

Minnesota

# ***Campaign Finance and Public Disclosure Board Meeting***

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Wednesday, July 11, 2018  
10:30 AM

St Croix Room  
Centennial Office Building  
St Paul MN

## **REGULAR SESSION AGENDA**

1. **Minutes**  
Regular session, June 6, 2018
2. **Chair's report**
  - A. Meeting schedule
3. **Executive director report**
  - A. Ratification of Fiscal Year 2019 Budget
  - B. Discussion of Fiscal Year 2020 - 2021 Budget Request
4. **Enforcement report**
5. **Second residence waivers**
6. **Legal report**
7. **Other business**

## **EXECUTIVE SESSION**

Immediately following regular session

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

.....  
**June 6, 2018  
St Croix Room  
Centennial Office Building**  
.....

**MINUTES**

The meeting was called to order by Chair Flynn.

Members present: Flynn, Haugen, Leppik, Moilanen, Rosen, Swanson

Others present: Sigurdson, Engelhardt, Pope, staff; Hartshorn, counsel

**MINUTES** (May 2, 2018)

After discussion, the following motion was made:

Member Moilanen's motion: To approve the May 2, 2018, minutes as drafted.

Vote on motion: Unanimously passed.

**CHAIR'S REPORT**

**A. Meeting schedule**

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, July 11, 2018. Board members decided to change the presumed starting time for future meetings to 10:30 a.m. Member Rosen stated that it was possible that he might be out of town for the July 11<sup>th</sup> meeting but that he would participate by telephone in that event.

**EXECUTIVE DIRECTOR REPORT**

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that the estimated public subsidy payment amounts had been published on the Board's website. Mr. Sigurdson also said that he had received a communication from Member Moilanen asking staff to begin thinking about long-term projects and goals. Mr. Sigurdson said that he would address these issues at the July meeting as part of the annual budget presentation.

**SUMMARY OF 2018 MINN. LAWS CHAPTER 119**

Mr. Sigurdson presented members with a summary of the campaign finance legislation passed during the 2018 session. This summary is attached to and made a part of these minutes. Mr. Sigurdson told

members that the new legislation had been incorporated into the campaign finance handbooks and compliance training.

### **ADMINISTRATIVE RULE UPDATE**

Mr. Sigurdson and Ms. Pope presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that all of the proposed rules had been enacted into statute except for the proposal regarding the allocation of cell phone expenses. Mr. Sigurdson said that the proposed rulemaking therefore no longer was necessary.

After discussion, the following motion was made:

Member Moilanen's motion: To adopt the following resolution:

RESOLVED, that Jeff Sigurdson, the executive director of the Campaign Finance and Public Disclosure Board, is authorized and directed to give notice that the Board has withdrawn the proposed rulemaking identified as Revisor's ID Number R-4450 because the legislature has enacted the proposed rule amendments into law. The executive director must give notice of the withdrawal to the Office of Administrative Hearings and to all persons who have registered their names with the Board for purposes of receiving rulemaking notices. The executive director also is authorized and directed to do anything else necessary to provide notice of the withdrawal to the governor's office, the revisor of statutes, and others interested in the rulemaking.

Vote on motion: Unanimously passed.

### **ENFORCEMENT REPORT**

#### **A. Discussion items**

##### **1. Request to administratively terminate committees – Amorosia (Dale) for State House and Amorosia (Dale) for State Senate**

Ms. Pope told members that Amorosia (Dale) for State House and Amorosia (Dale) for State Senate were the principal campaign committees of candidate Dale Amorosia. Ms. Pope said that Mr. Amorosia had passed away on February 1, 2018. Ms. Pope stated that Mr. Amorosia had been his own treasurer and that shortly before his death, he had filed a termination report for his house committee and a 2017 year-end report for his senate committee. Ms. Pope said that those reports, however, were incomplete and that the senate committee's 2016 year-end balance of \$621.52 did not match its 2017 beginning year balance of \$425. Ms. Pope stated that staff had had some contact with Mr. Amorosia before his death and believed that all the funds in the house committee account had been transferred to the senate committee, leaving the house committee with a zero balance. Ms. Pope said that if Mr. Amorosia had not passed away, staff would have continued to work with him to reconcile the senate committee's balance discrepancy and to obtain amended reports. Ms. Pope stated that staff had tried to find another person who might have knowledge of or access to either committee's records or accounts but had been unsuccessful. Ms. Pope said that staff therefore was asking the Board to administratively terminate both Amorosia committees effective December 31, 2017.

After discussion, the following motion was made:

Member Leppik's motion: To administratively terminate both Dale Amorosia committees effective December 31, 2017.

Vote on motion: Unanimously passed.

## **2. Request to suspend efforts to obtain economic interest statements and accrued late fees and civil penalties – Elaine Voss and Marian Brown**

Ms. Pope told members that during the annual recertification, staff had discovered that these two officials had health issues that prevented them from completing their termination/annual statements of economic interest. Both officials had resigned from their positions during the reporting year. Ms. Pope said that staff had had no contact with any one authorized to file statements on the officials' behalf. Ms. Pope stated that staff therefore was asking the Board to suspend its efforts to obtain statements from these officials and to waive any late fees and civil penalties that may have accrued.

After discussion, the following motion was made:

Member Rosen's motion: To suspend efforts to obtain economic interest statements and accrued late fees and civil penalties from Elaine Voss and Marian Brown.

Vote on motion: Unanimously passed.

## **3. Request to suspend efforts to obtain economic interest statement and accrued late fees and civil penalties – Laura Ekholm**

Ms. Pope told members that on February 6, 2018, Board staff had notified Laura Ekholm that she was required to file a statement of economic interest due to her appointment to the Enterprise Minnesota, Inc. board of directors. This statement was due on April 7, 2018, and was to cover the month before Ms. Ekholm took office. Ms. Pope said that near the end of March 2018, Ms. Ekholm accessed the Board's online filing system and first saw the specific economic disclosure requirements. Ms. Ekholm then contacted Board staff to discuss those requirements and to ask whether there were any alternatives to filing the statement. Ms. Pope stated that after Board staff responded in April 2018 that the disclosure was required, Ms. Ekholm indicated that she strongly objected to the required disclosure and said that she had resigned from her position effective May 1, 2018. Ms. Pope stated that Ms. Ekholm had attended only three meetings before the resignation.

