

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF ERIK MORTENSEN REGARDING THE VOTE FOR LOONAN
(ROBERT) COMMITTEE

On August 10, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by Erik Mortensen regarding the Vote for Loonan (Robert) committee. Vote for Loonan is the principal campaign committee of Robert Loonan, a candidate for Minnesota House of Representatives District 55A.

The complaint alleges violations of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint alleges that an individual named Dustin Grage is commenting on posts in a private Facebook group called “Concerned Citizens of Shakopee.” The complaint alleges that Mr. Grage is the owner of DG Digital Marketing. The 2020 pre-primary report for the Vote for Loonan committee shows that the committee has paid DG Digital Marketing \$5,000 for “public relations/fundraising service: campaign advisory services.” The complaint also includes a screenshot of a Facebook comment or message by Mr. Grage stating “For real though, Erik. I’m paid \$5,000 to point out these ridiculous occurrences by your campaign. Paid by Bob Loonan, not a grifter organization.” The complaint includes screenshots of several comments made by Mr. Grage in the Concerned Citizens of Shakopee Facebook group. The complaint argues that those comments are campaign material and alleges that none of the comments by Mr. Grage included a disclaimer.

Determination

Minnesota Statutes section 211B.04 requires principal campaign committees to include on their campaign material a disclaimer substantially in the form provided in Minnesota Statutes section 211B.04, subdivision 1. The complaint alleges and provides evidence that the Vote for Loonan committee paid DG Digital Marketing \$5,000 for “public relations/fundraising service: campaign advisory services” and Mr. Grage allegedly stated in one comment or message that he is paid for his services. None of Mr. Grage’s comments appear to have included a disclaimer. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.04.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, 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 complaint.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, within 45 days of the date of this determination, the Board will make findings and conclusions as to whether probable cause exists to believe that the violations of Minnesota Statutes section 211B.04 alleged in the complaint warrant a formal investigation. The complainant and the respondent 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/ Gary Haugen
Gary Haugen, Chair
Campaign Finance and Public Disclosure Board

Date: August 17, 2020