Matt Schmit



# He's ready into th

### Red Wing raised

Matt Schmit was born and raised in Red Wing, Minnesota. The schoolteacher and football coach, Mark Schmit. Matt attended Red Wing High.

### Small-business owner

Matt owns a public policy consulting firm, P3 Strategies, focusing community broadband deployment and transportation policy. Creand he'll make that a priority in St. Paul.

### A plan to move Minnesota forward

- Repair roads, bridges and information infrastructure because the longer you wait.
- Invest in smaller class sizes and classroom technology by re cut from our schools.
- Simplify our tax code, making it easier for business start-ups create jobs here in Minnesota.
- Reinstate the Minnesota Homestead Property Tax Credit for businesses while closing unfair corporate tax loopholes.



# o lead Minnesota e future.

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Photo 5

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#### Making Minnesota Work Again



Dear Friend,

My name is Matt Schmit. I'm a lifelong Red Wing resident, the son of a schoolteacher and a football coach. I'm a small business owner – and I'd like to be your next state senator.

Like you, I've grown tired of witnessing one failed legislative session after another. Instead of

investing in our future, the state senate has overseen shutdown and scandal – and its repeatedly kicked the can forward on important decisions.

With another large budget deficit on the horizon, I worry if we send the same group back with the same problems next year, we're likely to get the same result: more gridlock and maybe even another government shutdown. We deserve better – and we can do better.

For the past 10 years I've worked in state-level policy, mostly as a private consultant. I've spent time on a variety of issues, including economic development and transportation, broadband deployment and education. I know the issues well and could be an effective member of the state senate from day one.

My priorities for making Minnesota work again are pretty simple:

- Grow jobs through sound tax policy, world-class education & training
- Fully repay our schools the \$2.4 billion borrowed from them
- . Duch for local property tay raliaf through honact



"Minnesota's workforce is welleducated and highly productive. We enjoy an excellent quality of life and our public schools are generally great. Our arts and natural resources are big draws.

These are all competitive strengths – but they don't happen by accident.

For too long our leaders have taken these strengths for granted. This has got to stop. We need to take back our state and invest in our future.

- Matt Schmit

#### News

Letter: Schmit has qualities district needs Sunday, October 28, 2012

Letter: Schmit will invigorate the Capitol Sunday, October 28, 2012

Senate candidates emphasize moderate stances Saturday, October 27, 2012

Paul and Rae Lynn Schmit: Vote for our son - Winona Daily News Friday, October 26, 2012

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Red Wing entrepreneur to challenge Howe for state senate seat - Winona Daily News Tuesday, April 03, 2012

Schmit will make a run for state Senate seat - Red Wing Republican Eagle Tuesday, January 17, 2012 state budgeting

Above all, we need to work together. Neither political party has all the answers. We need problem solvers willing to peel away from the extreme party lines and work in the middle – not more politicians who simply toe the party line. If you give me a chance to work for you, I won't let you down.

With your support, we can make Minnesota work again!

Matt

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Matt

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About me

Occupation: Public Policy Consultant

Education: Red Wing High School

Undergraduate studies in biology and political science, Saint John's University

Graduate studies in economics and public policy, University of Minnesota

About: Matt Schmit was born and raised in Red Wing, Minnesota. The eldest of three brothers,

he is the son of a retired schoolteacher and a football coach. Matt attended Saint Joseph's Elementary and graduated from Red Wing High School; he was a three-sport

athlete and finished near the top of his class.

Matt attended Saint John's University – his father's alma mater – where he studied biology and political science and took great interest in the intersection of science and public policy. Matt was an active undergrad, participating in various on-campus and community organizations; he served in student government and was a popular resident advisor. As a pre-med student, he became a trained nursing assistant and emergency medical technician. Matt was a member of the Saint John's football team and enjoyed watching his former teammates win a national championship in 2003.

Shortly after graduation, Matt accepted a job with the Minnesota Senate K-12 Education Finance Committee. Matt worked at the Senate for four years – and refocused his career and educational aspirations on economics and public policy. Matt's work experience with the Senate K-12 Education Finance Committee taught him a great deal about the people and process behind state government.

