

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

**SETTLEMENT AGREEMENT**

IN THE MATTER OF THE COMPLAINT OF CAROL BECKER REGARDING MOVE MINNESOTA

**Complaint, Prima Facie Determination, and Response**

On September 13, 2023, the Campaign Finance and Public Disclosure Board received a complaint submitted by Carol Becker regarding Move Minnesota and Move Minnesota Action. Move Minnesota is an assumed name of the St. Paul Transportation Management Organization, which is a 501(c)(3) nonprofit corporation.<sup>1</sup> Move Minnesota Action is an assumed name of the Move Minnesota Action Fund, which is a 501(c)(4) nonprofit organization that is affiliated with Move Minnesota.<sup>2</sup> The names Move Minnesota and Move Minnesota Action are used herein because those are the names listed as the associations represented by lobbyists registered with the Board, and those are the names by which the two associations appear to be commonly known.

The complaint alleged violations of Minnesota Statutes sections 10A.03 and 10A.04, which require lobbyists to register and file reports with the Board. At the time the complaint was filed, three lobbyists were registered on behalf of Move Minnesota Action. The complaint alleged that lobbying activity disclosed by Move Minnesota Action and its registered lobbyists within reports filed with the Board was actually paid for by Move Minnesota. In support of that allegation, the complaint included screenshots of Move Minnesota's website and Facebook posts appearing to reference lobbying efforts conducted by Move Minnesota. On September 25, 2023, the Board's vice chair determined that the complaint stated prima facie violations of Minnesota Statutes sections 10A.03 and 10A.04.

Both the complaint and the prima facie determination stated that no individuals had registered with the Board as lobbyists on behalf of Move Minnesota, which the Board later determined to be incorrect. Two of the three individuals registered as lobbyists on behalf of Move Minnesota Action at the time the complaint was filed were registered as lobbyists on behalf of Move Minnesota until late March of 2023. Those individuals included the executive director of both Move Minnesota and Move Minnesota Action, Samuel Rockwell, who registered as a lobbyist for Move Minnesota in March 2020 and has served as the principal's designated lobbyist, making him responsible for reporting lobbying disbursements made by Move Minnesota.<sup>3</sup> Several other individuals were previously registered as lobbyists on behalf of Move Minnesota or one of its predecessor organizations, Transit for Livable Communities, for various periods.

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<sup>1</sup> The St. Paul Transportation Management Organization is a Minnesota nonprofit corporation and its federal employer identification number is 41-1906261.

<sup>2</sup> The Move Minnesota Action Fund is a Minnesota nonprofit corporation and its federal employer identification number is 86-2584324. The Move Minnesota Action Fund is also registered with the Board as a political fund, Board registration number [30723](#).

<sup>3</sup> [cfb.mn.gov/reports-and-data/viewers/lobbying/lobbyists/4779](https://cfb.mn.gov/reports-and-data/viewers/lobbying/lobbyists/4779)

On March 30, 2023, the Board received an email with an amended lobbyist registration statement for Mr. Rockwell. The email explained that “[o]ur current organization, Move Minnesota (5045) would like to be switched to our c4, Move Minnesota Action.” Based on the amended registration statement, the email, and a conversation between Board staff and a representative of Move Minnesota, the name of the lobbyist principal listed in the Board’s records was changed from Move Minnesota to Move Minnesota Action. Changing the name of Move Minnesota was incorrect because Move Minnesota Action is a separate legal entity from Move Minnesota. Instead of processing the registration statement as a change in the name of an existing lobbyist principal, Board staff should have directed the lobbyists for Move Minnesota to terminate their existing registrations and then register as lobbyists for Move Minnesota Action as a separate organization, or to register as lobbyists for Move Minnesota Action without terminating their existing registrations on behalf of Move Minnesota if they intended to lobby on behalf of both Move Minnesota and Move Minnesota Action. If that had occurred, both Move Minnesota and Move Minnesota Action would have appeared as separate lobbyist principals, with separate lobbyist registrations and separate disclosure reports, on the Board’s website.

Because the lobbyist registration statement received March 30, 2023, was treated as a name change for an existing principal, only Move Minnesota Action appeared as a lobbyist principal on the Board’s website at the time the complaint was filed. Additionally, the totals reported by Move Minnesota within its annual reports of lobbyist principal were listed under the name Move Minnesota Action, and reports filed by lobbyists registered on behalf of Move Minnesota prior to March 30, 2023, were listed as reports filed by lobbyists registered on behalf of Move Minnesota Action.

The mistake made in processing the lobbyist registration statement explains many of the issues raised in Ms. Becker’s complaint. However, the complaint nonetheless alleged that the following lobbying activity was not properly disclosed.

