

Minnesota

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

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Wednesday, October 2, 2024

9:30 A.M.

Blazing Star Room  
Centennial Office Building

## **REGULAR SESSION AGENDA**

**1. Approval of minutes**

A. September 4, 2024

**2. Chair's report**

A. Meeting schedule

**3. Executive director's report**

**4. Enforcement report**

**5. Administrative rulemaking update**

**6. Prima Facie Determinations**

A. Complaint of Carol A. Overland regarding Gary Iocco

**7. Legal report**

**8. Other business**

## **EXECUTIVE SESSION**

Immediately following regular session



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

.....  
**September 4, 2024  
Blazing Star Room  
Centennial Office Building**  
.....

**MINUTES**

The meeting was called to order by Chair Asp.

Members present: Asp, Flynn, Kleis, Rashid (arrived during Executive Director's Report), Soule, Swanson

Others present: Sigurdson, Engelhardt, Johnson (remotely), Olson, staff; Nathan Hartshorn, counsel

**MINUTES** (August 7, 2024)

The following motion was made:

Member Flynn's motion: To approve the August 7, 2024, minutes as drafted.

Vote on motion: Unanimously approved.

**EXECUTIVE DIRECTOR'S REPORT**

Mr. Sigurdson provided an update to the Board on the following:

**Staffing**

- Ploua Lor has been hired as the Lobbying Program Analyst starting August 28, 2024. She holds a Bachelor's degree in Management Information Systems and is pursuing a Master's degree in Data Analytics.

**Report to the Legislature – Lobbying of Political Subdivisions**

- The Board is studying whether lobbying laws should differentiate between public and local officials. The focus is on definitions of "lobbyist," "local official," etc., from Chapter 10A. The findings and possible recommendations will be reported in January 2025.
- A public hearing on August 19, 2024, involved presentations and written comments from various organizations. Key suggestions included:
  - Defining "local lobbyist" more narrowly.
  - Excluding experts offering specific guidance from being considered lobbyists.
  - Requiring registration and reporting at the local level.
  - Revising gift prohibition rules for township officials.
  - Distinguishing between policy and quasi-judicial decisions in lobbying.
  - Addressing concerns about nonprofit tax status and local government collaboration.
  - Modifying the lobbyist registration threshold to include time spent on lobbying.

### **Political Contribution Refunds in 2023**

The Political Contribution Refund (PCR) program allows eligible voters to get refunds for contributions to certain candidates and parties. In 2023, \$2,064,734 in refunds were issued by the Department of Revenue.

### **2024 Post-Primary Public Subsidy Payments**

- On August 26, 2024, \$2,093,920 was issued in public subsidies to 230 House candidates. Payments come from two sources: political party check-offs and general fund appropriations. The general account payment per candidate in 2024 is significantly higher than in 2022. The final smaller payment will be made in December based on additional tax form check-offs. Total payments were \$1,232,495 for DFL candidates and \$861,425 for RPM candidates.

## **ENFORCEMENT REPORT**

### **A. Discussion Items**

#### **Referral to Attorney General's Office – Margaret Meyer (4636)**

Margaret "Maggie" Meyer was the executive director of, and a registered lobbyist for, Pro-Choice Minnesota starting in 2019. Currently, Meyer owes \$4,025 in late filing fees and civil penalties, including \$2,000 for the lobbyist report due in June 2024, which was never filed, \$2,000 for the lobbyist report due in January 2024, which was never filed, and \$25 for the lobbyist report due in June 2023, which was filed one day late. Despite attempts by Board staff to contact her about the outstanding reports and balance owed, no response has been received. Pro-Choice Minnesota requested that the Board terminate her lobbyist registration retroactive to May 24, 2024, the date her employment ended, but the Board declined and has asked Pro-Choice Minnesota to make more concerted efforts to reach her. Board staff is now asking for the matter to be referred to the Attorney General's Office for action compelling Ms. Meyer to file the two outstanding reports and pay the balance owed.

The following motion was made:

Member Soule's motion: To approve the referral request.

Vote on motion: Unanimously approved.



**B. Waiver Requests**

<b>HDR, Inc. Employee Owners PAC - 41349</b>						<b>Board Action</b>
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Flynn moves to waive the fee.  Unanimously approved.
June 2024	6/14/24	6/21/24	\$200 LFF	No.	Waive.	
<p>The committee uses Aristotle, which is a software package that complies with the Board's XML standards to file a report. An employee of Aristotle International, Stephanie Ming, states that on June 14th, she transferred what she believed was the correct file using a software application known as an FTP client, and received only a 'successful transfer' notification within that application. On June 20th the committee was informed that the report had not been filed. After contacting CFB staff, they were informed that the file uploaded to the Board was a PDF file rather than the required XML file. The XML file was then promptly uploaded. Ming states that the committee is a federal PAC and that this report did not include any activity specific to Minnesota. Ming is exploring alternative FTP clients for future filings. Ending cash balance as of 7/22/24: \$1,574,727.</p>						

<b>Maria Jensen - 5493</b>						<b>Board Action</b>
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Soule moves to waive the fee.  Unanimously approved.
June 2024 LDR	6/17/24	8/21/24	\$1,000 LFF	No.	No recommendation.	
<p>Maria Jensen is the only registered lobbyist for Recycling Electronics for Climate Action. Jensen misunderstood the reporting schedule, believing the reporting requirement was annual, and thus did not expect to report again until 2025, as she had submitted a report in January 2024. Jensen missed reminder emails from the Board on June 5th, 12th, and 18th because they were sent to a personal email that is in the process of being phased out. Jensen anticipated that communications would be sent to her work email, which was used to set up her account on the Board's website. Jensen states that the organization is a small startup nonprofit with limited funding, and the \$1,000 fee represents a significant financial burden. She has now completed the report and updated her contact information, removing the outdated email address to prevent future issues.</p>						

<b>Pam Marshall - 8735</b>						<b>Board Action</b>
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Soule moves to waive the fee.  Unanimously approved.
June 2024 LDR	6/17/24	8/14/24	\$1,000 LFF	No.	No recommendation.	
<p>Pam Marshall was the executive director, and a lobbyist for, Energy CENTS Coalition. Ms. Marshall terminated her lobbyist registration on February 6, 2024, and ended her 30-year tenure as executive director. George Shardlow, the new executive director of the association, states that the organization is a small nonprofit and that in the transition to a new executive director the report got lost in the shuffle.</p>						

