

Minnesota

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

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Wednesday, November 6, 2024  
9:30 A.M.  
Room 2000 (Skjegstad Conference Room)  
Stassen Building

## **REGULAR SESSION AGENDA**

- 1. Approval of minutes**
  - A. October 2, 2024
- 2. Chair's report**
  - A. Meeting schedule 2024 and 2025
- 3. Appointment of Nomination Committee by Chair**
- 4. Executive director's report**
- 5. Advisory Opinion 465 – Lobbying the MN Public Utilities Commission**
- 6. Enforcement report**
- 7. Administrative rulemaking update**
- 8. Prima Facie Determinations**
  - A. Complaint of Janel Heideman regarding Jean Epland, Pat Neilon, Sandy Sletten, and the City of Twin Lakes
  - B. Complaint of William Beck regarding Forward Majority Action Minnesota
  - C. Complaint of Jeremy Parrucci regarding Kelsey Jezierski
- 9. Legal report**
- 10. Other business**

## **EXECUTIVE SESSION**

Immediately following regular session



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

.....  
**October 2, 2024  
Blazing Star Room  
Centennial Office Building**  
.....

**MINUTES**

The meeting was called to order by Chair Asp.

Members present: Asp, Flynn, Kleis, Rashid, Soule, Swanson

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

**MINUTES** (September 4, 2024)

The following motion was made:

Member Rashid's motion: To approve the September 4, 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:** The Board has hired Chaitanya Deepthi Tadinada and Prechar Xiong to enhance its IT staff. Ms. Tadinada, with a master's degree in computer science and over five years of experience, and Mr. Xiong, who has a bachelor's degree in computer science and two years of experience, began on September 25 and will address a backlog of IT projects.

**September Report of Receipts and Expenditures:** The Board received 427 reports covering the period from January 1 to September 17, 2024, with eight political committees yet to file. Total contributions reported were \$57,859,885, with various expenditures and an ending cash balance of \$41,828,315. Appellate court judicial candidates reported \$271,497 in contributions and an ending cash balance of \$314,905.

**Report to the Legislature:** Lobbying of Political Subdivisions: The Board is studying whether lobbying laws should differentiate between public and local officials. A public hearing on August 19 gathered valuable input, and further discussions will be held on October 25.

**Training:** A final compliance training for candidate committees is scheduled via Webex for October 8, 2024, at 6:30 PM, expected to last two and a half hours.

**ENFORCEMENT REPORT**

**A. Waiver Requests**

<b>1. Citizens for Accurate and Secure Elections (41338)</b>						<b>Board Action</b>
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Member Flynn moved to approve requests 1 and 2.  Unanimously passed.
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>2. 51<sup>st</sup> Senate District RPM (21000)</b>						<b>Board Action</b>
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Member Flynn moved to approve requests 1 and 2.  Unanimously passed.
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>3. TJ (Trenton) Hawthorne for 44B (19000)</b>						<b>Board Action</b>
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Member Swanson moved to waive the fees. Member Flynn moved to reduce the fees to \$100 and Swanson accepted.  Unanimously passed.
2024 candidate EIS	6/25/24	8/30/24	\$100	No.	No recommended action.	
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 Dziedzic for State Senate, \$200

**6. Forwarded anonymous contribution**

Blue Earth County RPM, \$50

**ADMINISTRATIVE RULEMAKING UPDATE**

Mr. Olson presented the Board with a memo outlining the following:

If at least 25 people request a hearing on the Board's proposed rules during the formal comment period, a hearing will be held on December 17, 2024, at 9:30 a.m. via Webex. If fewer than 25 requests are received, the hearing will be canceled.

A notice about the proposed rules and the comment period will be published on October 7, 2024, starting a 30-day formal comment period that ends on November 6, 2024. Comments can be submitted to Board staff or the Office of Administrative Hearings (OAH) through its eComments website.

If no changes are made after the comment period and any hearing, the rules will be submitted for final approval to the Governor's Office, followed by a review by the OAH. The OAH has 14 days to review the proposed rules before the Board votes on a formal resolution to adopt them. Finally, a notice of adoption will be published in the State Register, and the rules will take effect five business days after that publication.

**PRIMA FACIE DETERMINATIONS**

**A. Complaint of Carol A. Overland regarding Gary Iocco**

Ms. Engelhardt presented the Board with a memo regarding the above-mentioned matter. Ms. Engelhardt stated the complaint was dismissed due to the Board's lack of jurisdiction over the violations alleged in the complaint.