### Move Minnesota

The complaint included a screenshot of a Move Minnesota webpage encouraging viewers to “Contact your legislators” by selecting a hyperlink titled Take Action.<sup>4</sup> The hyperlink directs viewers to another Move Minnesota webpage encouraging viewers to “Tell MN Legislators to Fund Transit, Bicycling, and Walking.”<sup>5</sup> The complaint included a screenshot of that webpage, which includes a form message to be sent to state legislators encouraging them to support specific legislative priorities of Move Minnesota during the 2023 legislative session. The complaint included a screenshot of a Move Minnesota webpage dated May 24, 2023, stating that “Move Minnesota and allies are cheering major transit funding and policy wins at the State Capitol after years of persistent advocacy!”<sup>6</sup> The complaint included a screenshot of a Move Minnesota Facebook post dated May 22, 2023, celebrating “BIG WINS for transit and climate

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<sup>4</sup> [movemn.org/take-action](https://movemn.org/take-action)

<sup>5</sup> [movemn.org/action/tell-mn-legislators-to-fund-transit-bicycling-and-walking](https://movemn.org/action/tell-mn-legislators-to-fund-transit-bicycling-and-walking)

<sup>6</sup> [movemn.org/transit-advocates-secure-nation-leading-wins-at-the-state-capitol](https://movemn.org/transit-advocates-secure-nation-leading-wins-at-the-state-capitol)

justice” and stating that “[a]fter years of advocacy at the State Capitol, we’re going to have amazing bus and train service, and cutting transportation pollution and vehicle miles traveled is now the law of the land. These are nation-leading wins for our climate & communities.”<sup>7</sup> The complaint also included a screenshot of a Move Minnesota webpage stating that “Move Minnesota achieved major policy victories for fair fare enforcement in 2023.”<sup>8</sup> The original lobbyist report filed by Mr. Rockwell covering the period from January 1 through May 31, 2023, purported to disclose lobbying disbursements made by or on behalf of Move Minnesota Action, rather than Move Minnesota.

The complaint included a screenshot of a Move Minnesota webpage asking viewers to sign a petition regarding the reconstruction of Lyndale Avenue South.<sup>9</sup> The webpage includes a form message asking “that Hennepin County and metro leaders prioritize people and climate throughout this redesign process with protected bikeways, convenient bus rapid transit service, and a walkable, accessible streetscape.”

The complaint included a screenshot of a Move Minnesota webpage concerning dedicated bus lanes and signal prioritization.<sup>10</sup> The webpage includes a petition titled Boost the Bus stating “I support adding more bus lanes and giving buses a green light in the Twin Cities” and provides viewers with an option to add text to the petition explaining “Why Better Bus Service Matters to You.”

The complaint included a screenshot of a Move Minnesota webpage asking viewers to “Tell Minneapolis City Council to Support Bus Lanes and Bike Lanes on Hennepin Ave S.”<sup>11</sup> The webpage includes a form message stating “I’m writing to express my strong support for full-time dedicated bus lanes and protected bike lanes on Hennepin Avenue South.” The complaint included a screenshot of a Move Minnesota webpage concerning dedicated bus lanes and bike lanes on Hennepin Avenue South dated May 21, 2022.<sup>12</sup> The webpage states that “dedicated bus lanes on Hennepin Ave South are still at risk. Keep speaking up in support and pack City Hall on May 26 with Move Minnesota, Hennepin for People, Our Streets Minneapolis, Sierra Club, and other local allies to keep the pressure on!”

Mr. Rockwell provided written responses to the complaint, and to letters from Board staff seeking additional information, on October 11 and November 9, 2023. Mr. Rockwell explained that as a 501(c)(3) nonprofit corporation, Move Minnesota’s lobbying activities are limited by federal law, and as its “advocacy efforts have grown, it made the strategic decision to form an affiliated 501(c)(4) organization. . . .” Mr. Rockwell stated:

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<sup>7</sup> [facebook.com/moveminnesota/posts/pfbid02mSg7pnfwU39gRMKkArtiKP75ZLbBm8fPHpSeF5nWjnqc9XWVMotYtQ4hAtCGTVsl](https://www.facebook.com/moveminnesota/posts/pfbid02mSg7pnfwU39gRMKkArtiKP75ZLbBm8fPHpSeF5nWjnqc9XWVMotYtQ4hAtCGTVsl)

<sup>8</sup> [movemn.org/initiative/fair-fares](https://www.movemn.org/initiative/fair-fares)

<sup>9</sup> [movemn.org/action/livable-lyndale-petition](https://www.movemn.org/action/livable-lyndale-petition)

<sup>10</sup> [movemn.org/action/boost-the-bus-petition](https://www.movemn.org/action/boost-the-bus-petition)

<sup>11</sup> [movemn.org/action/tell-minneapolis-city-council-to-support-bus-lanes-and-bike-lanes-on-hennepin-ave-south](https://www.movemn.org/action/tell-minneapolis-city-council-to-support-bus-lanes-and-bike-lanes-on-hennepin-ave-south)

<sup>12</sup> [movemn.org/path-forward-for-full-time-bus-lanes-and-bike-lanes-on-hennepin-ave-south](https://www.movemn.org/path-forward-for-full-time-bus-lanes-and-bike-lanes-on-hennepin-ave-south)

From the time it was formed in 2021 until early 2023, the Action Fund's activities were limited to various set-up activities, including drafting and filing requisite documents, establishing a brand identity and website, strategic planning around about how Move Minnesota and Move Minnesota Action Fund would interact, hosting a launch event, and some preliminary advocacy organizing to establish brand recognition in the community. None of the activity constituted lobbying. We also conducted a preliminary candidate endorsement process for state offices for which we published the names of endorsed candidates on our website and published several social media posts, minimal activities that did not trigger the \$500 filing requirement.

Then, in early 2023, Move Minnesota formally moved its lobbying and advocacy work over to the Action Fund. At that time, Move Minnesota staff contacted the Campaign Finance Board staff to inquire about how to properly register the Action Fund, and immediately thereafter an amendment to Move Minnesota's registration was filed to reflect that the Action Fund (a 501(c)(4) organization) and not Move Minnesota (a 501(c)(3) organization) was now the lobbyist principal. It is our understanding that our staff person was advised by the Campaign Finance Board staff to file an amendment to Move Minnesota's existing registration, rather than file a new registration for the Action Fund, in connection with this change. Move Minnesota Action Fund and its lobbyists have since continued to file applicable lobbyist principal and lobbyist reports.