Ms. Pope told members that in two similar situations that had occurred in the past, the Board had approved the suspension of efforts to obtain economic interest statements and accrued late fees from the terminating officials. The reasons given for the decisions included the fact that the officials no longer were serving in office, the short amount of time that the officials had served in office in general or after learning of the requirement, and the fact that a legal action would have to be commenced by the attorney general to obtain the statements. Ms. Pope said that because Ms. Ekholm was no longer in office and had served only a short time as a public official and because obtaining her statement would require referral to the attorney general's office, staff was asking the Board to suspend its efforts to obtain Ms. Ekholm's statement and any accrued late fees and civil penalties.

After discussion, the following motion was made:

Member Rosen's motion: To suspend efforts to obtain an economic interest statement and accrued late fees and civil penalties from Laura Ekholm.

Vote on motion: Unanimously passed.

#### **4. Request for a one-time balance adjustment – AFSCME Local 8 People Fund**

Ms. Pope told members that in June 2017, the AFSCME Local 8 People Fund had been put into receivership by its national organization. A new treasurer had been appointed and she had completed a 2017 year-end report for the fund using bank statements. Ms. Pope stated that the beginning bank balance for 2017, however, was \$450 more than the ending balance on the 2016 year-end report. Ms. Pope stated that the treasurer suspected that the discrepancy was due to uncashed candidate contribution checks but that the records from 2016 were incomplete and she could not confirm that belief. Ms. Pope said that the treasurer was asking the Board to adjust the fund's 2016 year-end balance from \$2,152.94 to \$2,602.94 to match the bank balance at that time. The treasurer stated that the fund had had no expenditures in 2017 and would be closed in 2018.

After discussion, the following motion was made:

Member Rosen's motion: To grant the AFSCME Local 8 People Fund's request to adjust its 2016 year-end balance from \$2,152.94 to \$2,602.94.

Vote on motion: Unanimously passed.

#### **5. Request to refer matter to attorney general's office – Kaying Thao**

Ms. Pope told members that Friends of Kaying (Thao) was the principal campaign committee of Kaying Thao. Ms. Pope said that Ms. Thao was her own treasurer and had failed to file the committee's 2017 year-end report of receipts and expenditures. The committee last reported a cash balance of \$797. Ms. Pope stated that the committee had not received any public subsidy funds. Ms. Pope said that the committee had accrued the maximum \$1,000 in late fees for the year-end report and would reach the maximum \$1,000 in civil penalties on June 4, 2018. Ms. Pope said that staff was asking the Board to refer the matter to the attorney general's office to seek an order compelling the filing of the report and a judgment for the accrued late filing fees and civil penalties.

Member Rosen's motion: To refer the Friends of Kaying (Thao) committee to the Attorney General's Office to seek an order compelling the filing of the committee's 2017 report and a judgment for the accrued late filing fees and civil penalties.

Vote on motion: Unanimously passed.

**B. Waiver requests**

<u>Name of Candidate or Committee</u>	<u>Late Fee &amp; Civil Penalty Amount</u>	<u>Reason for Fine</u>	<u>Factors for waiver</u>	<u>Board Member's Motion</u>	<u>Motion</u>	<u>Vote on Motion</u>
Robert Doar, MN Gun Owners Caucus	\$225	6/15/2017 lobbyist report	Storm knocked out lobbyist's power and internet on report due date. Lobbyist believed that he had filed report using his smartphone. When lobbyist learned that report had not been submitted, he immediately filed. Lobbyist had no disbursements during the reporting period.	Member Rosen	To waive the late filing fee	Passed unanimously
Karlo Etten, Wilkin SWCD	\$100	2017 annual EIS	Official did not receive emailed notices sent to his old email address. Official did not see any mailed notices until the final one, which arrived on the day that he was leaving for a family vacation.	Member Swanson	To waive the late filing fee	Passed unanimously
Municipal Utilities Action Fund	\$150	2018 1 <sup>st</sup> quarter	Treasurer believed that report was not required because the fund had not received any money during reporting period. When treasurer learned that report was required if fund contributed money, he tried to file report but encountered some technical difficulties due to his unfamiliarity with the software. Treasurer used online resources to learn how to submit report and now believes that he will be able to timely file in future.	Member Swanson	To waive the late filing fee	Passed unanimously
Securus Technologies	\$200	3/15/2018 principal report	Principal did not receive notices because its lobbyist, in good faith, submitted incorrect contact information for principal. When lobbyist saw that principal's report was overdue, they worked together to file the report and to correct the principal's contact information.	Member Swanson	To waive the late filing fee	Passed unanimously
Sherrie Pugh 4 Senate	\$625	2017 year-end	Candidate opened 2016 report, entered 2017 changes, and then submitted 2016 report. Candidate later tried to file 2017 report but had technical issues. Candidate came in to work with Board staff and then was able to file report.	Member Moilanen	To reduce the late filing fee to \$150	Passed unanimously
25B House District DFL (Olmsted 25)	\$775	2017 year-end	Treasurer stopped responding to members. Members therefore did not know that treasurer had not timely filed report. Chair may have known but she passed away unexpectedly in March. After new treasurer took office, he received late fee letter. Party unit is adopting internal controls to prevent future late reports.	Member Rosen	To reduce the late filing fee to \$165	Passed unanimously

**Informational Items**

**A. Security information requests**

In April, the executive director received a request to reclassify information on an original statement of economic interest as security information. The request was from a judge who had safety concerns about disclosing the description of real property that the judge owned. The executive director determined that the request met the statutory requirements and granted the request.