<b>Conservation Minnesota Voter Fund – 80008</b>						<b>Board Action</b>
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Flynn moves to waive the fee.  Unanimously approved.
2024 1st Quarter	4/15/24	6/27/24	\$1,000 LFF	Yes. \$350 LFF waived in 2010 due to a software issue.	No recommendation.	
<p>Treasurer Paul Austin thought the report was filed before the April 15, 2024 deadline, but he mistakenly filed another copy of the fund's 2023 year-end report instead. Upon discovering the mistake, the correct report was promptly filed. Austin acknowledges the error was entirely his own. Ending cash balance as of 7/22/24: \$2,021.</p>						

**C. Informational Items**

**1. Late filing fee - 2024 candidate EIS**

Chris Swedzinski, \$30

**2. Late filing fee - June 2024 lobbyist report**

Sarah Erickson, \$600  
Luke Rollins, \$25  
Larry Johnson, \$25  
Joseph Richardson, \$950

**3. Late filing fee - 2023 lobbyist principal report**

All Energy Solar, \$275  
LeadMN, \$50  
American Council of Engineering Companies of Minnesota (ACEC/MN), \$50

**4. Late filing fee - 2019 lobbyist principal report**

All Energy Solar, \$25

**5. Late filing fee - 2024 June campaign finance report**

Faith in Minnesota Fund, \$50  
Minnesota Young Republicans Victory Fund, \$50  
TreePAC, \$50  
ACEC/MN Political Action Committee, \$500

**6. Late filing fee - 2024 1st Quarter campaign finance report**

Minnesota Young Republicans Victory Fund, \$100

**7. Payment of civil penalty for failure to timely register committee**

Gary Steuart for Minnesota, \$400

**ADVISORY OPINION 464**

Mr. Olson presented the Board with two versions of a draft advisory opinion outlined in the attached memo.

After discussion including suggested changes from Member Swanson, the following motion was made:

Member Flynn's motion: To approve version one of the advisory opinion, with the following changes (page, line, and paragraph numbers below pertain to the public version of the draft opinion):

Page 3, first full paragraph, line 5: change "persuasive" to "instructive".

Page 6, first full paragraph, line 3: strike "is a close call, and"

Page 7, last paragraph, line 3: strike "is a close call, and"

Vote on motion: Members Flynn, Kleis, Rashid, Soule, and Swanson voted to approve the motion. Member Asp voted no. Motion passes.

### **ADMINISTRATIVE RULEMAKING UPDATE**

Mr. Olson presented the Board with an update on administrative rulemaking. Mr. Olson explained that some of the rule parts and subparts have been renumbered to comply with the policy of the Revisor's Office. Mr. Olson said that the rule language was approved as to form by the Revisor's Office on August 21, 2024. Mr. Olson stated that Board staff will contact the Office of Administrative Hearings to schedule a date for a possible hearing and draft a notice regarding the proposed rules that will be published in the State Register, starting the formal 30-day comment period.

### **PRIMA FACIE DETERMINATIONS**

Ms. Engelhardt presented the Board with a memo regarding the below matters. Both matters were dismissed due to Board's lack of jurisdiction over the statutes that might give rise to the violations alleged in the complaints.

**A. Complaint of Kevin Sethre regarding the Mark Westfahl for Mayor Committee.**

**B. Complaint of Cory Johnson regarding the People for (Gregory) Davids Committee**

### **LEGAL REPORT**

Mr. Hartshorn updated the Board on the Mariani matter.

### **EXECUTIVE SESSION**

Chair Asp recessed the regular session of the meeting and called to order the executive session. Upon adjournment of the executive session, the chair reported into regular session the Board's approval of a probable cause determination in the Matter of the Complaint of Parisa Rouzegar regarding the Angeline (Anderson) for Minnesota committee.

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

Respectfully submitted,



Jeff Sigurdson  
Executive Director

Attachments:

- Executive Director's report and attachments
- Memo regarding Advisory Opinion 464 and public attachments
- Rulemaking update memo and final proposed rule language
- Memo regarding prima facie determinations and attachments
- Legal report

DRAFT



# MINNESOTA

## CAMPAIGN FINANCE BOARD

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### **Board Meeting Dates for Calendar Year 2024**

Meetings are at **9:30 A.M.** unless otherwise noted.

#### **2024**

Wednesday, November 6

Wednesday, December 4





# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** September 25, 2024

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

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

## **Staffing**

The Board's IT staff has been supplemented with the hiring of Chaitanya Deepthi Tadinada and Prechar Xiong. Ms. Tadinada holds a Master's Degree in Computer Science and has over five years of experience in application development. Mr. Xiong has a Bachelor's degree in Computer Science and two years experience in application development. Ms. Tadinada and Mr. Xiong started with the Board on September 25, and will start immediately on a backlog of IT projects and improvements.

## **September Report of Receipts and Expenditures**

The fourth report of receipts and expenditures for 2024 for appellate court judicial candidates, political committees, political funds, state committees of political parties, and legislative party units was due on September 24, 2024. The report covers the period from January 1 to September 17, 2024. The Board received 427 reports; as of the date of this memo, eight political committees have not yet filed a report.

In total, the reports from party units, political committees, and political funds disclose \$57,859,885 in contributions received, \$5,345,898 in independent expenditures, \$1,287,000 in contributions to candidates, \$25,194,819 in general expenditures, \$53,419 in ballot question expenditures, \$11,159,022 in contributions to party units, and an ending cash balance of \$41,828,315. In total, the reports from appellate court judicial candidates disclose \$271,497 in contributions received, \$54,886 in campaign expenditures, and an ending cash balance of \$314,905.