In response to a question regarding distinctions between the two associations, Mr. Rockwell stated that the composition of Move Minnesota's board of directors is different than that of Move Minnesota Action. Mr. Rockwell provided documentation showing that Move Minnesota action has its own articles of incorporation, certificate of incorporation, board of directors, and employer identification number. Mr. Rockwell explained that "Move Minnesota is the sole corporate member of Move Minnesota Action Fund. As such, under Move Minnesota Action Fund's Bylaws, Move Minnesota has certain reserved rights: the authority to approve amendments to the articles and bylaws, appoint the Board of Directors, and approve any merger or dissolution."

Mr. Rockwell addressed several instances of alleged lobbying by Move Minnesota, rather than Move Minnesota Action, that occurred or continued after March 2023. Mr. Rockwell acknowledged that a webpage<sup>13</sup> containing a form email to be sent to legislators urging them to champion legislation regarding improvements to transportation systems was lobbying. Mr. Rockwell stated that the cost of that webpage was less than \$500 and as of November 9, 2023, only \$13 of that amount was compensation paid to a lobbyist.

Mr. Rockwell said that Move Minnesota is "currently collecting signatures for a 'Livable Lyndale' petition,"<sup>14</sup> but stated that it "does not believe this constitutes lobbying because the Lyndale Avenue South reconstruction project is in very early project planning stages and the intent behind the petition is merely to have one of multiple project alternatives that are shared with the

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<sup>13</sup> [movemn.org/action/tell-mn-legislators-to-fund-transit-bicycling-and-walking](https://movemn.org/action/tell-mn-legislators-to-fund-transit-bicycling-and-walking)

<sup>14</sup> [movemn.org/action/livable-lyndale-petition](https://movemn.org/action/livable-lyndale-petition)

public include certain transportation facilities.” The petition is directed to “Hennepin County and Metro-Area Leaders” and concerns the planned 2026 reconstruction of Lyndale Avenue South. Specifically, the petition calls for wider sidewalks, curb-level bike lanes, full-day bus lanes, infrastructure to support a bus rapid transit line, a bikeway between Franklin Avenue and the Loring Greenway, and sidewalk accessibility improvements. Mr. Rockwell said that the effort “is primarily volunteer run” and as of November 9, 2023, \$375 had been spent on the effort, only \$13 of which was compensation paid to a lobbyist. Also, Mr. Rockwell said that the effort began in late July of 2023, so even if the cost must be disclosed, it was not required to be disclosed within any lobbyist report due prior to the complaint being filed.

Mr. Rockwell explained that a webpage<sup>15</sup> promoting efforts to modify state law regarding fare enforcement on public transportation was created in 2020 and 2021, with minor changes in 2022. Mr. Rockwell stated that while lobbying occurred in 2023 in support of those changes,<sup>16</sup> that effort was paid for by Move Minnesota Action rather than Move Minnesota.

Mr. Rockwell acknowledged that Move Minnesota paid for the Boost the Bus petition,<sup>17</sup> which was sent to Weston Kooistra, then general manager of Metro Transit, in January 2023. Mr. Rockwell stated that Move Minnesota spent \$731 on the petition in 2022, \$25 of which consisted of compensation paid to a lobbyist, and spent an additional \$25 in January 2023, all of which was compensation paid to a lobbyist. Mr. Rockwell stated that based on Move Minnesota’s “understanding of lobbying at the time, we believed this petition was not lobbying because Metro Transit did not have before it any concrete proposal to increase bus speeds through the use of bus lanes or green lights. . . .”

Mr. Rockwell acknowledged that Move Minnesota paid for a webpage containing a form message expressing “strong support for full-time dedicated bus lanes and protected bike lanes on Hennepin Avenue South.”<sup>18</sup> When a Minneapolis resident added their contact information to the form, a form message would be sent to their city council member and mayor. Mr. Rockwell stated that Move Minnesota spent \$158 on that effort, \$50 of which was compensation paid to a lobbyist. Move Minnesota promoted that webpage in March 2022<sup>19</sup> in advance of the Minneapolis City Council voting on issues regarding a planned redesign of Hennepin Avenue South. Following a mayoral veto of a plan supported by Move Minnesota and approved by the Minneapolis City Council, Move Minnesota published another webpage in June 2022 containing a form message urging Minneapolis City Council members to “vote to override this veto and restore the full-time bus lanes for Hennepin Avenue South.”<sup>20</sup> That page was promoted by Move Minnesota on social media.<sup>21</sup> Despite those efforts the original lobbyist reports filed by

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<sup>15</sup> [movemn.org/initiative/fair-fares](https://movemn.org/initiative/fair-fares)

<sup>16</sup> See H.F. 2887, 93<sup>rd</sup> Leg., Reg. Sess. (Minn. 2023).

