

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINTS OF ERIN KOEGEL REGARDING THE ANTHONY WILDER FOR HOUSE COMMITTEE, CAPRA'S SPORTING GOODS, AND HERITAGE AUTO BODY:

On August 21, 2018, the Campaign Finance and Public Disclosure Board received three complaints submitted by Rep. Erin Koegel regarding the placement of campaign signs by the Anthony Wilder for House committee. Anthony Wilder for House is the principal campaign committee of Anthony Wilder, candidate for Minnesota House of Representatives district 37A. The complaints include photographic evidence showing that Wilder campaign signs were placed at two business locations; Capra's Sporting Goods and Heritage Auto Body. A separate complaint was filed for each business property on which a sign was placed and one was filed against the Wilder committee.

Two of the complaints allege that when the businesses allowed the Wilder committee to place campaign signs on their property, the businesses violated Minnesota Statutes section 211B.15, subdivision 2, which prohibits a corporation from making a contribution to a principal campaign committee.¹ The complainant contends that the contribution would be the fair market value of allowing the sign to be displayed on property controlled by the corporation. The third complaint alleges that when the Wilder committee accepted the alleged contribution, it violated Minnesota Statutes section 211B.13, subdivision 2, which prohibits the knowing solicitation, receipt, or acceptance of anything of value that is a disbursement prohibited by that section or Minnesota Statutes section 211B.15. Although the complaint cites section 211B.13, it is clear from the remainder of the complaint and the attachments that the complaint also is alleging that the Wilder committee has violated the corporate contribution prohibition in section 211B.15, subdivision 2. Because all the complaints involve the same alleged facts, the same candidate's committee, and essentially the same evidence, the Board is combining the complaints for the purpose of this prima facie determination.

Determination

Minnesota Statutes section 211B.15, subdivision 2, prevents corporations from giving contributions, including signage space on properties, to candidates, and prohibits candidates from accepting contributions from corporations. Here, a search of the Minnesota Secretary of State's website shows that both Capra's Sporting Goods and Heritage Auto Body are incorporated. The photos provided by complainant show large Wilder committee signs on property that appears to be controlled by each corporation. The chair therefore concludes that the complaints against the Wilder committee, Capra's Sporting Goods, and Heritage Auto Body state a prima facie violation of Minnesota Statutes section 211B.15.

¹ The complaints against Capra's Sporting Goods and Heritage Auto Body allege violations of Minnesota Statutes section 211B.15, subdivision 11; however, the alleged conduct referred to in the complaints actually would violate Minnesota Statutes section 211B.15, subdivision 2.

Minnesota Statutes section 211B.13, subdivision 2, prohibits principal campaign committees from accepting corporate contributions prohibited under Minnesota Statutes section 211B.15. However, alleged violations of Minnesota Statutes section 211B.13 are not under the Board's jurisdiction. See Minn. Stat. § 10A.022, subd. 3 (listing sections in chapter 211B that are under the Board's jurisdiction for state candidates). Because the Board does not have jurisdiction over Minnesota Statutes section 211B.13, the chair concludes that the complaint against the Wilder committee does not state a prima facie violation of that statute.

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. This prima facie determination does not mean that the Board has commenced, or will commence, an investigation or has made any determination of a violation by any of the individuals or entities named in the complaints.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (2), within 45 days of the date of this determination the Board will make findings and conclusions as to whether probable cause exists to believe the improper corporate contributions alleged in the complaints warrant a formal investigation. The complainant and the respondents named in this prima facie determination will be given an opportunity to be heard by the Board prior to any decision on probable cause.

Until the Board makes a public finding or enters into a conciliation agreement, this matter is subject to the confidentiality requirements of Minnesota Statutes section 10A.022, subdivision 5.

/s/ Carolyn Flynn
Carolyn Flynn, Chair
Campaign Finance and Public Disclosure Board

Date: August 28, 2018