**B. Payment of a late filing fee for 2015 year-end report of receipts and expenditures**

Mohamud Noor, \$100

**C. Payment of a late filing fee for 2016 year-end report of receipts and expenditures**

Mary Hernandez, \$1000  
Mohamud Noor, \$25

**D. Payment of a late filing fee for 2017 year-end report of receipts and expenditures**

Elise Diesslin, \$75  
Hoppe Volunteer Committee, \$325

**E. Payment of a late filing fee for 2018 1<sup>st</sup> quarter report of receipts and expenditures**

Carpenters Local 930 PAC, \$50  
Hillstrom for Sec of State, \$50  
Minn Architects PAC, \$100  
Minn Service Station Association, \$25  
North Central States PAC, \$25  
Small Business MN PAC, \$75

**F. Payment of a late filing fee for 2016 annual statement of economic interest**

Roland Cleveland, \$55.46

**G. Payment of a late filing fee for 2017 annual statement of economic interest**

Edward Ehlinger, \$50

**H. Payment of a late filing fee for March 15, 2018, annual report of lobbyist principal**

American Cancer Society, \$25  
Braun Intertec Corp, \$25  
Joint Religious Legislative Coalition, \$25  
Lutheran Social Service of MN, \$25  
MN350, \$50  
MN Commercial Association of Realtors, \$25  
MN Energy Resources Corp, \$25  
MN Interior Design Legislative Action Committee, \$25



MN Second Chance Coalition, \$25  
Polaris, \$25  
Scannell Properties, \$25  
Special Education Graduates Work, \$25

**I. Payment of a civil penalty excess special source contributions**

Michael Goggin, \$40

**J. Payment of a civil penalty for false certification**

Branden Petersen, \$280

**K. Deposit to the General Fund**

Kelly Morrison for MN House, \$100

**DISCLAIMER PENALTIES**

Mr. Sigurdson and Ms. Pope presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that the Board already had received two disclaimer complaints in 2018 and that the recently passed legislation included new disclaimer provisions that would produce more questions. Staff therefore was seeking guidance from the Board about some disclaimer issues. Mr. Sigurdson stated that the memorandum discussed the factors that the Board could consider when determining whether a disclaimer was substantially in the form required by statute and what civil penalty to impose for a violation. Mr. Sigurdson said that the memorandum reviewed past disclaimer decisions made by the Board as well as decisions issued by the Office of Administrative Hearings in this area, and the range of penalties used for disclaimer violations in other states. Members discussed the issues raised by the memorandum and agreed that some minimum penalty should be imposed for a disclaimer violation. Members also were comfortable with the position that a disclaimer on a Facebook page could be in the banner picture on the home page or in the About section of a Facebook page.

**ADVISORY OPINION 447**

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that the advisory opinion had been requested by a representative of a principal campaign committee who did not wish to make the request public. Mr. Sigurdson said that that the request asked eleven questions regarding the appropriateness of accepting contributions from various types of unregistered associations. Mr. Sigurdson said that most of the questions involved contributions from political committees registered with the Federal Election Commission.

After discussion, the following motions were made:

Member Rosen's motion: To consider the draft advisory opinion although all relevant information had not been distributed to members at least seven days before the meeting.

Vote on motion: Unanimously passed.



Member Rosen's motion: To adopt the draft advisory opinion with the following amendments:

- (1) in the last full sentence in the Introduction section on page 1, replace the phrase "with restrictions" with the language "subject to the same contribution and aggregate special source limits that apply to political committees and funds registered with the Board";
- (2) add the answer "No." as the first word in Opinion One, Opinion Two, and Opinion Eleven and add the answer "Yes." as the first word in Opinion Three and Opinion Nine;
- (3) at the end of the third sentence in Opinion Four, add the language "as defined in 11 C.F.R. § 114.1(d), provided the labor union is not a "corporation" as defined by Minnesota Statutes section 211B.15, subdivision 1."

Vote on motion: Unanimously passed.

### **LEGAL COUNSEL'S REPORT**

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn told members that Tim Johnson had asked to reschedule the hearing in his case to June 18, 2018, due to a family emergency.

### **OTHER BUSINESS**

There was no other business to report.

### **EXECUTIVE SESSION**

The chair recessed the regular session of the meeting and called to order the executive session. Upon recess of the executive session, the regular session of the meeting was called back to order and the chair had nothing to report into regular session.

There being no other business, the meeting was adjourned by the chair.

Respectfully submitted,

Jeff Sigurdson  
Executive Director

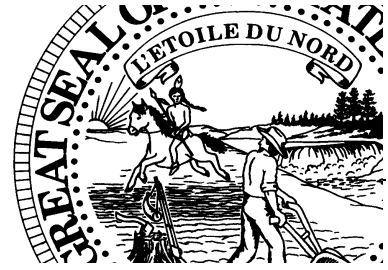
#### Attachments:

Memorandum regarding executive director report  
Summary of 2018 Minn. Laws chapter 119  
Memorandum regarding administrative rule update  
Memorandum regarding disclaimer penalties  
Memorandum regarding advisory opinion request  
Draft public advisory opinion  
Legal report

# Campaign Finance and Public Disclosure Board

190 Centennial Bldg, 658 Cedar St, St Paul, MN 55155

[www.cfboard.state.mn.us](http://www.cfboard.state.mn.us)



## **Board Meeting Dates for Calendar Year 2018**

Meetings are at **10:00 A.M.** unless otherwise noted.

### **2018**

Wednesday, August 1

Wednesday, September 5

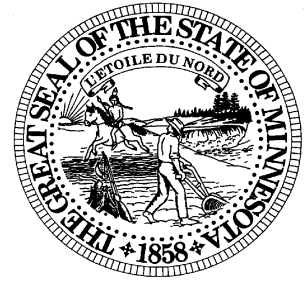
Wednesday, October 3

Wednesday, November 7

Wednesday, December 5

Minnesota

# *Campaign Finance and Public Disclosure Board*



**Date:** July 3, 2018

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re:** Executive Director's Report – Board Operations

## **Program Updates**

### **Lobbying Program**

The lobbyist disbursement report covering the period from January 1, 2018, through May 31, 2018, was due on June 15, 2018. Only 19 of the 835 lobbyists (2.2%) who filed disbursement reports were late, and as of the date of this memo, there are no outstanding reports expected.

### **Campaign Finance Program**

The second report of receipts and expenditures for constitutional candidates, appellate court candidates, political committees and funds, political party state central committees, and legislative caucuses was due June 14, 2018. All candidates and party units filed on time. Of the 391 reports filed by political committees and funds, eighteen were late or have not yet filed (4.6%). There are still five political committees who have not filed as of the date of this memo.