## **Report to the Legislature – Lobbying of Political Subdivisions**

At the 2024 legislative session, the Board was tasked with studying whether the laws regulating lobbying do or should distinguish between lobbying of public officials and lobbying of local officials in political subdivisions. In particular, the Board was directed to study the statutory definitions of "lobbyist," "local official," "public official," and "official action of a political subdivision" as provided in Chapter 10A. The Board held a public hearing on August 19<sup>th</sup> to

hear ideas and comments from the lobbying community, organizations that represent political subdivisions, professional organizations, and good governance groups on this subject. The participation and attendance at this meeting was good, and helpful information and interesting ideas were presented to the Board. Written comments from that meeting are available on the Board's website at: [cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/report-to-the-legislature-on-lobbying](https://cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/report-to-the-legislature-on-lobbying). The recording of the hearing is also available at this link.

I have been contacted by other associations that would like to present ideas and concerns to the Board on this subject, and from individuals present at the August meeting who hope that there will be further public discussion on the subject. To accommodate this interest, I have scheduled another public meeting for the morning of Friday, October 25<sup>th</sup> at 9 AM.

Board staff has been researching what other states do regarding registration and reporting for lobbying local government and will provide information on what staff has found at the meeting.

### **Training**

Board staff will be conducting a compliance training for candidate committees via Webex on Tuesday, October 8, 2024, at 6:30 pm. Board staff expects that the training will take about two and half hours and will be the last campaign finance training offered in 2024.





# MINNESOTA

## CAMPAIGN FINANCE BOARD

**Date:** September 25, 2024

**To:** Board members  
Counsel Hartshorn

**From:** Greta Johnson, Legal/Management Analyst      **Telephone:** 651-539-1183

**Subject:** Enforcement report for consideration at October 2, 2024, Board meeting

**A. Waiver Requests**

<b>Citizens for Accurate and Secure Elections (41338)</b>					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2024 June	6/14/24	6/17/24	\$50	No.	Waive.
Treasurer Rick Weible states that at the time the report was due, his internet went out due to construction in the area. Weible states once the internet was back up, he submitted the report. Ending cash balance as of 7/22/24: \$100.					

<b>51<sup>st</sup> Senate District RPM (21000)</b>					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2024 Pre-Primary	7/29/24	8/15/24	\$650	No.	Waive.
Co-Chair Jim Lund explained that the treasurer experienced a serious medical emergency and was unable to submit the report on time. The committee is taking steps to ensure that the next report is filed punctually. The committee is also working to replace the treasurer. Ending cash balance as of 7/22/24: \$3,607.					

<b>TJ (Trenton) Hawthorne for 44B (19000)</b>					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2024 candidate EIS	6/25/24	8/30/24	\$100	No.	
2024 Pre-Primary	7/29/24	9/4/24	\$1,000		
Candidate T.J. Hawthorne filed for office with the Secretary of State by filing a petition. The signatures on the petition needed to be verified by the Secretary of State before Mr. Hawthorn was placed on the ballot. Mr. Hawthorn states that after completing the signature requirement the committee received a filing packet that was not opened until a few days ago. It was at this point the committee discovered the deadlines they needed to meet. Mr. Hawthorne states he has been deeply involved in daily responsibilities, including a demanding work schedule, and completing the process of adopting a baby. Board staff did not receive a notice from the Secretary of State's office that Hawthorne had filed for office. Therefore, the Hawthorne committee never received a mailed notice or reminder emails from CFB to file the Pre-Primary report or EIS. Ending cash balance as of 7/22/24: \$1,065.					

## **B. Informational Items**

### **Payments**

#### **1. Late filing fee for 2024 candidate EIS**

Lawrence (Bryan) for MN, \$40

#### **2. Late filing fee for 2024 June campaign finance report**

Best Fair Foods, \$350

Free Employee and Agent PAC, \$350

Minnesota Pork PAC, \$200

#### **3. Late filing fee for 2024 Pre-Primary campaign finance report**

Patriotic Chickens, \$50

MN Corn State PAC, \$700

#### **4. Civil penalty for prohibited contribution during legislative session**

William Harper, \$100

#### **5. Civil penalty for exceeding special source limit**

Kari Dzedzic for State Senate, \$200

#### **6. Forwarded anonymous contribution**

Blue Earth County RPM, \$50

**Johnson, Greta (CFB)**

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**From:** Rick Weible <info@ussecureelections.org>  
**Sent:** Sunday, September 22, 2024 12:41 PM  
**To:** Engelhardt, Megan (CFB)  
**Subject:** Reg Number 41338 - June 14, 2024 Late Fee Waiver

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

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Hi Megan,

Please wave the fee from June, our internet was down at that time, and we were working with MediaCom to replace their modem and our modem due to an electrical hit at our house, due to street construction. Once the internet was backup I submitted the repots, there was no malicious intent, and we are not raising much funds...

Thank you,

Rick Weibe  
612-306-4555 (c)

**Johnson, Greta (CFB)**

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**From:** Jim Lund <jimlund56@hotmail.com>  
**Sent:** Thursday, September 12, 2024 6:56 AM  
**To:** Engelhardt, Megan (CFB)  
**Subject:** Waiver Request

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Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

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Megan: Sd 51 Republicans had the person who filed the Campaign Finance Report have a medical emergency and needed to be hospitalized.

We are working to ensure the next campaign finance report due in October 2024 be prepared on time. Other Executive Committee Members stepped up at this last minute matter to file the report.

We ask for a waiver and will follow up with you and your staff in the event we have any questions.

-Jim Lund, Co-Chair SD 51

## Johnson, Greta (CFB)

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**From:** TJ Hawthorne <tjhawthorne@tjforliberty.com>  
**Sent:** Wednesday, September 04, 2024 2:57 PM  
**To:** Engelhardt, Megan (CFB)  
**Subject:** Late Submission of CFB Filing - TJ Hawthorne 44B

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

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Megan,

Good afternoon. We spoke on the phone last Friday and I sincerely appreciate you taking your time to help me. Here is my 'plea' to explain why I missed the required date(s) for filing report(s).

I think you also mentioned I filled out an incorrect form and you were going to send me the correct one (or name it so I can find it on the website).