<sup>17</sup> [movemn.org/action/boost-the-bus-petition](https://movemn.org/action/boost-the-bus-petition)

<sup>18</sup> [movemn.org/action/tell-minneapolis-city-council-to-support-bus-lanes-and-bike-lanes-on-hennepin-ave-south](https://movemn.org/action/tell-minneapolis-city-council-to-support-bus-lanes-and-bike-lanes-on-hennepin-ave-south)

<sup>19</sup> [x.com/MoveMinnesota/status/1504260699219972098](https://x.com/MoveMinnesota/status/1504260699219972098)

<sup>20</sup> [movemn.org/action/urge-minneapolis-city-council-to-override-mayors-bus-lane-veto](https://movemn.org/action/urge-minneapolis-city-council-to-override-mayors-bus-lane-veto)

<sup>21</sup> [x.com/MoveMinnesota/status/1542249764519133185](https://x.com/MoveMinnesota/status/1542249764519133185); [facebook.com/moveminnesota/posts/pfbid02HvW8zxTzQbCx4Z66gXL1HeoThiyKyQHuecT4tyqzWAEqNc7HJhZsiSPxgKXsHAI](https://facebook.com/moveminnesota/posts/pfbid02HvW8zxTzQbCx4Z66gXL1HeoThiyKyQHuecT4tyqzWAEqNc7HJhZsiSPxgKXsHAI)

Mr. Rockwell covering the periods from January 1 through May 31, and June 1 through December 31, 2022, disclosed no lobbying disbursements.

The complaint noted that the annual reports of lobbyist principal covering 2021 and 2022 disclosed total lobbying disbursements of \$1,052 and \$0, respectively. Pursuant to Minnesota Statutes section 10A.04, subdivision 6, the total reported within a principal report may be “rounded to the nearest \$20,000.” However, that is not the case with respect to lobbyist reports, and the reports filed by Mr. Rockwell covering 2021 and 2022 disclosed the same totals, despite evidence that Move Minnesota engaged in lobbying in 2022.

### Move Minnesota Action

As alleged in the complaint, Move Minnesota Action has a website separate from the website of Move Minnesota, which states that Move Minnesota Action was “[l]aunched in 2021 by Move Minnesota” and “is committed to building the grassroots and political power necessary to transform transit.”<sup>22</sup> Mr. Rockwell stated that Move Minnesota Action has received funding from sources other than Move Minnesota, and that while Move Minnesota has provided funding to Move Minnesota Action, the “funding was not designated for any particular purpose or activity.” In response to a question regarding purpose of the funding, Mr. Rockwell stated:

We knew that the money would be used for advocacy generally and that it potentially could be used for lobbying, but this was not a certainty as there were many organizational steps still in process before the work could begin, including the need to raise additional funds to support this work at the scale intended. The Move family of organizations focused on raising funds for the Action Fund starting in 2022, and most of the funds Move Minnesota Action Fund used to lobby in the spring of 2023 came from an external grant and from individual donations to Move Minnesota Action.

Within the initial response Mr. Rockwell stated that Move Minnesota Action did not engage in lobbying until early 2023. While assessing that statement, Board staff located Move Minnesota Action webpages and social media posts that promoted events, form letters, a phone banking effort, and a canvassing project, in 2022, that sought to influence state legislators, and in one case, Metropolitan Council officials.

A January 2022 event titled Move Minnesota Action 2022 Legislative Advocacy Kickoff and Q&A was promoted on Move Minnesota Action’s website<sup>23</sup> and Facebook page<sup>24</sup>. Attendees were asked to “[j]oin Move Minnesota Action staff and special guests online on January 26 to learn more and kick off our legislative advocacy season!” The webpage for the event stated that “[a]s the 2022 legislative session gets underway, we’re advocating for bold new investments in bus, rail, bicycling, walking, and rolling. We’re fighting for urgent policy changes that will make our

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<sup>22</sup> [movemnaction.org](https://movemnaction.org)

<sup>23</sup> [movemnaction.org/move-minnesota-action-2022-legislative-advocacy-kickoff-and-qa](https://movemnaction.org/move-minnesota-action-2022-legislative-advocacy-kickoff-and-qa)

<sup>24</sup> [facebook.com/movemnaction/posts/pfbid02uXZVMzeZJd8nGL9R5ohEAjd7LdfhJo6ntAYwgM4uiBFUqbAAUJPuqT6mUWqk48xBI](https://facebook.com/movemnaction/posts/pfbid02uXZVMzeZJd8nGL9R5ohEAjd7LdfhJo6ntAYwgM4uiBFUqbAAUJPuqT6mUWqk48xBI)

transit systems more just and welcoming for all. And we're building momentum for even greater transformation ahead." In a Facebook post, Move Minnesota Action stated that Representative Fue Lee, Senator Ann Johnson Stewart, and Senator Scott Dibble spoke at the event.<sup>25</sup> In response to a question from Board staff Mr. Rockwell said that:

This event provided a platform for Move Minnesota Action Fund to announce the start of the legislative session for our supporters and to thank legislators for past work. Legislators gave a short preview of what the legislature would be working on at the capitol in 2022, and Move Minnesota Action Fund gave a short presentation about the importance of transit in our communities, the bonding platforms of the Governor and Minnesota House of Representatives, and the preliminary bonding platform of transportation advocacy partners, including Move Minnesota and Move Minnesota Action Fund. We do not believe this was lobbying because it was an educational event at which no legislative asks or grassroots lobbying asks were made.