### **Economic Interest Program**

Constitutional and house candidates must file an economic interest statement within 14 days after filing an affidavit of candidacy to appear on the ballot. A total of 342 candidate economic interest statements should be filed with the Board. As of the date of this memo there are 10 candidates who have not yet filed (2.9%).

## **Personnel**

The Legal Analyst/Management Analyst position was posted on June 28<sup>th</sup>, and will close for applicants on July 16<sup>th</sup>. Ms. Engelhardt will work with HR to identify applicants for interviews.

## **Ratification of Budget for Fiscal Year 2019**

At the start of each state fiscal year the Board ratifies the spending plan developed by staff using salary projections and other estimated costs provided by SmART. Attached is the proposed budget for fiscal year 2019.

The base budget for fiscal year 2019 is \$1,044,000. In addition, agencies are allowed to carryforward unused funds from the first year of the biennium, fiscal year 2018, into fiscal year 2019. For the Board, the carryforward amount is significant primarily because the assistant

director position was vacant for about eight months of the fiscal year, and because the legal analyst position was a part-time position when held by Mr. Goldsmith. The carryforward amount from fiscal year 2018 will be approximately \$140,000.

The majority of the carryforward is allocated in the \$100,000 line item for IT Professional Technical Services. This item may be used for vendor contracts to develop projects related to the Board's use of technology. Potential projects could include website development, online training, or programing for Board applications.

I will be working with staff to develop a list of technology projects that both could be developed within a year, and which would have a significant impact on the information and services provided to the public and the regulated community. I will bring that specific list of technology proposals to the Board for consideration over the next couple of months. If appropriate projects cannot be identified the funds in that category will be returned to the state general fund at the end of the fiscal year.

### **Budget Development for the Fiscal Year 2020 – 2021 Biennium**

Although the state will have a new governor next year the process of developing the biennial budget for fiscal years 2020 – 2021 has begun. The Department of Management and Budget has provided a calendar for developing the upcoming budget, and has identified October 1<sup>st</sup> as the deadline for providing information on requested budget change items. A change item is a specific increase in the base budget of the agency.

The Board last asked for, and received, a change to the base budget for the fiscal year 2014 – 2015 biennium. At that time the base budget was increased to \$1,000,000 to allow for a staff of nine. The Governor in subsequent budget years made small increases to all small agency budgets to partially compensate for expected contractual increases to employee salaries. The fiscal year 2019 budget is \$1,044,000. During the six budget years from 2014 to 2019, the percentage of budget tied to salary and benefits has increased significantly, as shown in the chart below. (Note the salary and benefits listed was the budgeted amount. Because of vacancies the actual expenditures were lower in some years.)

	<b>Base Budget</b>	<b>Salary and Benefits</b>	<b>% of Budget</b>
<b>FY 2014</b>	<b>\$ 1,000,000</b>	<b>\$ 635,000</b>	<b>64%</b>
<b>FY 2015</b>	<b>\$ 1,000,000</b>	<b>\$ 778,000</b>	<b>78%</b>
<b>FY 2016</b>	<b>\$ 1,014,000</b>	<b>\$ 771,000</b>	<b>76%</b>
<b>FY 2017</b>	<b>\$ 1,028,000</b>	<b>\$ 834,000</b>	<b>81%</b>
<b>FY 2018</b>	<b>\$ 1,036,000</b>	<b>\$ 846,000</b>	<b>82%</b>
<b>FY 2019</b>	<b>\$ 1,044,000</b>	<b>\$ 915,000</b>	<b>88%</b>

In fiscal year 2019 when the carryforward from fiscal year 2018 is added to the base budget, the percentage of the actual budget used for salary and benefits is reduced to 77%. There will of course be no carryforward to start the next biennium. I am concerned that if 88% percent of the base budget is required for salary and benefits in fiscal years 2020 – 2021 the Board will not have the operational flexibility needed to meet changes in statutory requirements or operational goals. In short, I believe that using 88% of the base budget for salary and benefits will be unsustainable the first time a significant change or unexpected problem occurs.

To address this problem I recommend that the Board seek a change item in the range of \$75,000 per fiscal year to increase the general operating budget. This amount would be for maintaining the current staff complement of nine.

The other question for the Board to consider between now and October is whether it would support a request for any other budgetary change item. Items for consideration include the following:

- An additional IT staff member. The Board currently has two staff members that support the Board's website, databases, servers and network, and the Campaign Finance Reporter software. They are busy. Developing any additional applications, specifically deploying a web-based version of Campaign Finance Reporter, will probably require additional programming resources. Based on current staffing costs, hiring an additional staff member would require a change item of approximately \$110,000 for salary and benefits per fiscal year.
- A specific budget item for a contract to develop a web-based version of Campaign Finance Reporter. This could be the alternative to hiring another IT staff member. In the short term, an increase for a contract would be more expensive than hiring an IT employee, although in the long term this approach is more of a onetime expense. I would roughly estimate \$400,000 for the project. That is a ballpark estimate; it may be optimistic. I will develop a firmer number if the Board is interested in exploring this option.

### **Attachment**

Fiscal Year 2019 Budget

Operating Budget Detail

Acct		Fiscal Year 2019 Budget
41000	Full time salaries - benefits	915,000
41030	Part time salaries - benefits	0
	<b>Other Payroll Obligations</b>	<b>7,000</b>
	Achievement awards - MAPE and Management Plan	4,000
	Estimated overtime	3,000
41070	<b>Other Benefits</b>	<b>5,400</b>
	Board Member Per Diem	4,950
	Workers Comp Fee	450
41100	<b>Space Rental - Office Lease</b>	<b>40,950</b>
41110	<b>Printing and advertising</b>	<b>5,000</b>
	Subpoena records copying fees	2,000
	Statute Complilation	3,000
41130	<b>Prof Technical Services</b>	<b>5,000</b>
	Court Reporter	5,000
41145	<b>IT Prof Technical Services</b>	<b>100,000</b>
41150	<b>Computer systems and services</b>	<b>5,000</b>
41155	<b>Communications - Cental Mail</b>	<b>10,000</b>
41160	<b>Travel - in state</b>	<b>5,500</b>
	Board Travel and Parking	2,500