To whom it may concern,

Please accept my apology for the late submission of my campaign finance reports. I am not one to give excuses for my lack of good behavior but in this case, I believe I need to explain my reasoning. When we completed the signature requirement and filed with the SOS, I received a packet. I didn't open the packet until just a few days ago. That is when I learned there were dates/deadlines to meet. Since the end of our push to get signatures, I have focused a lot of my energy to my regular, daily life. Along with being extremely busy with work, my wife and I have just finished all the paperwork & counseling for adopting a new baby. I have also been volunteering at the North St. Paul Area Food Shelf more often because they have lost a lot of volunteers. I would be extremely grateful for an allowance to complete these reports within the week.

Sincerely,

TJ Hawthorne

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Trenton (T.J.) Hawthorne  
Libertarian Party Candidate  
MN District 44B  
(612) 804-1038  
[TJ for Liberty](#)





# MINNESOTA

## CAMPAIGN FINANCE BOARD

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**Date:** September 25, 2024

**To:** Board members  
Nathan Hartshorn, counsel

**From:** Andrew Olson, Legal/Management Analyst      **Telephone:** 651-539-1190

**Subject:** Rulemaking update

In case at least 25 people request a hearing on the Board's proposed rules during the formal comment period, a hearing with an administrative law judge has been scheduled for Tuesday, December 17, 2024, starting at 9:30 a.m. If held, the hearing will be conducted using Webex. If less than 25 people request a hearing, the hearing will be canceled.

A notice regarding the proposed rules, the formal comment period, and the possibility of a hearing will be published in the State Register on October 7, 2024. That publication begins the 30-day formal comment period, which will end on Wednesday, November 6, 2024. During the formal comment period, comments may be submitted to Board staff, or directly to the Office of Administrative Hearings (OAH) using its eComments website. Board staff will submit responses to OAH regarding any substantive comments concerning the proposed rules.

If there are no changes made to the proposed rules following the comment period and any hearing, the next step is to obtain final approval from the Governor's Office. Next, the rulemaking record will be submitted to the OAH for review. Once submitted, the OAH has 14 days to review the record and approve all or portions of the proposed rules, disapprove all or portions of the proposed rules, and suggest changes to the proposed rules. After that process is complete, the Board will need to vote on a formal resolution adopting the rules in their final form. Lastly, a notice will be published in the State Register regarding the adoption of the rules, and the rules will take effect five business days after that date.

No Board action is required at this time.







# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** September 25, 2024

**To:** Board members

**From:** Megan Engelhardt, Assistant Executive Director      **Telephone:** 651-539-1182

**Re:** Prima Facie Determination

Complaints filed with the Board are subject to a prima facie determination which are made by the Board chair in consultation with staff. If the Board chair determines that the complaint states a violation of Chapter 10A or the provisions of Chapter 211B under the Board's jurisdiction, the complaint moves forward to a probable cause determination by the full Board.

If the determination finds that the complaint does not state a prima facie violation, the prima facie determination must dismiss the complaint without prejudice. When a complaint is dismissed, the complaint and the prima facie determination become public data. The following complaint was dismissed by Chair Asp, and the prima facie determination is provided here as an informational item to Board members. No further Board action is required.

## **Gary Iocco**

On September 6, 2024, the Board received a complaint from Carol Overland regarding Gary Iocco, a mayoral candidate in the City of Red Wing. The complaint alleged that Gary Iocco accepted a corporate contribution in violation of Minnesota Statutes section 211B.15 by not paying the fair market value for a rooftop campaign sign on a building owned by a corporation. The complaint also alleged that Mr. Iocco's campaign did not report receiving an in-kind contribution consisting of the use of the building roof, and failed to keep a correct account in violation of Minnesota Statutes section 211A.06. The complaint was dismissed due to the Board's lack of jurisdiction over the violations alleged in the complaint.

## **Attachments:**

Complaint

Prima facie determination





# MINNESOTA CAMPAIGN FINANCE BOARD

MN CAMPAIGN FINANCE BD  
24 SEP 6 AM 11:45

## Complaint for Violation of the Campaign Finance and Public Disclosure Act

All information on this form is confidential until a decision is issued by the Board.  
A photocopy of the entire complaint, however, will be sent to the respondent.

### Information about complaint filer

Name of complaint filer <u>Carol A. Overland</u>	
Address <u>1110 West Ave</u>	Email address <u>overland@legalaction.org</u>
City, state, and zip <u>Red Wing, MN 55066</u>	Telephone (Daytime) <u>(612) 227-8638</u>

### Identify person/entity you are complaining about

Name of person/entity being complained about <u>Gary Iocco - Iocco for RW Mayor</u>	<u>Additional Respondents:</u> RST Redwing LLC c/o John Dehn Dehn Oil Co., 6735-14th Ave NW Ramsey, MN 55303 5727  Wilson Oil Co., c/o Mike Wilson 2355 Old West Main Red Wing, MN 55066
Address <u>1837 Woodland Drive</u>	
City, state, zip <u>Red Wing, MN 55066</u>	
Title of respondent (If applicable) <u>Candidate</u>	
Board/Department/Agency/District # (If legislator) <u>—</u>	

Carol A. Overland

Signature of person filing complaint

9/4/2024

Date

Send completed form to:

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

If you have questions call 651-539-1189, 800-657-3889, or for TTY/TDD communication contact us via the Minnesota Relay Service at 800-627-3529. Board staff may be reached by email at [cf.board@state.mn.us](mailto:cf.board@state.mn.us).

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180, 800-657-3889, or through the Minnesota Relay Service at 800-627-3529.



Give the statutory cite to the section of Chapter 10A, Chapter 211B, or Minnesota Rules you believe has been violated: \_\_\_\_\_

You will find links to the complete text of Chapter 10A, Chapter 211B, and Minnesota Rules chapters 4501 - 4525 on the Board's website at [cfb.mn.gov](http://cfb.mn.gov).

### Nature of complaint

Explain in detail why you believe the respondent has violated the campaign finance and public disclosure laws. Attach extra sheet(s) of paper if necessary. Attach any documents, photographs, or other evidence needed to support your allegations. Electronic files may be provided to the Board by email or via a file transfer service.