A Move Minnesota Action webpage titled Take Action: Tell MN Legislators to Fund Transit For a Stable, Sustainable Future, allowed individuals to send a form letter to state legislators. The letter asked legislators to ensure that the 2022 bonding bill includes "\$100 million for arterial bus rapid transit in the metro," "\$5 million for transit facilities in Greater Minnesota," "\$12 million for active transportation across the state," "\$5 million for statewide Safe Routes to School," and "\$86 million for passenger rail service connecting the Twin Cities and Duluth." The form letter was promoted on the Move Minnesota Action Facebook page in March 2022.<sup>26</sup> In response to a question from Board staff Mr. Rockwell stated that "[i]t was our understanding at the time that this did not constitute lobbying because there was not a specific bill or legislative action under consideration at the time this communication was made," but "[w]e now understand from Campaign Finance Board staff that the Board considers this lobbying." Mr. Rockwell estimated that \$142 was spent on the effort, \$25 of which was compensation paid to a lobbyist.

An April 2022 event titled Sign Up to Volunteer! Help with Bus Rider Outreach Along the Future H Line was promoted on Move Minnesota Action's website<sup>27</sup> and Facebook page<sup>28</sup>. Move Minnesota Action's website stated that:

Our staff and volunteer team will ask people about their experience with taking transit and help people speak up about the need for better bus service.

Our team will canvass together along Metro Transit bus route 3. This route is the home of the future METRO H Line—one of three exciting bus rapid transit lines Move Minnesota Action and allies are working to get fully funded at the State Capitol this year!

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<sup>25</sup> [facebook.com/movemnaction/posts/pfbid0q4WqPFgCoXv5VEH3M4dPN1NDf6TFd8vS1ekUsBTAKJZS3GLFPX3tnm8d92HU15cl](https://www.facebook.com/movemnaction/posts/pfbid0q4WqPFgCoXv5VEH3M4dPN1NDf6TFd8vS1ekUsBTAKJZS3GLFPX3tnm8d92HU15cl)

<sup>26</sup> [facebook.com/movemnaction/posts/pfbid0UR2WNEeX4vqdNyx3H55DrArwzeGMwL1zJx6Q9t3Vj5SSXqtXbm7551yAm6DcnozKI](https://www.facebook.com/movemnaction/posts/pfbid0UR2WNEeX4vqdNyx3H55DrArwzeGMwL1zJx6Q9t3Vj5SSXqtXbm7551yAm6DcnozKI)

<sup>27</sup> [movemnaction.org/sign-up-to-volunteer-help-with-bus-rider-outreach-along-the-future-h-line](https://movemnaction.org/sign-up-to-volunteer-help-with-bus-rider-outreach-along-the-future-h-line)

<sup>28</sup> [facebook.com/movemnaction/posts/pfbid02t5tduX8fneXjVxVMtoHeyxPgyTG2rZdzTHDL6gyGc2ESwVcoZfWpMoiaiq1e9htRI](https://www.facebook.com/movemnaction/posts/pfbid02t5tduX8fneXjVxVMtoHeyxPgyTG2rZdzTHDL6gyGc2ESwVcoZfWpMoiaiq1e9htRI)

Whether you are a new or experienced volunteer: join us and help ensure elected officials hear from people who ride the bus!

In response to a question from Board staff Mr. Rockwell stated that:

Move Minnesota Action Fund and Move Minnesota regularly conduct “transit canvases” in which we talk to transit riders to hear what is important to them. The information we gather from these conversations develop and refine our advocacy platform. We do not believe this activity constitutes lobbying because we never ask for any kind of grassroots lobbying actions during these canvases—they are purely information-gathering events.

A Move Minnesota Action webpage titled Take Action: Demand Transit Progress that Puts People and Climate First, allowed individuals to send a form letter to state legislators. The letter asked legislators to support a specific bill<sup>29</sup> that, according to Move Minnesota Action, included “[f]unding for reduced transit fares,” “\$2 million for bus shelter improvements,” “\$12 million for biking, walking and rolling infrastructure,” “[m]atching state funds for federal grants for electric buses,” “[f]unding for Northern Lights Express passenger rail service from the Twin Cities to Duluth,” a “pilot program for microtransit services in the Twin Cities suburbs for last mile connections,” and the creation of a “working group to deploy improvements like bus lanes and traffic signal prioritization to make local bus service quick and convenient.” The form letter was promoted on Move Minnesota Action’s Facebook page in April 2022.<sup>30</sup> In response to a question from Board staff Mr. Rockwell acknowledged that the form letter was lobbying and estimated that \$107 was spent on the effort, \$25 of which was compensation paid to a lobbyist.

A May 2022 event titled Sign Up to Volunteer! Make Calls to Mobilize Support for Transit Funding at the State Capitol was promoted on Move Minnesota Action’s website<sup>31</sup> and Facebook page<sup>32</sup>. Move Minnesota Action’s website stated:

Join Move Minnesota Action staff and volunteers for a phone bank to advocate for transit funding at the State Capitol. There are just a few weeks remaining this legislative session—and big funding decisions for three new rapid bus routes and other critical transit, biking, walking, and rolling projects are still on the line. **Get on the phones with us and mobilize supporters to take action!**

In response to a question from Board staff Mr. Rockwell acknowledged that the event was lobbying and estimated that \$89 was spent on the effort, none of which was compensation paid to a lobbyist.

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<sup>29</sup> H.F. 1683, 92nd Leg., Reg. Sess. (Minn. 2021).