Matt left the Senate to attend graduate school at the University of Minnesota's Humphrey School of Public Affairs. Beginning in 2005 he worked on a variety of projects, including focus on: increasing the performance of Minnesota's existing transportation infrastructure; improving the state's transportation finance system to ensure safer roads and bridges; adopting a regional approach to economic development that builds upon existing and emerging economic strengths; and examining new community-based approaches for enhanced broadband connectivity.

During this time Matt began his own public policy consulting firm, P3 Strategies. Since 2007, Matt has worked as an independent consultant focusing primarily on the areas of economic development, community broadband deployment and transportation policy.

Integration of "21st Century infrastructure" is a primary focus of his work – and his

#### Annotate Your Screenshot

research. For approximately six years Matt has maintained active membership on the Transportation Research Board, a branch of the National Academy of Sciences.

Through his work, Matt has engaged various agencies within state government, as well as many of Minnesota's Fortune 500 companies and largest employers. He has worked directly with a broad array of local units of government, trade organizations, chambers of commerce, regional economic development authorities, and area foundations.

Having maintained close ties to Saint John's University, Matt previously served as a member of the school's board of regents and remains class chair.

Matt enjoys an active lifestyle of hiking, camping, fishing, cycling and skiing. He occasionally competes in "sprint" triathlons and half marathons. Matt is an avid reader and enjoys Southeast Minnesota's rugged bluffs, winding trout streams, and rich farmland – where he has taken an interest in growing local grape varieties.



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Area candidates debate at forum -

#### Where I Stand

Reduce property taxes. Matt understands that the state budget cannot be balanced on the backs of homeowners and businesses. He will work to make our communities stronger and bring property taxes down for all Minnesotans.

Minnesota's historic support for progressive taxation has served the state well; Matt supports reducing the middle-class tax burden.

Advocate for Minnesota's small business. Small business is the engine of Minnesota's economy. Matt supports policies to help small business start-up and grow, creating well-paying jobs for area families. He will work to keep these businesses successful - here in Minnesota.

**Promote world-class education.** Matt opposed the Legislature's insistence on "borrowing" over \$2 billion from our schools. He supports investments in education to ensure all children are ready for the jobs of the 21st century.

The state should support public education by providing our schools with the resources they nee to thrive. Local levy dollars should be available for new facilities, added technology or enrichment programs - not consumed by operating expenses once equitably provided by the state.

We ought not play games with K-12 school funding. We need to invest in our students, teacher and schools - striking the right balance among high expectations, smart testing, local control, and teaching discretion.

Grow Jobs. To make Minnesota work again, here's Matt's bottom line:

- Reduce property taxes; skyrocketing property tax increases hurt our businesses. He'll work t reduce property taxes and pursue smart tax reform
- Support small business inputs; Minnesota needs effective job training, safe roads and bridges 21st century telecommunications, a streamlined regulatory structure, and an emphasis on jobs in cutting-edge green energy and technology
- · Provide predictability in government regulation & taxes

Protect our natural resources. As an avid outdoorsman and lifelong resident of Southeast Minnesota, Matt's inspired by the region's rugged bluffs, winding trout streams, and rich farmlan - not to mention our defining resource, the Mississippi River.

In difficult economic times, we must take a long-term view of our scarce natural resources and responsibly balance economic development opportunities with environmental stewardship. We must provide our communities with all resources necessary for sound decision-making at the loc level

**Restore the American Dream.** We live in a society - not simply an economy. We need to look out for one another - particularly the young, old, and vulnerable among us. Society benefits when we all have access to quality education, health care, food and shelter. As a state, we need to ensure that the American Dream, not simply basic sustenance, is accessible to those willing to work for it.

04, 2012

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#### Latest news from the campaign trail

We'll be doing a lot of interesting and exciting things between now and the election. Check bac here frequently for the latest information and happenings from my campaign.