<p>Seeks civil penalty, forfeiture, &amp; referral to county atty § 216A.06 § 211A.09, sub 3 § 211B, sub 1 as amended § 211B.15, sub 14</p>	<p>Minn. Stat. § 21A.06(1) Failure to keep correct account &amp; Minn Stat § 10A.13 (4) Intent to conceal disbursements, purpose, or existence of unpaid debt Minn. Stat § 211B.15, subd. 1(c) - def of corporation &amp; LLC subd. 2(a)(b)(c) Prohibited contributions, candidate acceptance, contribution with <del>authorization</del> authorization/acceptance of candidate subd. 6 - Penalty for individuals subd. 7 - Penalty for corporations/LLC subd 7(b) knowingly violations subd 11 - sign <u>NOT</u> permitted sign on premises subd. 13 - Aiding violation - aid, abetting, advises</p>
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Minnesota Statutes section 10A.022 and Minnesota Rules Chapter 4525 describe the procedures required for investigating complaints. A full description of the complaint process is available on the Board's website. Briefly, the Board will notify you when it has received your complaint. The Board must send a copy of the complaint to the respondent. Complaints and investigations are confidential. Board members and staff cannot talk about an investigation except as required to carry out the investigation or to take action in the matter. After the Board issues a decision, the record of the investigation is public.

The law requires a complaint to go through two stages before the Board can begin an investigation: a prima facie determination and a probable cause decision. If the complaint does not pass one of the stages, it must be dismissed. The Board chair or their designee has 10 business days after receiving your complaint to determine whether the complaint alleges a prima facie violation. If the complaint alleges a prima facie violation, the Board has 45 days to decide whether probable cause exists to believe a violation that warrants a formal investigation has occurred. Both you and the respondent have the right to be heard on the issue of probable cause before the Board makes this decision. The Board will notify you if the complaint moves to the probable cause stage.

If the Board determines that probable cause does not exist, the Board will dismiss the complaint. If the Board determines that probable cause exists, the Board may start an investigation. In some cases the Board will issue findings, conclusions, and an order as its decision. In other cases the Board will instead enter into a conciliation agreement with the respondent. The Board's final decision will be posted on the Board's website.

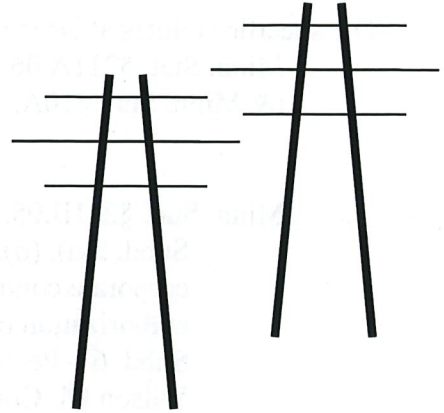


# Legalelectric, Inc.

**Carol Overland** Attorney at Law, MN #254617

Energy Consultant—Transmission, Power Plants, Nuclear Waste  
overland@legalelectric.org

1110 West Avenue  
Red Wing, Minnesota 55066  
612.227.8638



September 4, 2024

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

RE: Gary Iocco – Gary Iocco for Mayor  
Complaint - Violation of the Campaign Finance and Fair Campaign Practices Acts

To the Campaign Finance and Public Disclosure Board:

Attached please find this executed Complaint for Violation of the Campaign Finance and Fair Campaign Practices Acts, \$50 filing fee, and attachments with specifics of the Complaint.

This Complaint is regarding the campaign of Gary Iocco for Mayor, and is focused on display of a very large Gary Iocco for Mayor sign in a very prominent location in Red Wing:



The specific statutes at issue are:

- Minn. Stat. §211A.06 (1), Failure to keep a correct account;
- (& Minn. Stat. §10A.13) (4): Intent to conceal receipts or disbursements, the purpose of receipts or disbursements, or the existence or amount of an unpaid debt
- Minn. Stat. §211B.05, Subd. 1(c) – Definition of corporation and/or LLC
- Subd. 2(a), (b), (c): Prohibited corporation contribution; candidate acceptance of corporate contribution; contribution promotion election of candidate with authorization or consent of candidate.
- Subd. 6 – Penalty for individuals – Dehn Oil Company’s John Dehn and/or Wilson Oil Company’s Mike Wilson, and/or other individuals.
- Subd. 7 – Penalty for corporations – Dehn Oil Company and/or Wilson Oil Company
- Subd. 7b – Knowing violations – individuals and/or corporations John Dehn/Dehn Oil Company and/or Mike Wilson/Wilson Oil.
- Subd. 11 – Iocco sign is NOT a permitted message on premises
- Subd. 13 – Aiding violation; penalty – unknown who aids, abets, or advises violation of the Corporate Political Contributions statute.

Complainant seeks a civil penalty, forfeiture, and referral to the County Attorney for criminal prosecution under Minn. Stat. §211A.06; Minn. Stat. §211A.09, Sub. 3 and Minn. Stat. §211B.17, Subd. 1 as amended; and Minn. Stat. §211B.15, Subd. 14.

Gary Iocco is a candidate for Mayor of the City of Red Wing, a local candidate as defined by Minn. Stat. §10A.01, Subd. 10d. Iocco filed his initial Campaign Financial Report dated August 5, 2024, attached. Minn. Stat. §211A.06 Failure to Keep Account.

Iocco reported the following disbursements on his August 5, 2024 Report, including “7/26/24 Sign Lease \$1.00” (attached, and <https://red-wing.org/DocumentCenter/View/8176/Gary-Iocco--Campaign-Financial-Report-05-31-2024-to-08-04-2024-PDF>):