<sup>30</sup> [facebook.com/movemnaction/posts/pfbid02peumsVeQ8uZGYHvRMEJisTSKWUHKRuTJTFLS2c7zfPjprm7CGL9qXhA65ncjFqgVI](https://www.facebook.com/movemnaction/posts/pfbid02peumsVeQ8uZGYHvRMEJisTSKWUHKRuTJTFLS2c7zfPjprm7CGL9qXhA65ncjFqgVI)

<sup>31</sup> [movemnaction.org/sign-up-to-volunteer-phone-bank-to-push-for-transit-funding](https://movemnaction.org/sign-up-to-volunteer-phone-bank-to-push-for-transit-funding)

<sup>32</sup> [facebook.com/movemnaction/posts/pfbid0PK4ry1KHBwCSv86toJTpUjVULp8Wk88BuMQjkrWhMBH4S2V5UEX7fkL87SAkCqEcl](https://www.facebook.com/movemnaction/posts/pfbid0PK4ry1KHBwCSv86toJTpUjVULp8Wk88BuMQjkrWhMBH4S2V5UEX7fkL87SAkCqEcl)

A Move Minnesota Action webpage titled Take Action: Demand MN Lawmakers Fund Bus Rapid Transit Before Session Ends, allowed individuals to send a form letter to state legislators. The letter asked legislators to “vote for a bonding bill ONLY if it includes at least \$100M to build the F Line, G Line, and H Line bus rapid transit projects.” The webpage said “[w]e’ve been advocating for this for months through our emails, calls, and meetings with elected officials, and we need to keep pushing today to ensure these projects make it in a final bill.” The form letter was promoted on Move Minnesota Action’s Facebook page in May 2022.<sup>33</sup> In response to a question from Board staff Mr. Rockwell acknowledged that the form letter was lobbying and said that \$130 was spent on the effort, \$13 of which was compensation paid to a lobbyist.

A December 2022 event alternatively titled Rally to Stop Service Cuts & Improve Transit NOW! or Boost the Bus Rally to Stop Service Cuts and Improve Transit NOW! was promoted on Move Minnesota Action’s Facebook page<sup>34</sup> and the Move Minnesota website<sup>35</sup>. Move Minnesota’s website stated that “Metro Transit leadership plans to cut more service on dozens of routes in December” and asked supports to “[d]emand improvements to speed up our buses and trains instead” and “[j]oin us to demand agency leaders improve transit now!” The website stated that the event was “[o]rganized by Move Minnesota and Move Minnesota Action” with three other organizations serving as co-hosts. In response to a question from Board staff Mr. Rockwell stated that:

Under our understanding of lobbying at the time, we believed this rally was not lobbying because Metro Transit did not have before it any concrete proposal to increase bus speeds through the use of bus lanes or green lights – e.g. no agency action was under consideration. The only strategy for which Move Minnesota and Move Minnesota Action Fund advocated during this rally was for bus lanes and signal priority.

This rally was a Move Minnesota rally, not a Move Minnesota Action Fund rally. Move Minnesota Action Fund’s Facebook page merely cross-posted information about the rally.

Mr. Rockwell estimated that Move Minnesota spent \$639 on the event.

### **Probable Cause Determination**

At its meeting on December 13, 2023, Ms. Becker and Mr. Rockwell each appeared before the Board. Ms. Becker stated her belief that Move Minnesota Action is a fig leaf for lobbying conducted by Move Minnesota. Ms. Becker asserted that tools created by Move Minnesota, such as webpages that encourage individuals to send form emails to officials and government

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<sup>33</sup> [facebook.com/movemnaction/posts/pfbid0dZ8eVz8ZNoFz1z9ywWYnoc8eDFF9JHngXQnm4SX31Qayug2MkTATa5NGjWUnk4hCI](https://www.facebook.com/movemnaction/posts/pfbid0dZ8eVz8ZNoFz1z9ywWYnoc8eDFF9JHngXQnm4SX31Qayug2MkTATa5NGjWUnk4hCI)

<sup>34</sup> [facebook.com/events/381048487528477](https://www.facebook.com/events/381048487528477); [facebook.com/movemnaction/posts/pfbid02wJYbusivuyufcy3wkcFjMk61PwacdZrPdsaWveNY8rWYFSqMjtKae316tsvRtT56I](https://www.facebook.com/movemnaction/posts/pfbid02wJYbusivuyufcy3wkcFjMk61PwacdZrPdsaWveNY8rWYFSqMjtKae316tsvRtT56I)

<sup>35</sup> [movemn.org/event/boost-the-bus-rally-to-stop-service-cuts-and-improve-transit-now](https://movemn.org/event/boost-the-bus-rally-to-stop-service-cuts-and-improve-transit-now)

bodies, constitute lobbying. Ms. Becker contended that Move Minnesota exists to lobby and that it should disclose who is funding the organization.

Mr. Rockwell acknowledged that Move Minnesota incorrectly interpreted the phrase “official action” to mean something narrower than what the Board considers official action, and said that he is willing to amend past filings accordingly. Mr. Rockwell stated that the intention was for all lobbying activity to be moved from the 501(c)(3) to the 501(c)(4) as of the beginning of 2023, but in some instances that did not occur. Mr. Rockwell said that Move Minnesota and Move Minnesota Action are sincere in attempting to satisfy their reporting obligations.

