

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

**PROBABLE CAUSE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF CASSIE FREDREGILL REGARDING THE CAMPAIGN FOR RON KRESHA (HOUSE) COMMITTEE

On April 11, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Cassie Fredregill regarding Representative Ron Kresha, who represents House District 10A. The Campaign for Ron Kresha (House) committee (17500) is Representative Kresha's principal campaign committee.

The complaint alleged that the Kresha committee's campaign Facebook page displayed the phone number for Representative Kresha's office at the Minnesota House of Representatives (651-296-4247). The complaint provided screenshots of the Kresha committee's Facebook page and Representative Kresha's contact information from the House of Representatives' website. The complaint also alleged that the Kresha committee sent a postcard asking voters to support him at the Republican endorsing convention for House District 10A, and that the postcard has incorrect times for the start of the convention.

On April 26, 2024, the Board chair determined that the complaint stated a prima violation of Minnesota Statutes section 10A.20 regarding the allegation that the Kresha committee's Facebook page used the phone number for Representative Kresha's office at the Minnesota House of Representatives. The Board chair determined that an allegation that a postcard from the Kresha committee contained incorrect information about a political party convention did not state a prima facie violation of any provision within the Board's jurisdiction.

On April 30, 2024, the Board received a written response from attorney R. Reid LeBeau II on behalf of the Kresha committee. The response states that "both the Complaint and the Board's conclusion are missing one necessary component, an allegation of a resulting contribution."

Board staff reviewed the Kresha committee's Facebook page on May 2, 2024, and the phone number for Representative Kresha's office at the Minnesota House of Representatives has been removed. The Board considered this matter at its meeting on June 5, 2024. Rep. Kresha addressed the Board at the meeting. Rep. Kresha confirmed that neither he nor his staff have received any campaign related phone calls on at his House of Representatives office phone number.

**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 there are sufficient facts and reasonable inferences to be drawn therefrom to believe that a violation of law has occurred.

If the Board finds that probable cause exists, the Board is required to determine whether the alleged violation warrants a formal investigation, considering the type and magnitude of the alleged violation, the knowledge of the respondents, any benefit to be gained from a formal investigation, the availability of Board resources, and whether the violation has been remedied. Minn. R. 4525.0210, subp. 5. If the Board finds that probable cause exists but does not order a formal investigation, the Board is required to either dismiss the complaint or order a staff review. Minn. R. 4525.0210, subp. 6.

### Contributions

Minnesota Statutes section 10A.01, subdivision 11, defines the term contribution, in relevant part, to mean “money, a negotiable instrument, or a donation in kind that is given to a political committee, political fund, principal campaign committee, local candidate, or party unit.”

Minnesota Statutes section 10A.01, subdivision 13, defines the term donation in kind to mean “anything of value that is given, other than money or negotiable instruments.” The complaint alleged and provided evidence that the phone number provided on the Kresha committee’s Facebook page is the phone number for Representative Kresha’s legislative office. The office is staffed by a legislative assistant. Legislative assistants are paid by the House of Representatives to assist legislators in their legislative work. The use of a phone number and paid legislative staff to answer phone calls made to the number has value to a principal campaign committee, and therefore may need to be reported as an in-kind contribution to the principal campaign committee that benefited from that use.

Minnesota Statutes section 10A.20, subdivision 3, requires a committee to disclose all of its financial activity on its reports to the Board, including in-kind transactions. However, Minnesota Statutes section 10A.13 specifically provides that in-kind contributions valued at \$20 or less do not need to be recorded by a principal campaign committee or reported to the Board. While there is value in using a phone number, the value of publishing a phone number on a Facebook page alone is \$20 or less. Because Representative Kresha testified that no one has called his legislative office regarding campaign matters and that no legislative phones or staff were used for campaign purposes, the value of using the phone number on the Facebook page was \$20 or less. Therefore, there is not sufficient evidence to believe that the Kresha committee received an in-kind contribution of more than \$20 from the legislature. Further, the Kresha committee has removed the phone number for Representative Kresha’s office at the Minnesota House of Representatives from its Facebook page, eliminating that as a possible source of campaign calls in the future.

**Order:**

1. The allegation that the Campaign for Ron Kresha (House) committee failed to report a contribution violates Minnesota Statutes section 10A.20, subdivision 3, is dismissed without prejudice because there is not probable cause to believe that a violation occurred.

/s/ David Asp  
David Asp, Chair  
Campaign Finance and Public Disclosure Board

Date: June 5, 2024