

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF RICK WEIBLE REGARDING THE JENNINGS (ADAM) FOR STATE SENATE COMMITTEE

On February 14, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by Rick Weible regarding the Jennings (Adam) for State Senate committee. Jennings (Adam) for State Senate is the principal campaign committee of Adam Jennings, a candidate for Minnesota Senate District 33. The complaint also references the Adam Jennings for Congress committee, which is the candidate committee registered with the Federal Election Commission for Adam Jennings, a 2018 candidate for the U.S. House of Representatives in Minnesota's Third Congressional District.

The complaint stated that the 2019 year-end report of receipts and expenditures for the Jennings (Adam) for State Senate committee showed the committee purchased a list of donor contacts from the Adam Jennings for Congress committee on June 18, 2019, for \$400. The complaint stated that the filings with the FEC during that time period do not show any \$400 payments from the Jennings (Adam) for State Senate committee. The complaint further stated that the Adam Jennings for Congress committee's FEC filings show a receipt from the Jennings (Adam) for State Senate committee in the amount of \$4,840 on August 30, 2019, for photography and other items. The 2019 year-end report for the Jennings (Adam) for State Senate committee did not show an expenditure paid to the Adam Jennings for Congress committee in the amount of \$4,840. The complaint also provided screenshots of the Jennings (Adam) for State Senate website and the Adam Jennings for Congress website, which show similar photos of the candidate and others on both websites.

On February 21, 2020, the Board chair determined that the complaint alleged a prima facie violation of the reporting requirements in Minnesota Statutes section 10A.20. On February 22, 2020, Mr. Jennings responded to the complaint and on February 25, 2020, the Jennings (Adam) for State Senate committee filed an amended 2019 year-end report of receipts and expenditures.

Analysis

When the Board chair makes a finding that a complaint raises a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants an investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (d). A probable cause determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether a complaint raises sufficient questions of fact which, if true, would result in the finding of a violation.

Minnesota Statutes section 10A.20 requires principal campaign committees to file reports of receipts and expenditures. Pursuant to Minnesota Statutes section 10A.20, subdivision 3, those reports must contain itemized and summary information on contributions received and expenditures made during the reporting period.

The complaint alleged that the Jennings (Adam) for State Senate committee violated Minnesota Statutes section 10A.20, subdivision 3, by reporting a \$400 expenditure paid to the Adam Jennings for Congress committee that did not occur, and by not accurately disclosing a \$4,840 expenditure paid to the Adam Jennings for Congress committee. The Jennings (Adam) for State Senate committee's 2019 year-end report did not disclose a campaign expenditure paid to the Adam Jennings for Congress committee in the amount of \$4,840. In its response to the complaint, the Jennings (Adam) for State Senate committee stated that all of the expenditures in question were listed on the report, but not listed with the vendor being the Adam Jennings for Congress committee. Rather, the Jennings (Adam) for State Senate committee listed the vendors that the Adam Jennings for Congress committee paid for web hosting and design, content development, photography, and the other campaign assets at issue.

The Jennings (Adam) for State Senate committee listed six expenditures dated June 18, 2019, on its year-end report. Four expenditures totaling \$4,200 were to Forward Solutions Strategy Group. Another expenditure was to lifeandartphotography.com for \$240. The sixth expenditure was to Adam Jennings for Congress for \$400. The six expenditures totaled \$4,840. The Jennings (Adam) for State Senate committee explained that it thought that providing the breakdown of the vendors used by the Adam Jennings for Congress committee would provide more transparency in its year-end report. The Jennings (Adam) for State Senate committee stated that it would amend its year-end report to correctly list the vendor of the six expenditures as the Adam Jennings for Congress committee. This amended report was filed on February 25, 2020.

Based on the response from the Jennings (Adam) for State Senate committee there is probable cause to believe that a violation of the reporting requirements has occurred. Because the reporting violation has been cured by a timely amendment, however, it does not warrant further investigation. As required by Minnesota Rule 4525.0210, subpart. 5, after finding probable cause exists, the Board must determine whether investigation is warranted by considering several factors. The factors considered by the Board included the type of possible violation; the magnitude of the violation if it is a financial violation; the extent of knowledge or interest of the violator; the benefit of formal findings, conclusions, and orders compared to informal resolution of the matter; the availability of board resources; whether the violation has been remedied; and any other similar factor necessary to decide whether the alleged violation warrants a formal investigation.

Order:

1. The allegation that the Jennings (Adam) for State Senate committee violated the reporting requirements in Minnesota Statutes section 10A.20, subdivision 3, is dismissed without prejudice because although there is probable cause to believe that this violation occurred, no further investigation is warranted due to the committee's filing of an amended report.

/s/ Robert Moilanen
Robert Moilanen, Chair
Campaign Finance and Public Disclosure Board

Date: April 2, 2020