The Board determined that there was probable cause to believe that Mr. Rockwell failed to include all required information within his lobbyist reports regarding Move Minnesota in violation of Minnesota Statutes section 10A.04, subdivisions 4 and 9, and that Mr. Rockwell failed to timely register as a lobbyist on behalf of, and file one or more lobbyist reports covering 2022 regarding, Move Minnesota Action, in violation of Minnesota Statutes sections 10A.03, subdivision 1, and 10A.04. The Board dismissed the allegation that Move Minnesota failed to file annual reports in violation of Minnesota Statutes section 10A.04, subdivision 6, because it filed annual principal reports covering each year referenced in the complaint, except for 2023, and the 2023 annual report of lobbyist principal was not due until March 15, 2024. The Board directed its executive director to initiate a staff review for the purpose of addressing any lobbyist registration and reporting issues. The Board authorized backdating lobbyist registrations as appropriate.

### **Staff Review**

On December 20, 2023, Board staff emailed Mr. Rockwell and expressed an intention to resolve the investigation by the Board meeting scheduled for February 2024. Board staff said that draft lobbyist registration statements would likely be provided later that week and that “there is no rush on completing those immediately.” On December 22, 2023, Board staff emailed Mr. Rockwell and provided copies of mostly completed lobbyist registration statements for Mr. Rockwell and two other lobbyists for Move Minnesota Action, as well as a mostly completed amended lobbyist registration statement for Mr. Rockwell’s lobbying on behalf of Move Minnesota. Board staff asked Mr. Rockwell to “return the completed forms . . . by the end of the first week of January, because we need to process those forms in order for you to be able to electronically file the lobbyist disbursement report due for Move Minnesota Action” and “the lobbyist disbursement report due for Move Minnesota” “on January 16, 2024, which covers the second half of 2023.”

On January 10, 2024, Mr. Rockwell filed a lobbyist report for Move Minnesota Action covering the period from June 1 through December 31, 2022, which disclosed no lobbying disbursements. Because the draft lobbyist registration statements provided to Mr. Rockwell on December 22 were not completed and returned in a timely manner, Move Minnesota had no lobbyists registered with the Board during the reporting period covered by the lobbyist report that was due on January 16, 2024. Board staff emailed Mr. Rockwell February 15, and he

replied February 19, 2024, stating that he didn't realize that the January deadline provided by Board staff was "time sensitive." Mr. Rockwell provided the necessary lobbyist registration statements on February 27, 2024. Mr. Rockwell's registration as a lobbyist for Move Minnesota Action was made retroactive to January 1, 2022. Following discussion with Board staff regarding the definition of lobbying, Mr. Rockwell stated that Move Minnesota likely will engage in lobbying, in addition to Move Minnesota Action. For that reason, Mr. Rockwell and another lobbyist previously registered on behalf of Move Minnesota are now registered as lobbyists for that principal, and a third lobbyist registered on behalf of Move Minnesota in February 2024.

On February 28, 2024, Board staff emailed Mr. Rockwell explaining that he needed to file four lobbyist reports for lobbying on behalf of Move Minnesota Action covering 2022 and 2023, amended lobbyist reports for lobbying on behalf of Move Minnesota action to the extent that previously filed reports were inaccurate, an annual principal report for Move Minnesota Action covering 2022, and amended annual principal reports for Move Minnesota to the extent that previously filed reports were inaccurate. Board staff informed Mr. Rockwell that the annual principal reports covering 2023 would be due on March 15, 2024, and those reports were filed electronically in a timely manner. Board staff communicated with Mr. Rockwell regarding whether specific activities are considered lobbying, and the outstanding lobbyist disbursement and principal reports were then filed on April 17 and 19, 2024.

The lobbyist reports filed in April 2024 included \$2,035 in newly-disclosed disbursements made in 2022 and \$298 in newly-disclosed disbursements made during the first reporting period in 2023, for a total of \$2,333 in disbursements that were not disclosed prior to the complaint being filed in September 2023. On May 7, 2024, Mr. Rockwell provided a letter explaining that "[a]ll but one of the previously unreported disbursements were previously unreported because we did not understand lobbying to include categories of activities unconnected to—or preceding—a specific pending decision before a public body." Mr. Rockwell also stated that "[w]e had one activity of less than \$500 for which disbursements were not reported because of an oversight of ours related to our decision to shift lobbying from Move Minnesota to Move Minnesota Action." Mr. Rockwell said that during the staff review

we went back through our last few years of work to make sure that there were no further unreported lobbying instances beyond those listed in the complaint (we found two additional instances, which are reflected in our updated filings). This was in part inspired by additional information we learned after the new year related to the definition of lobbying—that participation on a government-led task force could be considered lobbying.

### **Analysis**

Prior to January 1, 2024, Minnesota Statutes section 10A.01, subdivision 21, defined the term lobbyist, in relevant part, to mean an individual "engaged for pay or other consideration of more than \$3,000 from all sources in any year . . . for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials." Minnesota

Statutes section 10A.01, subdivision 33, defines the term principal, in relevant part, to mean an association that “spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist.” Minnesota Statutes section 10A.01, subdivision 6, defines the term “association” to mean “a group of two or more persons, who are not all members of an immediate family, acting in concert.” Minnesota Rules 4511.0200, subpart 1, provides that “[a] lobbyist who lobbies on behalf of more than one individual, association, political subdivision, or public higher education system shall register separately for each separate entity. Members or affiliates of an association represented by a lobbyist are not separate entities for the purposes of this requirement.”