**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 had nothing to report into regular session. There being no other business, the meeting was adjourned by the chair.

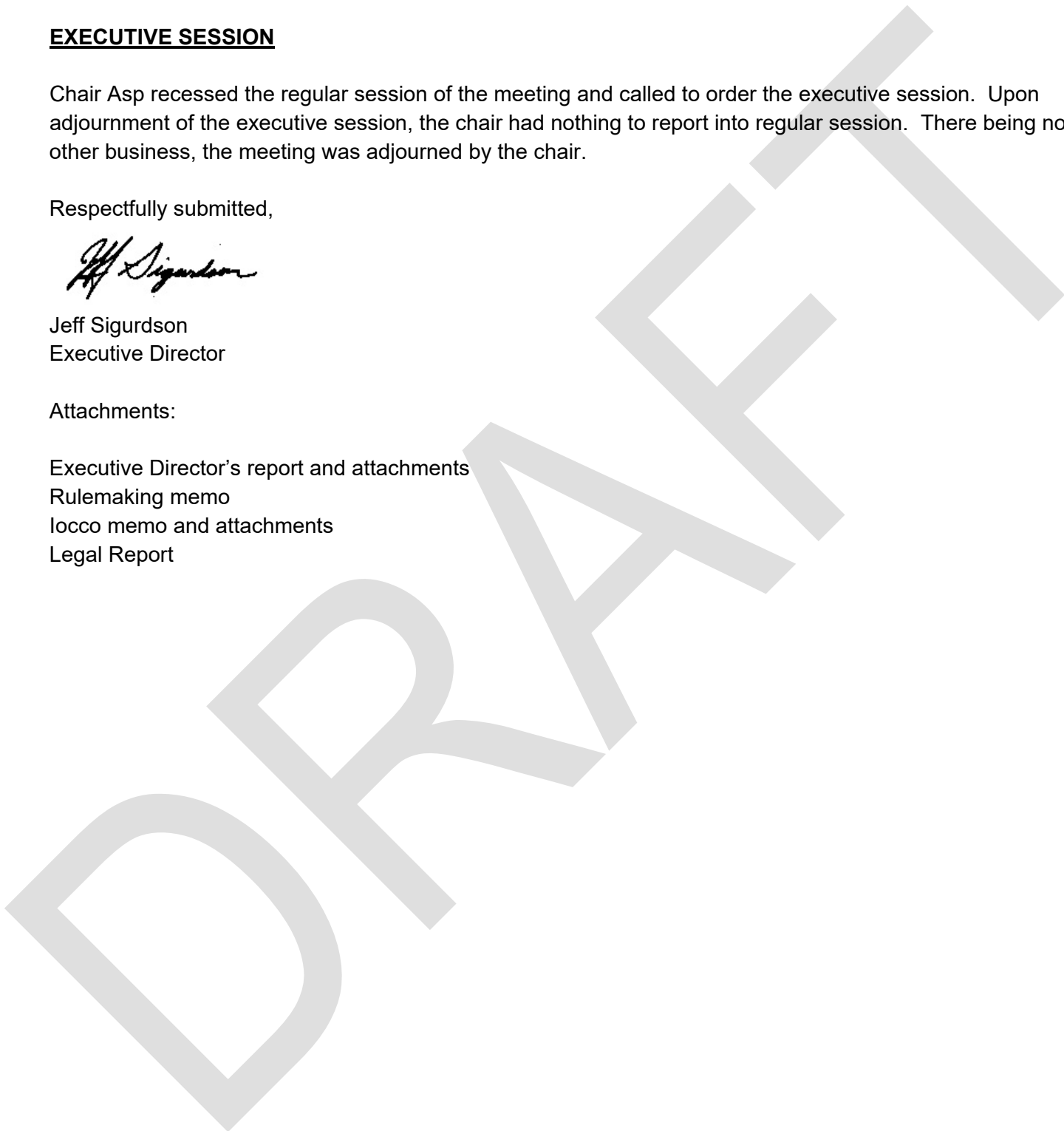
Respectfully submitted,



Jeff Sigurdson  
Executive Director

Attachments:

- Executive Director's report and attachments
- Rulemaking memo
- locco memo and attachments
- Legal Report





# MINNESOTA

## CAMPAIGN FINANCE BOARD

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

Wednesday, December 4

### **Board Meeting Dates for Calendar Year 2025**

Meetings are held the first Wednesday of each month at 9:30 AM, unless otherwise noted.