	Staff - training in greater Minnesota, presentations., and investigations.	3,000
<b>41170</b>	<b>Travel - Out of state</b>	<b>6,000</b>
<b>41180</b>	<b>Employee development</b>	<b>12,000</b>
<b>41190</b>	<b>State agency provided tech svcs</b>	<b>10,000</b>
	OAH hearings	9,950
	DEED warrant printing	50
<b>41196</b>	<b>Centralized IT (MN.IT)</b>	<b>20,000</b>
	Voice Services	4,000
	Computing Services	9,000
	Wan Services	3,500
	Microsoft licensing	3,500
<b>41300</b>	<b>Supplies</b>	<b>6,000</b>
<b>41400</b>	<b>Equip. rental</b>	<b>3,500</b>
<b>41500</b>	<b>Maintenance and repairs</b>	<b>2,000</b>
<b>43000</b>	<b>Other operating costs</b>	<b>6,500</b>
<b>47160</b>	<b>Equipment</b>	<b>6,000</b>
	<b>Operating exp total</b>	<b>1,170,850</b>
	Appropriation	1,044,000
	Carry forward in from prior year	140,000
	Total available	1,184,000
	<b>Surplus</b>	<b>13,150</b>



Minnesota

## *Campaign Finance and Public Disclosure Board*

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190 Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603 FAX: 651-539-1196 or 800-357-4114

**DATE:** July 3, 2018

**TO:** Board Members  
Counsel Hartshorn

**FROM:** Jodi Pope, Legal/Management Analyst

**SUBJECT:** Enforcement report for consideration at the July 11, 2018, Board meeting

### **A. Consent items**

#### **1. Confirmation of lobbyist termination – Angela Thies**

March of Dimes, the principal association of Angela Thies, notified Board staff that Ms. Thies had left her position with the association on March 1, 2018. The principal stated that Ms. Thies did not have any lobbyist disbursements in 2018. Staff administratively terminated the lobbyist registration of Ms. Thies as of March 1, 2018. Staff is asking the Board to confirm this administrative termination and to not require filing of the lobbyist disbursement report that was due on June 15, 2018.

#### **2. Confirmation of six lobbyist terminations – Janet Eaton, Colleen Harris-Pearson, Bruce Peck, Donna Piazza, Ann Schaibley, and Anne Towey**

In May 2018, Enact UCLA notified Board staff that it no longer was an active organization and that it had not engaged in any lobbying activities in 2018. Enact UCLA told staff that it had obtained lobbyist termination statements from 11 of its lobbyists. Enact UCLA, however, had not been able to obtain termination reports from the other six people listed as its lobbyists because they already had left the organization. The names of those six lobbyists are listed above. Staff has administratively terminated the registrations of the six lobbyists as of December 31, 2017. Staff is asking the Board to confirm these administrative terminations. No action is necessary regarding the lobbyists' disbursement reports because any disbursements that they made were included on the reporting lobbyist's 2017 reports.

#### **3. Confirmation of lobbyist termination – Jane Reyer**

Friends of the Boundary Waters, the principal association of Jane Reyer, notified Board staff that Ms. Reyer had left her position with the association on April 6, 2018. The principal stated that Ms. Reyer had not lobbied on the principal's behalf since December 31, 2017. Staff then administratively terminated Ms. Reyer's lobbyist registration as of December 31, 2017. Staff is asking the Board to confirm this administrative termination. No action is necessary regarding Ms. Reyer's lobbyist disbursement reports because any disbursements that she made were included on the reporting lobbyist's January 15, 2018, report.

#### **4. Confirmation of lobbyist termination – Chris Hanson**

AFSCME Council 65, the principal association of Chris Hanson, notified Board staff that Mr. Hanson had left his position with the association in approximately June 2017. The principal stated that Mr. Hanson did not have any lobbyist disbursements during the last reporting period. Staff then administratively terminated Mr. Hanson's lobbyist registration as of May 31, 2018. Staff is asking the Board to confirm this administrative termination. No action is necessary regarding Mr. Hanson's lobbyist disbursement reports because any disbursements that he made were included on the reporting lobbyist's reports.

**5. Confirmation of lobbyist termination – Bryan Sanders**

Friends of American Ski Jumping, the principal association of Bryan Sanders, notified Board staff that Mr. Sanders had left his position with the association on May 8, 2018. The principal stated that Mr. Sanders did not have any lobbyist disbursements during the last reporting period. Staff then administratively terminated the lobbyist registration of Mr. Sanders as of May 8, 2018. Staff is asking the Board to confirm this administrative termination and to not require filing of the lobbyist disbursement report that was due on June 15, 2018.

**6. Withdrawal of lobbyist registration – Ashlee Lehner**

Ashlee Lehner registered as a lobbyist for Minnesota Forest Industries on May 31, 2018. On June 26, 2018, Ms. Lehner asked to withdraw her lobbyist registration. Ms. Lehner told staff that she had not done any lobbying while she was employed by Minnesota Forest Industries. Staff is asking the Board to allow Ms. Lehner to withdraw her lobbyist registration. Approval of the withdrawal request would eliminate the need for Ms. Lehner to file any lobbyist disbursement reports.

**B. Discussion item**

**1. Request for a payment plan – Rep. Ilhan Omar**

Annual statements of economic interest for public officials were due on January 29, 2018. Rep. Ilhan Omar filed her annual statement on June 20, 2018. Rep. Omar therefore accrued the maximum \$100 in late fees and the maximum \$1,000 in civil penalties for the statement. Rep. Omar is asking the Board to allow her to pay these fees and penalties in three installments that would be due in June, July, and August 2018. Rep. Omar already has made a June payment in the amount of \$500, leaving \$300 to be paid in July and \$300 to be paid in August.