#### Letter: Schmit has qualities district needs

Sunday, October 28, 2012

#### Letter: Schmit will invigorate the Capitol

Sunday, October 28, 2012

#### Senate candidates emphasize moderate stances

Saturday, October 27, 2012

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#### **Events**





Matt

Kick-off Event with Congressman Tim Walz



"I'm ready to run - and I'm ready to win.

04, 2012

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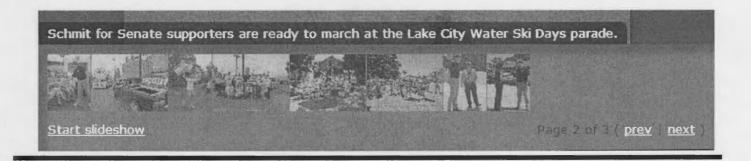
#### Photo gallery

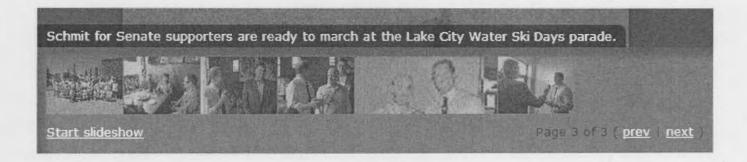
Check out photos of Matt and his supporters in action — in the community and on the campaign trail!



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Zip Code:				
Preferred Phone #:				
Mobile Phone #:				
What's on your mind?:				

Be part of a winning team! Let's Make Minnesota Work Again!

Select one or more of the following activities:

- Make phone calls
- E Knock on doors
- Tell your friends and family about our campaign
- Display a lawn sign
- Host a fundraiser or door knock event
- Distribute literature
- Stuff envelops & other office work

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P.O. Box 92

Red Wing, MN 55066

matt@schmitforsenate.com

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#### **Our Radio Messages**

60-Second Message:

I'm Matt Schmit and I'm running for state senate here in district 21.

I'm a small business owner in my hometown of Red Wing - and for the last 10 years I've worked in state level policy, mostly as a private consultant.

Like many Minnesotans, I was frustrated with last summer's state government shutdown - and I worry if we send the same people back next year, with the same problems again, we're likely to get the same

My plan for making Minnesota work again is pretty simple. First, let's balance our budget once and for all

Second, let's quit passing the buck down to the local level. A lot of Minnesota's budget burden has been shifted down to our cities and schools - and property tax payers are feeling the pinch.

Third, we need problem solvers in Saint Paul, leaders who will compromise - not more politicians who will say or do anything to win an election.

I'm Matt Schmit and I'm running for state senate. I will always put people ahead of politics. I ask for you vote on November 6.

30-Second Message:

I'm Matt Schmit and I'm running for state senate here in district 21.

Like many Minnesotans, I was frustrated with last summer's state government shutdown - and I worry if we send the same people back next year, with the same problems again, we're likely to get the same result.

We need problem solvers in Saint Paul, leaders who will compromise - not more politicians who will say or do anything to win an election.