#### **2025**

Wednesday, January 8

Wednesday, February 5

Wednesday, March 5

Wednesday, April 2

Wednesday, May 7

Wednesday, June 4

Wednesday, July 2

Wednesday, August 6

Wednesday, September 3

Wednesday, October 1

Wednesday, November 5

Wednesday, December 3







# MINNESOTA CAMPAIGN FINANCE BOARD

**Date:** October 30, 2024

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re:** Executive Director's Report

**Campaign Finance Reports:** The pre-general report of receipts and expenditures for all state candidates on the general election ballot, all political committees, all political party units, and all political funds that had activity during the reporting period, was due on October 28, 2024. The Board currently has not received 5 of the expected 270 reports from candidate committees (98% filed) or 8 of the expected 753 reports from all other types of party units, committees, and funds (98% filed).

The next business day reporting period for large contributions received after the close of the pre-general report period opened on October 22 and will close on November 4, 2024. As of the date of this memo the Board has received 132 next day notices, which are immediately available for public review at [cfb.mn.gov/reports-and-data/viewers/campaign-finance/large-contribution-notices/](https://cfb.mn.gov/reports-and-data/viewers/campaign-finance/large-contribution-notices/).

## **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 will report the study's results to the legislature by January 15, 2025, and may include legislative recommendations on distinctions between the lobbying of public and local officials that the Board believes are warranted and appropriate.

The Board has held two public hearings (August 19 and October 25) on this subject to hear ideas and comments from the lobbying community, organizations that represent political subdivisions, professional organizations, and good governance groups on this subject. I have previously reported on the hearing held in August. At the October hearing Members Asp and Rashid attended the hearing in person, and Members Swanson and Flynn attended online. There were thirty-one individuals watching the hearing online, and about fifteen individuals in attendance in person. The Board heard testimony from eight individuals: Paige Rohman, Mary Hartnett (Clean Elections Minnesota), Lars Negstad (ISIAH), John Welsh (Minnesota Nurses

Association), Marie Ellis (Minnesota Council of Nonprofits), John Kolb (Rinke Noonan), Sean Hayford Oleary (Richfield City Council Member), and Wintana Melekin. Written comments without verbal testimony was provided by Michael Wojcik, Shelly Carlson (Coalition of Greater Minnesota Cities), and Bryan Lake (Minnesota State Bar Association).

In addition, staff presented information on how other states determine when registration as a lobbyist is required, which states require registration for lobbying local political subdivisions, how some states exempt expert testimony from lobbyist registration requirements, how some states exclude attempting to influence a quasi-judicial decision (non-policy decision) from lobbyist registration requirements, and information on what other states include as a “political subdivision” for purposes of lobbying regulations compared to what organizations are included in the term “political subdivision” in Minnesota. Research prepared by staff, all written submissions to the Board, and a recording of the August and October hearings are available on the Board’s website at: [cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/report-to-the-legislature-on-lobbying/](http://cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/report-to-the-legislature-on-lobbying/).

Given the time constraints on finishing the report for the legislature, staff does not anticipate holding another public hearing. However, written comments and suggestions may still be submitted and will be provided to the Board. Staff will be writing a draft report in November for Board review at the December meeting. Final approval of the report and any legislative recommendations that the Board wishes to make will need to occur no later than the January meeting. The report will include the following concerns, suggestions, and issues that have been brought forward by testimony or research:

- Insure that public disclosure of who is a lobbyist and the organizations they represent is not compromised by exceptions and carve outs made to the definitions for local lobbying. Related to this, is the current definition of “official action of a political subdivision” in Chapter 10A too broad, or too narrow?
- Define “local lobbyist” to include only a person paid by a client specifically for advocating before a local government.
- Exclude from the definition of lobbyist individuals providing “expert testimony”, at least in some circumstances. This includes an examination of how to define expert testimony.
- Have individuals who lobby political subdivisions register and report with that political subdivision.
- Exclude townships from the definition of political subdivision for the purpose of lobbying registration and reporting. Related to this proposal is the question of defining political subdivision in Chapter 10A in a way that more clearly defines what organizations are covered by the lobbying provisions.
- Consider if the gift prohibition for lobbyists and lobbyist principals is needed, or is in conflict with, the gift prohibition for local officials in Minnesota Statutes section 471.895.