**C. Waiver Requests**

	Committee/ Entity	Late Fee or Civil Penalty	Report Due	Factors	Most Recent Balance	Previous Waivers Granted
1	Tim Johnson	\$100 LFF, \$1,000 CP	6/14/2016 candidate EIS	Candidate filed for office but never ran active campaign. Candidate’s father died shortly before filing period, which motivated candidate to file. But candidate then was busy dealing with family commitments arising from father’s death and had no time to campaign. Lack of time for campaign also meant that forms such as EIS were not filed on time.	NA	No
2	International Union of Operating Engineers	\$225 LFF	May 2018 report	Staff person who previously completed reports left organization without providing information about report due date or how to access reporting software. New staff person reconciled accounts and set up new software file. She then filed amendment to 1 <sup>st</sup> quarter report and May 2018, report.	\$46,303	No

**Informational Items**

**A. Payment of a late filing fee for 2017 year-end report of receipts and expenditures**

25B House District DFL, \$165  
Janice Kittok, \$25

**B. Payment of a late filing fee for March 15, 2018, annual report of lobbyist principal**

Thomas Garrett, \$175

**C. Payment of a late filing fee and civil penalty for annual EIS**

Rep. Ilhan Omar, \$500

**D. Payment of a civil penalty for false certification**

Brandon Peterson, \$280

Thies - March of Dimes



**MATT KEPPLER**

*Midwest Regional Director of Advocacy and Government Affairs*

*IL, IN, KY, MI, MN, MO, ND, OH, SD, WI, WV*

**T** (314) 306-5310

**E** [mkeppler@marchofdimes.org](mailto:mkeppler@marchofdimes.org)

**MARCHOFDIMES.ORG**

18 JUN 13 PM 1:02  
CAMPAIGN FINANCE &  
PUBLIC DISCLOSURE BOARD

June 13, 2018

Campaign Finance & Public Disclosure Board  
190 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155-1603

Dear Board Members:

I am writing today to request that you administratively terminate Angela Thies as a lobbyist registered under March of Dimes. She is no longer with our organization, as of March 1, 2018. Please add me as the new contact person for March of Dimes. My contact information is as follows:

Matthew Keppler  
221 Midway Ave.  
Kirkwood, MO 63122  
(314) 306-5310  
[mkeppler@marchofdimes.org](mailto:mkeppler@marchofdimes.org)

Thank you for your assistance with this request. Please let me know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in cursive that reads "Matt Keppler".

Matthew Keppler  
Midwest Regional Director of Advocacy and Government Affairs  
IL, IN, KY, MI, MN, MO, ND, OH, SD, WI, WV

**TWIN CITIES LEGAL SERVICE, PLLC**

*Legal representation with integrity, skill and care*

**ATTORNEYS AT LAW**

**7201 OHMS LANE, SUITE 215**

**EDINA, MINNESOTA 55439-2153**

18 JUN -1 PM 2:26  
CAMPAIGN FINANCE &  
PUBLIC DISCLOSURE BOARD

Associate

Gay B. Clapp, Esq.  
gclapp@tclegalservice.com  
(952) 232-6465

**Linda K. Wray, Esq.**

lwray@tclegalservice.com  
(952) 806-9900  
facsimile: (952) 746-7853  
Website: www.lindawray.com

Paralegal

Katherine Higgins Niccum  
kniccum@tclegalservice.com  
(952) 746-7850

June 1, 2018

Marcia J. Waller, Programs Administrator  
Campaign Finance and Public Disclosure Board  
Centennial Office Building, Suite 190  
658 Cedar Street  
St. Paul, Minnesota 55155

Re: Lobbyist Name: Linda Wray  
Name of Association Represented: Enact UCLA (6361)  
Registration number: 2386

Dear Ms. Waller:

Pursuant to my letter dated May 19, 2018, and our subsequent communications, enclosed please find Lobbyist Termination Statements for the following lobbyists for Enact UCLA:

- Linda Wray
- Brian Burns
- Deborah Clemmensen
- Ben Gisselman
- Audra Holbeck
- Judith Johnson
- Louise Livesay
- Tonda Mattie
- Ronald Ousky
- Stuart Webb
- Stevan Yasgur

I was reporting lobbyist for the following people as well.

Marcia J. Waller, Programs Administrator  
June 1, 2018  
Page 2

Janet Eaton (deceased) 12-31-17 call  
Colleen Harris-Pearson (retired, cannot locate)  
Bruce Peck (retired, ill health)  
Donna Piazza (retired, cannot locate)  
Ann Schaibley (moved out of State of Minnesota)  
Anne Towey (retired from practice of family law, cannot locate)

Administratively  
terminate

I am unable to have these persons file a Lobbyist Termination Statement for the reasons indicated above. I ask that their lobbying status be terminated administratively. As I mentioned to you in our phone call, Enact UCLA has done no lobbying work for a few years now. None of the foregoing lobbyists has done any work for Enact UCLA for more than three years. Accordingly, I hope that terminating their status as lobbyists will not be a problem.

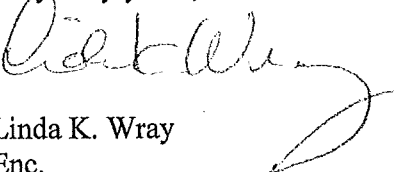
In light of inactivity of Enact UCLA for several years, please back date the termination date for this entity as of December 31, 2017. You will see that all of the signed Termination statements indicate a December 31, 2017 Termination Date.

Finally, I am providing my "Annual Report of Lobbyist Principal" for the period January 1, 2018 through December 31, 2018, although I suspect it is not needed in light of the requested December 31, 2017 Termination Date.

If you need anything further, please do not hesitate to let me know.

Thank you for your assistance.

Very truly yours,

  
Linda K. Wray  
Enc.

Jodi P.

Jane Reyer



401 N. Third Street • Suite 290  
Minneapolis, MN 55401-1475

612.332.9630  
friends-bwca.org

16 JUN 15 PM 3:28

CAMPAIGN FINANCE &  
PUBLIC DISCLOSURE BOARD

June 15, 2018

Minnesota Campaign Finance Board  
Centennial Office Building, Suite 190  
658 Cedar Street  
Saint Paul, MN 55155

RE: Lobbyist Termination for Jane Reyer, #320

Dear Minnesota Campaign Finance Board:

It has just come to my attention that Jane Reyer (lobbyist registration #320), a former employee/consultant for the Friends of the Boundary Waters Wilderness (association # 5466), did not file a lobbyist termination form with the Minnesota Campaign Finance Board upon her departure from our organization and the state of Minnesota. Unfortunately, Ms. Reyer is currently traveling out of the state with no internet or phone access so I am sending this letter on her behalf.