**DISBURSEMENTS**

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

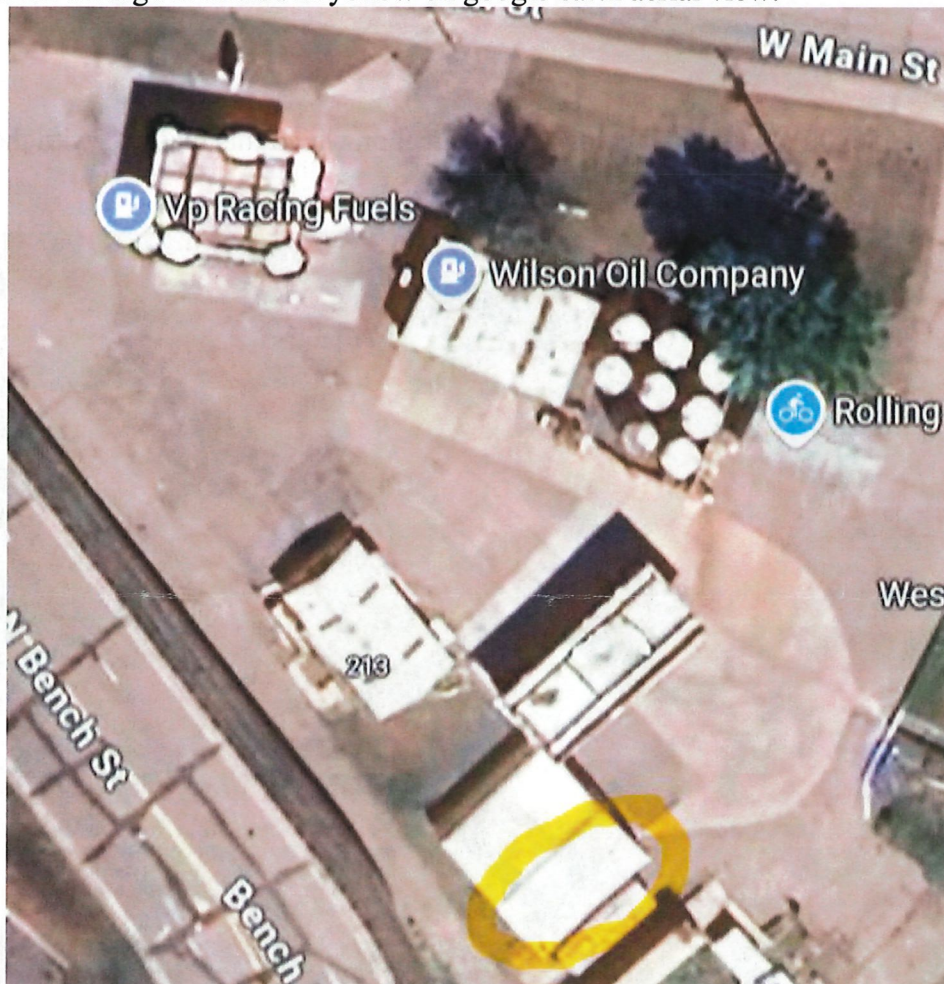
Date	Purpose	Amount
5-31-24	FILING FEE	5.00
6-10-24	USPOSTMASTER - STAMPS/PO.Box	129.00
6-12-24	BANK CHECKS	43.27
7-26-24	SIGN LEASE	1.00
7-31-24	SHIRTS	1263.00
	TOTAL	1263.00
7-31-24	SIGN	800.00
	CORPORATE PROJECT EXPENDITURES	2241.27

The most obvious violations are of paragraphs of Minn. Stat. §211A.15 prohibition of corporate donations. In this case, there was a significant corporate in-kind donation of the use of the building roof for a large campaign sign, and the “\$1 lease” that is far below fair market value. This very large Gary Iocco for Mayor sign is displayed on a roof clearly visible from Hwy 61, the main thoroughfare through Red Wing (as above photo):





The location of the sign is circled in yellow on google earth aerial view:



[https://www.google.com/maps/@44.5630763,-92.566457,172a,35y,45t/data=!3m1!1e3?entry=tту&g\\_ep=EgoyMDI0MDgyOC4wIKXMDSoASAFQAw%3D%3D](https://www.google.com/maps/@44.5630763,-92.566457,172a,35y,45t/data=!3m1!1e3?entry=tту&g_ep=EgoyMDI0MDgyOC4wIKXMDSoASAFQAw%3D%3D)

This business location is comprised of several parcels, all owned by RRJ Redwing, LLC per Goodhue County GIS (<https://maps.co.goodhue.mn.us/Red%20Wing%20TPV/>):



Tax Parcel ID: 556400120 outlined below is the parcel on which this building with the sign is located:



<https://maps.co.goodhue.mn.us/Goodhue%20County%20Vanguard%20URL/?esearch=556400120&slayer=0&exprnum=0&UseSearch=no&LMparent=20>

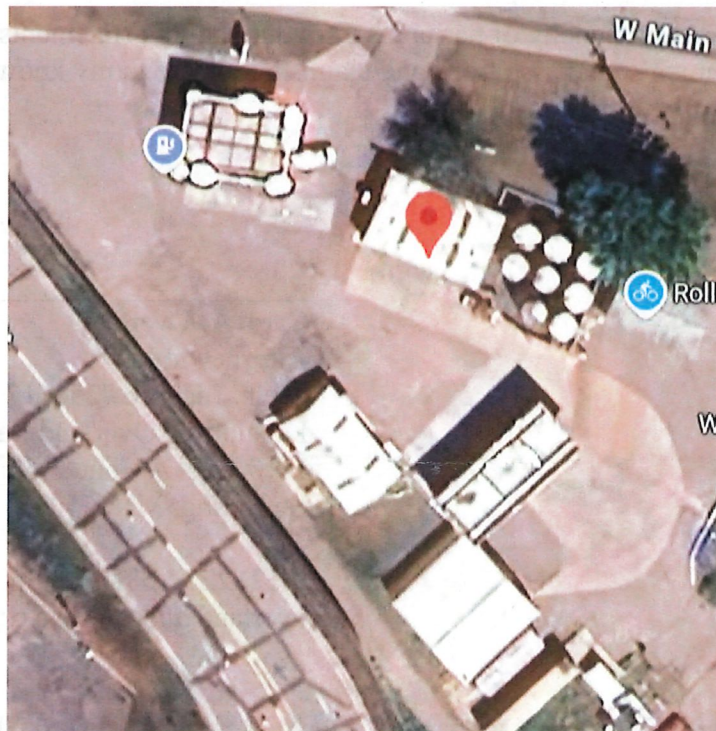


The recorded owner of Tax Parcel ID: 556400120 is RRJ Redwing, LLC, John Dehn, Dehn Oil Company, 6735 141<sup>st</sup> Ave N.W., Ramsey, MN 55303-5727.