There is no dispute that Move Minnesota and Move Minnesota Action were represented by lobbyists required to register with the Board from 2022 onward. Despite their affiliation, Move Minnesota and Move Minnesota Action are separate associations. Lobbyists generally must register separately for each association they represent, even if one or more of the associations is an affiliate or subsidiary of another entity. As the Board noted within Advisory Opinion 413,<sup>36</sup> the exception stated within the second sentence of Minnesota Rules 4511.0200, subpart 1, “was adopted to make it clear that a lobbyist who represents an association such as a trade or business association is not required to register separately for each member of the association.” That exception does not apply in this instance because neither Move Minnesota nor Move Minnesota Action are trade or business associations.

Minnesota Statutes section 10A.03, subdivision 1, requires a lobbyist to “file a registration form with the board within five days after becoming a lobbyist or being engaged by a new individual, association, political subdivision, or public higher education system.” The Board may impose a late filing fee of \$25 per day up to a maximum of \$1,000, under Minnesota Statutes section 10A.03, subdivision 3, for failing to register with the Board. Lobbyists registered on behalf of Move Minnesota belatedly attempted to comply with the registration requirement when a representative of Move Minnesota contacted Board staff and provided an amended lobbyist registration statement for Mr. Rockwell in March 2023, seeking to have the name of the principal listed in the Board’s records changed to Move Minnesota Action. However, Move Minnesota continued to make a limited amount of lobbyist disbursements after March 2023. The lobbyist report that Mr. Rockwell filed June 14, 2023, covering the period from January 1 through May 31, 2023, included lobbyist disbursements made by or on behalf of both Move Minnesota and Move Minnesota Action, even though Mr. Rockwell was then registered as a lobbyist only for Move Minnesota Action.

The registration statement that Mr. Rockwell filed in February 2024 states that he began lobbying on behalf of Move Minnesota Action in 2022. Mr. Rockwell did not attempt to register as a lobbyist for that principal at that time. The reports filed in April 2024 show that Move Minnesota Action spent only \$574 on lobbying in 2022, excluding compensation paid to lobbyists, which is not included within lobbyist reports under Minnesota Rules 4511.0700. As

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<sup>36</sup> [Advisory Opinion 413 \(Nov. 1, 2010\)](#).

Mr. Rockwell explained, the failure to timely register as a lobbyist for Move Minnesota Action was due to a misunderstanding regarding the scope of what is defined as lobbying.

Minnesota Statutes section 10A.04 requires lobbyists to file lobbyist reports twice per year including a variety of information. Minnesota Statutes section 10A.04, subdivision 6, requires principals to file an annual report disclosing the total amount spent on lobbying. The Board may impose a late filing fee of \$25 per day up to a maximum of \$1,000, under Minnesota Statutes section 10A.04, subdivision 5, for each lobbyist or principal report that is not timely filed. Because Mr. Rockwell was not registered as a lobbyist for Move Minnesota Action in 2022, he did not file lobbyist reports for that principal covering two reporting periods spanning from January 1 through May 31, and from June 1 through December 31, 2022, and Move Minnesota Action did not file an annual principal report covering 2022, which was due on March 15, 2023. Additionally, due to a combination of a misunderstanding regarding the scope of what is defined as lobbying and in one instance an oversight by Move Minnesota, \$1,759 in lobbyist disbursements, \$1,461 of which was disbursements made by or on behalf of Move Minnesota in 2022, was not reported until amended reports were filed in April 2024.

The Board agrees with Move Minnesota, Move Minnesota Action, and Mr. Rockwell that this investigation may be resolved by a settlement agreement with the following provisions.

**Settlement Agreement:**

1. Samuel Rockwell failed to timely register as a lobbyist for Move Minnesota Action in 2022 in violation of Minnesota Statutes section 10A.03, subdivision 1.
2. Mr. Rockwell failed to timely file two lobbyist reports regarding Move Minnesota Action, covering 2022, in violation of Minnesota Statutes section 10A.04, including the reports due June 15, 2022, and January 17, 2023.
3. Mr. Rockwell failed to timely file the lobbyist report due January 16, 2024, regarding Move Minnesota, covering the period from June 1 through December 31, 2023, in violation of Minnesota Statutes section 10A.04.
4. Move Minnesota Action failed to timely file the 2022 principal report due March 15, 2023, in violation of Minnesota Statutes section 10A.04, subdivision 6.
5. Late filing fees totaling \$1,000 are imposed against Mr. Rockwell for failing to timely register as a lobbyist for Move Minnesota Action and for failing to timely file three lobbyist reports described above. Payment is due within thirty days of this agreement being signed by each party and may be paid by Move Minnesota or Move Minnesota Action on behalf of Mr. Rockwell.

6. A late filing fee of \$500 is imposed against Move Minnesota Action for failing to timely file the 2022 principal report due March 15, 2023. Payment is due within thirty days of this agreement being signed by each party
7. The Board declines to impose additional late filing fees or civil penalties for conduct alleged in the complaint or discovered during the course of the staff review in this matter.
8. If Mr. Rockwell or Move Minnesota Action do not comply with this agreement, the Board's executive director may request that the attorney general bring an action on behalf of the Board for the remedies available under Minnesota Statutes section 10A.34.

The investigation of this matter is concluded and hereby made a part of the public records of the Board pursuant to Minnesota Statutes section 10A.022, subdivision 5.

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

Date: June 5, 2024

/s/ Samuel A. Rockwell  
Samuel Rockwell, Lobbyist/Executive Director  
Move Minnesota  
Move Minnesota Action

Date: June 12, 2024