Ms. Reyer's last day of employment with the Friends of the Boundary Waters Wilderness was on April 6, 2018 and she did not engage in any lobbying on our behalf since December 31, 2017. Therefore, I respectfully request that you terminate her lobbyist registration status retroactively as of December 31, 2017. It is my understanding that since she has not engaged in any lobbying since December 31, 2017, she does not have to file a Lobbyist Disbursement Report for the January 1 through May 31, 2018 period. Attached for your reference are Ms. Reyer's timesheets from the January 1 through May 31, 2018 time period documenting zero hours spent on lobbying activities.

Please let me know if additional documentation is required and do not hesitate to contact me on my cell at 651-999-9565 with any questions or to discuss this matter further.

Sincerely,

Chris Knopf  
Executive Director



Jedi P.

Chris Hanson



Sarah Lewerenz  
Attorney at Law  
AFSCME Council 65  
517 West 6<sup>th</sup> Street • Duluth, MN 55806  
218/310-3991 • [SLewerenz@afscme65.org](mailto:SLewerenz@afscme65.org)

18 JUN 15 AM 11:36  
CAMPAIGN FINANCE &  
DISCLOSURE BOARD

June 15, 2018

Marcia Waller  
Programs Administrator  
Campaign Finance Board  
658 Cedar Street  
Suite 190  
St Paul MN 55155

RE: Chris Hanson  
Registered AFSCME Council 65 Lobbyist

Dear Ms. Waller:

I am the reporting lobbyist for AFSCME Council 65. I write to ask the Campaign Finance Board to remove Chris Hanson from the list of lobbyists for AFSCME Council 65.

Mr. Hanson's employment with AFSCME Council 65 ended approximately a year ago. He no longer represents AFSCME Council 65 in any capacity, lobbying or otherwise. AFSCME Council 65 has not had luck attempting to contact him since then. Therefore, we unable to ask him to terminate his lobbyist registration so we hereby ask the Campaign Finance Board to do that for us.

Thank you for your assistance in this matter.

Respectfully,

Sarah Lewerenz  
Attorney at Law

Jodi P.

Bryan Sanders -  
Friends of American Ski  
Jumping

CAMPAIGN FINANCE AND  
PUBLIC DISCLOSURE BOARD



PO Box 21  
Red Wing, Minnesota 55066

June 25, 2018

To:

Campaign Finance and Public Disclosure Board  
658 Cedar Street, Suite 190  
St. Paul, Mn. 55155

I'm writing to the Board to ask that Bryan Sanders' Lobbyist Registration be Administratively Terminated. The reason for this is that Bryan is no longer with our organization. Bryan was terminated on May 8, 2018.

Thank You,

Sincerely,

Scott Smith  
President  
Friends of American Ski Jumping

**Waller, Marcia (CFB)**

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**From:** Ashlee Lehner <ashlee.lehner@mfitpa.com>  
**Sent:** Tuesday, June 26, 2018 9:11 AM  
**To:** Waller, Marcia (CFB)  
**Cc:** Ann Todd  
**Subject:** Ashlee Lehner Registration Cancellation

JUN 26 2018 9:06  
OFFICE OF COMPLIANCE &  
PUBLIC AFFAIRS BOARD

Marcia,

I wish to withdraw my lobbyist registration due to my resignation from my position. I did not do any activities related to lobbying during my tenure at MN Forest Industries.

Thank you,  
Ashlee

--  
Ashlee Lehner  
Director of Forest Policy

Minnesota Forest Industries  
324 West Superior St., Suite 903  
Duluth, MN 55802  
218-722-5013 Office  
218-269-1050 Cell  
218-722-2065 Fax

**From:** [Engelhardt, Megan \(CFB\)](#)  
**To:** [Sigurdson, Jeff \(CFB\)](#); [Pope, Jodi \(CFB\)](#)  
**Subject:** FW: Payment of Fine  
**Date:** Monday, June 25, 2018 4:04:21 PM

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**From:** Davis Senseman <davis@davismeansbusiness.com>  
**Sent:** Monday, June 25, 2018 3:31 PM  
**To:** Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>  
**Subject:** Re: Payment of Fine

Thank you Megan. We propose a three-part payment plan, one payment of \$366.67 by this Friday, June 29, 2018, a second payment of \$366.67 by July 29, 2018 and the final payment of \$366.67 by August 16, 2018. If I need to send this in another format just let me know and I can do so. We will make sure a check is at your office for the first amount by Friday.



**K. DAVIS SENSEMAN | FOUNDER**  
*she / her | they / them*

[Davis Law Office](#)

612.293.9308 | [davis@davismeansbusiness.com](mailto:davis@davismeansbusiness.com)

[MAKE A PAYMENT](#)

[FIND US](#)



Tim Johnson  
6211 Morgan Avenue South  
Richfield, MN 55423

Minnesota Campaign and Finance Board

Dear Campaign and Finance Board;

This letter is in regards to the late filing of the Statement of Economic Interest and the pending litigation on 06/18/2018. I am asking the board for its help to resolve this matter. I am hoping that the board will be able to waive the \$100 late filing fee and the \$1000 civil penalty.

My campaign was essential in name only. I got involved in the campaign process by attending a Republican Party Caucus and being elected as a local delegate. When attending the District Convention I mentioned I may be interested in running for office. I was contacted by the party a few days before the filing deadline asking me if I would be willing to run for The House of Representatives in District 50A because they did not have a candidate to run against the Democratic Incumbent.

While I was not as prepared as I should be I agreed for several reasons, one of the main reasons was a few months earlier I lost my dad to cancer and he always believed it was important to vote, he instilled in me that not only did you have the right to vote but you had a responsibility to vote. By voting you helped to maintain your right to vote.

I discussed with both the party and the Attorney Generals Office if I could suspend or stop my campaign if I chose to. My commitments to my family after the loss of my dad overtook the time I had to run a formal campaign. In fact I formed no campaign committee or solicited any funding. My total expenditures was the filing fee and a box of business cards all of which I paid for. I had essentially little to no active campaign other than remaining on the ballot. As a result forms did not get filed or filed on time.

I do not have the financial resources from campaign funding or personal sources to be able to afford to pay the total of \$1100. I am asking the boards help and understanding and to grant my request to waive the \$100 late filing fee and the \$1000 civil penalty prior to the court date set for 06/18/2018.