At least one similar rooftop campaign sign was posted for a prior City of Red Wing election. Elsen for Council Wards 1 & 2, leased that location from Wilson Oil for \$100 in 2018 (Elsen Campaign Report attached). Elsen's lease amount at that time was also far below fair market value (<https://red-wing.org/DocumentCenter/View/2101/Stephanie-Elsen---Campaign-Financial-Report-08-01-2018-to-10-26-2018-PDF>).

10/15/2018	Fredrickson Outdoor Adv.	Rooftop banner	\$640.00
10/15/2018	Walmart	Rubber Bands for Brochures	\$8.18
10/16/2018	Associated Bank	Bank service fee	\$11.00
10/18/2018	Wilson Oil	Lease of building for rooftop sign	\$100.00

The former owner of this property, Tax Parcel ID: 556400120, was Wilson Oil, CEO Mike Wilson, Red Wing's current Mayor. The Wilson Oil Principal Executive Office Address and CEO's address is 2355 Old West Main, Red Wing, attached<sup>1</sup>. 2355 Old West Main is located in the business complex:



The transactions in the Elsen Campaign Financial Report of October, 2018 are dated over a year after Wilson Oil was sold to Dehn Oil<sup>2</sup>. The Republican Eagle article states that "Dehn bought

<sup>111</sup> <https://mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=dc71439e-a0d4-e011-a886-001ec94ffe7f>

<sup>2</sup> [https://www.republicaneagle.com/business/refueling-with-new-ownership-wilson-oil-sells-to-minn-company/article\\_1ecba97b-8e3f-59a7-8513-f55e178a0711.html](https://www.republicaneagle.com/business/refueling-with-new-ownership-wilson-oil-sells-to-minn-company/article_1ecba97b-8e3f-59a7-8513-f55e178a0711.html)

the Wilson Oil Company name,” but Secretary of State filings show that Mike Wilson remains CEO of Wilson Oil. Wilson Oil is conducting operations out of the 2355 Old West Main location, per the 2024 updated Wilson Oil website: <https://wilsonoilcompany.com/> The relationship between RRJ Redwing, LLC, now owner of the multiple parcels, and Wilson Oil, CEO Mike Wilson, is interwoven and unclear. For this reason, the party responsible for the corporate donation of display of the Iocco sign is in question – RRJ Redwing, LLC/Dehn Oil or Wilson Oil or both? Iocco’s Campaign Financial Report does not identify the lessor.

The most obvious violation is the corporate donation not disclosed, and the \$1 sign lease is far below market value for a sign that’s roughly 20’ x 10’ in a high traffic area on Highway 61 in the middle of Red Wing. In addition to prohibited corporate donation violations of Minn. Stat. §211B.015 are the associated violations including failure to report the in-kind donation for the sign location, failure to report the donation of fair market value for that sign location from late July onward, and failure to disclose the full value of the prohibited corporate donation for political purposes. The terms of the corporate contribution are not clear, nor is the donating party identified.

Corporate donations are regarded as a serious violation, with the potential of civil and criminal penalties for responsible candidates, individuals, and corporations and also those aiding abetting, and/or advising.

I, Carol A. Overland, under penalty of perjury, affirm that that the statements in the above Complaint and attachments, and assertions and claims herein are to my knowledge, information, and belief true and correct.

Dated: September 4, 2024



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Carol A. Overland  
Attorney at Law  
Minn. License #254617  
Legalelectric/Overland Law Office  
1110 West Avenue  
Red Wing, MN 55066

(612) 227-8638  
overland@legalelectric.org

Attachments:

- 1) Gary Iocco RW Mayor, Campaign Financial Report, August 5, 2024
- 2) RRJ Redwing, LLC Ownership and Tax Information, Tax Parcel 556400120
- 3) RRJ Redwing, LLC – SoS Business Filings
- 4) Wilson Oil Company– SoS Business filings, website link, and aerial screenshot
- 5) Elsen for Council 1 & 2, Campaign Financial Report – Rev November 12, 2018



RECEIVED  
8-5-2024

### CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation GARY IOCCO

Office sought or ballot question RW MAYOR District \_\_\_\_\_

Type of report  Candidate report  
 Campaign committee report  
 Association or corporation report  
 Final report

Period of time covered by report:  
 from 5/31/24 to 8-4-24

#### CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 2500.00 TOTAL CASH-ON-HAND \$ 1063.73  
 IN-KIND + \$ \_\_\_\_\_  
 TOTAL AMOUNT RECEIVED = \$ 2500.00

#### DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
5/31/24	FILING FEE	5.00
6-10-24	USPOSTMASTER - STAMPS/PO BOX	129.00
6-12-24	BANK CHECKS	43.27
7-26-24	SIGN LEASE	1.00
7-31-24	SHIRTS	1263.00
TOTAL		

7-31-24 SIGN 200.00  
**CORPORATE PROJECT EXPENDITURES 2241.27**

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description \_\_\_\_\_

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
TOTAL			

I certify that this is a full and true statement. [Signature] Date 8-8-24

Printed Name GARY IOCCO Telephone 651-301-0047 Email (if available) IOCCOGARY@gmail.com  
 Address 1837 WOODLAND DR REDWING MN 55066

Report Office Name For Office Use Only:

Attachment 1 Gary Tocco for RW Mayor Campaign Financial Report  
CONTRIBUTION - Gary Tocco for Mayor

GARY TOCCO - LOAN \$2000.00 6-3-24  
1837 WOODLAND DR  
RED WING, MN 55066 - RETIRED

CONTRIBUTION  
BARBARA HALEY \$500.00 6/17/24  
30921 LAKEVIEW AVE  
RED WING, MN 55066 - RETIRED

**Ownership and Tax information, Tax Parcel ID: 556400120:**

The recorded owner of this property is:

RRJ Redwing, LLC  
John Dehn  
Dehn Oil Company  
6735 141<sup>st</sup> Ave N.W.  
Ramsey, MN 55303-5727



<https://publicaccess.goodhuecountymn.gov/Datalets/Datalet.aspx?UseSearch=no&pin=556400120>