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Matt

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orines till service left and an apply political last letter to the editor of the Winone Daly News from Matt's cale Comment Share Paul and Rae Lynn Schmit: Vote for our son 2 2 me le this. Water a seed to seed Serie are our Held Schrift an arranged his confidence for all size Series, you have making or read. 20 persons, personal model of more Mett Schmit For Senetz Lis Convert Share ( ) 12 people (se this. "Happy warrior" Matt Schmit talks to the Winona Daily News Burkle Murphy Most I for sure on any shucks read - we need more of Rt Way to go padres - buena suerte Mast about the issues in the district 21 race. COST STOTICS LIVE Incumbent Howe challenged by Red Wing resident for state Senete Sin late leve and his challenge, hall follows on they are committed to coming printing any page of the first contour entire up to the section of the section Matt Schmit For Senate share a link Hatt Schmit For Senate Timeline - Now -# Like Just when you thought political debate season was over Ell 5 people like this. we've got one more! Matt will take part in the Senate District 21. candidate debate at the St. James Hotel this Thursday, Oct. 25 Wille a service Flati Schmit For Senate Senate condidates will debate Oct. 25 ) The Republican Eagle | Red Wing, Minnesota I delide lesses the at I leave Do you know the three main points of Matt's platform? See where Matt stands in this video posted on the KTTC Rochester Use Contract State VIDEO - KTTC Rochester, Austin, Meson City: Matt Schrolt 2 people st (Fig. Ceri Everett With I could be there to cheer you on! Other Dist albertaments Like Cornes State 5 pacpe ke Ulis. Matt Schmit For Senate Matt Schmit For Senate cover photo. Lee Munnich highlights Matt's policy experience and entrepreneurial spirit in this letter to the editor of the Kenyon Leader. Thanks for your support, Lee! Vote for Matt Schmit for state senate 3 people we the Like Commert Store Li Cer Smooth kes the Write a correct Matt Schrait For Sensie Matt School Febr Schools | 1 - 1 The press coverage for Matt keeps coming this week! Matt talks Like Matt Schmit For Senate Timeline . Now . You've got to have a backbone, and you've got to have the political courage to stand up to interest groups, to stand up to your party and do what a right, "Schmit said. Senate District 21; House, Schmit both tout willingness to work across the Aside Search Deliver. 20 House Schools and that embragement work is from the code - The Paul Schools in Codemics and September Management's number cap had reconstructed to the code of the code Lis Comment Store Li I me ke bis.



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From Wood Pics

















From JSFauxtau.





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### Schedule B1 - EXP General Expenditures Minnesota DFL Senate Caucus

**EXHIBIT F** 

	Minnesota DFL	Senate Caucus	4,00	EVUIDI	1 F
3M Club		Torrato Gaucas			
3M Center Date	Saint Paul, MN 55144				
	Specific purpose of expenditure	Paid	Unpaid	In Kind	
06/29/2012	Downpayment for Fundraiser	1,000.00	0.00	0.00	1.000.00
Added Valu					
	Ave N Osseo, MN 55369				
Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
07/05/2012	Golf Tournament Signs	1,226.15	0.00	0.00	1,226.15
AFSCME In	ternational (Registered Id: 30204)				
1625 L St N	W Washington, DC 200365665				
	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
05/12/2012	In kind: NCEC Senate Targeting Data	0.00	0.00	2,020.00	2,020.00
AFSCME MI	N People Committee Council 5 PAC (Registered Id: 30593)				
Date	n Ave S #3 South St Paul, MN 550752470  Specific purpose of expenditure	D. I.I.			
09/18/2012	In kind: Salaries & Benefits	Paid	Unpaid	In Kind	Total
10/22/2012	In kind: Salaries & Benefits In kind: Salaries & Benefits	0.00 0.00	0.00 0.00	5,128.53	5,128.53
	To		0.00	6,171.38	6,171.38
A - 1 - 1	10	0.00	0.00	11,299.91	11,299.91
Agosto Inc	#115 Minneapolis, MN 55401				
Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
09/09/2012	IT Support	2,690.63	0.00	0.00	2,690.63
At a Observation		2,000.00	0.00	0.00	2,000.00
Air Charters 8768 N Bay	inc Dr Chanhassen, MN 55317				
Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
05/15/2012	Air Fare	2,379.38	0.00	0.00	2,379.38
Alveca Siam	s Roberson Featherstone				
	ve. S Minneapolis, MN 55406				
Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
07/01/2012	Volunteer Food & Beverage for training	733.00	0.00	0.00	733.00
American Cl	uh.				
	d Dr. Kohler, WI 53044				
Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
07/26/2012	Lodging	723.38	0.00	0.00	723.38
AT&T Mobili	ty.				
	3 Carol Stream, IL 60197				
Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
09/27/2012	Cell Phone Minutes	2,356.64	0.00	0.00	2,356.64
Axel's Bonfir	Δ				
	ve Saint Paul, MN 55105				
Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
06/22/2012	Fundraising Lunch	174.34	0.00	0.00	174.34
B & H Video					
	New York, NY 10001				
Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
06/15/2012	Camera Equipment	547.99	0.00	0.00	547.99