I truly appreciate your time and consideration and any and all help in resolving this matter.

Respectfully,

Tim Johnson  
(612) 998 - 0440

**From:** [Shelli Hesselroth](#)  
**To:** [Pope, Jodi \(CFB\)](#)  
**Cc:** [Eric O"Gary](#)  
**Subject:** Re: International Union of Operating Engineers - 2018 Reports  
**Date:** Wednesday, June 27, 2018 2:57:25 PM

---

Hi Jodi,

The Committee would like to request a waiver of the late filing penalties of the May/Second Report, which was filed today. The organization had a change of staff. The person who was previously filing the reports did not provide information regarding the filing requirements and software access. I reconciled their account, set-up a CF Reporter file, and recorded the 2018 transactions for filing the report.

Please let us know if you have any questions.

Shelli

On Wed, Jun 27, 2018 at 1:03 PM Engelhardt, Megan (CFB)  
<[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)> wrote:

Shelli,

You can email the waiver request to Jodi Pope. I have copied her on this email so you have her address.

Thanks!

Megan

**From:** Shelli Hesselroth  
**Sent:** Wednesday, June 27, 2018 1:02 PM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Subject:** International Union of Operating Engineers - 2018 Reports

Hi Megan,

I have electronically filed the amendment of the First Report and the original of the Second Report.

How do you recommend that we request waiver of the late filing fees? Whom should we direct the request?

Thank you

Shelli

--

Shelli Hesselroth

Golden Valley, MN 55427

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Minnesota

# *Campaign Finance and Public Disclosure Board*



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**Date:** July 3, 2018

**To:** Board Members

**From:** Jodi Pope  
651-539-1183

**Subject:** Revisions to Board policy on waiver of the requirement to disclose second residences on statements of economic interest

Public officials are required to disclose on their economic interest statements the location of all non-homesteaded real property owned in Minnesota. Minn. Stat. § 10A.09, subd. 5. Minnesota Statutes section 10A.09, subdivision 9, however, provides:

Upon written request and for good cause shown, the board may waive the requirement that an official disclose the address of real property that constitutes a secondary residence of the official.

In 2015, the Board determined that given the nature of the work performed by the judicial branch, anyone serving as a judge or justice in Minnesota had good cause for not disclosing the address of a second residence on a statement of economic interest. The Board stated that it therefore granted a second residence waiver to any judge or justice who completed the written waiver request on the judicial statement of economic interest form. The Board also adopted a resolution delegating authority to the executive director to grant second residence waivers to judges and justices.

Until recently, only judges and justices had requested second residence waivers. During the recent candidate filing period, however, the Board received second residence waiver requests from two constitutional office candidates. Receipt of these requests revealed that the Board had no procedures regarding how to handle second residence waiver requests from public officials who were not judges or justices.

Because non-judicial public officials perform a variety of tasks, the Board probably cannot establish a general second residence waiver policy for all public officials as it did for judges and justices. Conversely, requiring the Board to act on every non-judicial waiver request arguably unnecessarily delays the waiver decision for the public official and may not be the most efficient use of Board resources. Staff therefore is recommending that the Board revise its second residence waiver policy to add procedures for requests from non-judicial public officials. The procedures recommended by staff are similar to the procedures used for security information requests. Under the revised policy, the executive director would have the authority to grant second residence waivers to non-judicial public officials who show good cause. The executive director would bring any potential denial of a request to the Board for final decision. The policy regarding waivers for judges and justices would not change.

The ratification of the revised policy and the delegation of the waiver authority could be accomplished by the following motion:

RESOLVED, that the revised policy regarding the waiver of the requirement to disclose second residences on statements of economic interest is adopted and that the executive director is delegated the authority to grant waivers exempting non-judicial public officials from the second residence disclosure requirement under the terms of the revised policy. The executive director must submit any waiver request that is not granted to the Board for final decision.

Attachment

Revised policy on second residence waivers

## **Policy on Waiver of the Requirement to Disclose Second Residences for Judges and Justices**

Public officials are required to disclose the location of all real property owned in Minnesota on their economic interest statements. Minn. Stat. § 10A.09, subd. 5. Minnesota Statutes section 10A.09, subdivision 9, however, provides:

Upon written request and for good cause shown, the board may waive the requirement that an official disclose the address of real property that constitutes a secondary residence of the official.

The Board recognizes that given the nature of the work performed by the judicial branch, disclosing the location of a second home owned by a Minnesota judge or justice would jeopardize the safety of that official and the second residence property. The Board therefore finds that anyone serving as a Minnesota judge or justice has good cause for not disclosing on a statement of economic interest the location of real property that constitutes the official's secondary residence. The Board grants a waiver of the second residence disclosure requirement to any Minnesota judge or justice who completes the written waiver request on the statement of economic interest.

A public official who is not a judge or justice may submit a written request for a waiver under Minnesota Statutes section 10A.09, subdivision 9, to the executive director. The written request must not include the address or county location of the second residence property.

Upon receipt of the request, the executive director must review the request to determine whether the requester has established good cause for waiving the requirement to disclose the address of the second residence property. If the executive director determines that the requester has shown good cause, the Board delegates authority to the executive director to grant the waiver request. The executive director must report that decision to the Board in the regular session of the Board's next regularly scheduled meeting or as soon thereafter as practical.

If the executive director determines that the requester has not established good cause, the matter must be presented to the Board in the executive session of the Board's next regularly scheduled meeting or as soon thereafter as practical. The Board then must determine whether the requester has established good cause for the waiver and must issue the final decision in the matter.

**CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD  
July, 2018**

**ACTIVE FILES**

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Chilah Brown Michele Berger	Brown (Chilah) for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures  Unpaid late filing fee on 10/31/16 Pre- General Election Report	\$1,000 LF \$1,000 CP  \$50 LF	3/6/18				
Roxana Bruins	Roxana Bruins for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/28/17	9/6/17	8/17/18		
Brenden Ellingboe	Ellingboe (Brenden) for House	Unfiled 2015 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	11/29/16	5/26/17			Hold by Board
Katy Humphrey, Kelli Latuska	Duluth DFL	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	3/6/18				
Christopher John Meyer	Meyer for Minnesota	2016 Year-End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/28/17	9/6/17			Placed on hold by Board