Attachment 3\_RRJ Redwing, LLC Ownership & Tax Info Parcel 556400120

PARCEL ID: 556400120  
RRJ REDWING LLC

ROLL: REAL PROPERTY

**Parcel**

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Assessment Year:	2024
Pay Year:	2025
Property Address:	
City:	
State:	
Zip:	
Market NBHD:	015 - 55 RED WING-CI
Class:	233 - 3A COMMERCIAL LAND AND BUILDING
Land Use Code:	
Deeded Acres	.57
Plat:	55640-UNPLATTED LAND
Lot	
Block	
Section-Twp-Range	--
Tax District:	5501 - CITY OF RW 256
Town/City	010800 - RED WING CITY
School District:	020256 - SCHOOL DISTRICT 256
TIF Project #	-

**Parcel Status**

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Homestead	N ? Non-Homestead
Relative Homestead	N

**Legal**

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UNPLATTED LAND .57 AC ID# 5-3040-00750 PT OF SE 1/4 OF NW 1/4 AND NE 1/4 OF SW 1/4 SEC 25-113-15 SEE BOOK Y 10 PAGE 585 DOC#638105



**Business Record Details »**

Minnesota Business Name

**RRJ Redwing, LLC****Business Type**

Limited Liability Company (Domestic)

**MN Statute**

322C

**File Number**

935530900024

**Home Jurisdiction**

Minnesota

**Filing Date**

2/20/2017

**Status**

Active / In Good Standing

**Renewal Due Date**

12/31/2025

**Registered Office Address**6735 141st Ave NW  
Ramsey, MN 55303  
USA**Registered Agent(s)**

Dehn Oil Company

**Manager**John Dehn  
6735 141ST AVE NW  
RAMSEY, MN 55303-5727  
USA**Principal Executive Office Address**6735 141ST AVE NW  
RAMSEY, MN 55303-5727  
USA[Filing History](#)

## Filing History

Select the item(s) you would like to order: [Order Selected Copies](#)

<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	2/20/2017	Original Filing - Limited Liability Company (Domestic) (Business Name: RRJ Redwing, LLC)	

**Wilson Oil – Screenshots (see [www.wilsonoilcompany.com](http://www.wilsonoilcompany.com) – 2024)**

<https://mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=dc71439e-a0d4-e011-a886-001ec94ffe7f>

**Business Record Details** [Print](#) [Order Certificate](#) [File Amendment / Renewal](#) [Order Copies](#) [Back to Search Results](#)

Minnesota Business Name  
Wilson Oil Company

<b>Business Type</b> Business Corporation (Domestic)	<b>MN Statute</b> 302A
<b>File Number</b> 14-202	<b>Home Jurisdiction</b> Minnesota
<b>Filing Date</b> 01/03/1966	<b>Status</b> Active / In Good Standing
<b>Renewal Due Date</b> 12/31/2025	<b>Registered Office Address</b> 2355 Old West Main Red Wing, MN 55066 USA
<b>Number of Shares</b> \$100,000	<b>Registered Agent(s)</b> (Optional) Currently No Agent
<b>Chief Executive Officer</b> Mike Wilson 2355 OLD WEST MAIN ST RED WING, MN 55066-1927 USA	<b>Principal Executive Office Address</b> 2355 OLD WEST MAIN ST RED WING, MN 55066-1927 USA

[Filing History](#) [Renewal History](#)

Select the item(s) you would like to order: [Order Certificate](#) [Order Copies](#)

The Wilson Oil’s Principal Executive Office Address and CEO’s address is 2355 Old West Main, which is located in the business complex, shown on google earth -- the sign location is in yellow:





### CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation Stephanie Elsen - Elsen for City Council  
 Office sought or ballot question City Council District Wards 1+2 Committee

Type of report:  Candidate report  Campaign committee report  Association or corporation report  Final report  
 Period of time covered by report: from 8/4/18 to 10/26/18

#### CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ 3,795 TOTAL CASH-ON-HAND \$ 336.<sup>98</sup>  
 IN-KIND + \$ 60  
 TOTAL AMOUNT RECEIVED = \$ 3,855

#### DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	Purpose	Amount
<u>See Attached</u>		
<b>TOTAL</b>		<u>3,538.<sup>12</sup></u>

#### CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description \_\_\_\_\_

Date	Purpose	Name and Address of Recipient	Expenditure or Contribution Amount
<b>TOTAL</b>			

I certify that this is a full and true statement. Stephanie Elsen 10/26/18  
 Signature Date

Printed Name Stephanie Elsen Telephone 6122672408 Email (if available) stephje@redwing.nj.net  
 Address 1502 W. 4th St, Red Wing, MN 55816

Report

Office

For Office Use Only: Name



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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF CAROL A. OVERLAND REGARDING GARY IOCCO

On September 6, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Carol A. Overland regarding Gary Iocco, a mayoral candidate in the City of Red Wing.

The complaint alleges that Gary Iocco accepted a corporate contribution in violation of Minnesota Statutes section 211B.15 by not paying the fair market value for a rooftop campaign sign on a building owned by a corporation. The complaint also alleges that Mr. Iocco's campaign did not report receiving an in-kind contribution consisting of use of the building roof, and failed to keep a correct account in violation of Minnesota Statutes section 211A.06.

**Determination**

Minnesota Statutes section 10A.022, subdivision 3, authorizes the Board to investigate alleged or potential violations of Minnesota Statutes chapter 10A in addition to Minnesota Statutes sections 211B.04, 211B.12, and 211B.15 regarding state-level candidates. Because the Board does not have jurisdiction over the statutes that might give rise to the violations alleged in the complaint, the chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by the Board chair and not by any vote of the entire Board. The complaint is dismissed without prejudice.

  
\_\_\_\_\_  
David Asp, Chair  
Campaign Finance and Public Disclosure Board

Date: September 12, 2024



# CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

## October 2024

### ACTIVE FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Personally Served	Default Hearing Date	Date Judgment Entered	Case Status
Mariani, Carlos	Neighbors for Mariani	Previously filed reports and statements  Late filing of 2023 year-end report	\$7,620 LFFs \$3,300 CPs  \$1,000 LFF	11/22/23, 7/31/24	8/29/24			