- Exclude “quasi-judicial decisions” from the definition of lobbying. Quasi-judicial decisions apply existing law or rules to particular facts. Related to this, exclude an attorney representing a client before a quasi-judicial body from the definition of lobbying.
- Address concerns brought forward by nonprofits that work with local government regarding their tax-exempt status possibly being imperiled if the nonprofit’s employees need to register as lobbyists.
- Simplify registration and reporting of lobbying activity so that it is not a bar to accessing government officials.
- Exclude from the definition of lobbyist the employees of a political subdivision who work with employees of another political subdivision on issues of concern for both political subdivisions.
- Consider if the current lobbyist registration thresholds adequately distinguish between the activities of professional lobbyists and citizens who provide information or advocate. This may include adding a time spent lobbying criteria in addition to the \$3,000 compensation threshold for registration as a lobbyist.

Please let me know if Board members would like staff to consider other issues for the report. Also, if Board members have identified areas that would be appropriate for legislative recommendations staff can start working on draft language now.





# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** October 30, 2024

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re:** Advisory Opinion 465 – Lobbying the Minnesota Public Utilities Commission

The request for this advisory opinion was received on behalf of the Citizens Utility Board of Minnesota, CenterPoint Energy, Community Power, the Environmental Law & Policy Center, Fresh Energy, the Institute for Local Self-Reliance, the Minnesota Center for Environmental Advocacy, the Minnesota Energy Resources Corporation, Minnesota Interfaith Power & Light, Minnesota Power (ALLETE, Inc.), and the Minnesota Solar Energy Industries Association (organizations). The requestors consent to making the request and the resulting opinion public data.

The request asks a series of questions on what activities regarding the Minnesota Public Utilities Commission (PUC) require lobbyist registration and reporting. In evaluating the scenarios provided in the request the draft opinion applies a three-part test provided in Minnesota States section 10A.01, subdivision 21; 1) is the individual compensated over \$3,000; 2) is the compensation for attempting to influence an administrative action of the PUC; and 3) the attempt to influence was made by directly communicating with a public official.

Staff requested clarification on two statements made in the advisory opinion request, an email response to staff questions are provided along with the original request.

#### Attachments

Advisory Opinion Request

Email from Annie Levenson-Falk dated October 21, 2024

Draft Advisory Opinion 465

October 2, 2024

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

**Re: Request for an Advisory Opinion**

Dear Members of the Minnesota Campaign Finance and Public Disclosure Board:

The undersigned organizations submit this letter requesting the Minnesota Campaign Finance and Public Disclosure Board's (the "Board") advisory opinion pursuant to Minn. Stat. § 10A.02 Subd. 12. Each of our organizations participates in regulatory proceedings before the Minnesota Public Utilities Commission (the "PUC"). As such, we are subject to lobbying registration and reporting requirements pursuant to Minnesota Statutes Chapter 10A. We request this advisory opinion to help guide our ongoing compliance with Chapter 10A.

Minn. Stat. § 10A.04 requires those meeting the definition of lobbyist to "file reports of the lobbyist's activities with the board as long as the lobbyist continues to lobby." A lobbyist includes an individual "engaged for pay or other consideration of more than \$3,000 from all sources in any year . . . for the purpose of attempting to influence . . . administrative action[.]"<sup>1</sup> "Administrative action" means an action by any . . . commission . . . to adopt, amend, or repeal a rule under chapter 14 [but] does not include the application or administration of an adopted rule, except in cases of rate setting, power plant and powerline siting, and granting of certificates of need under section 216B.243."<sup>2</sup> During the 2023/2024 Legislative Session, the legislature made amendments to Chapter 10A. However, these amendments did not change the definition of lobbying activities with respect to the PUC, nor has this definition materially changed in recent decades.

We recognize there are vast differences in process, function, and practice between the legislature and PUC. We also recognize some confusion in the industry regarding which PUC-related activities qualify as lobbying under Chapter 10A and who must register as lobbyists when supporting a party's position in a PUC docket. For this reason, we respectfully request that the Board address the following questions.

1. What activity before the PUC qualifies as lobbying that must be reported to the Board? Specifically, please confirm that PUC-related advocacy only qualifies as lobbying when it involves rate setting, power plant and powerline siting, and granting of certificates of need

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<sup>1</sup> Minn. Stat. § 10A.01 Subd. 21 (as amended in 2023).

<sup>2</sup> Minn. Stat. § 10A.01 Subd. 2.

under Minn. Stat. § 216B.243. If this understanding is incorrect, please clarify which advocacy in PUC proceedings qualifies as lobbying.

2. Which individuals must register as lobbyists and report lobbying activity to the Board stemming from their involvement in PUC dockets? Please specifically address whether the following hypothetical scenarios trigger lobbyist registration and reporting requirements:
  - a. "Advocate" is party to a general rate case before the PUC. The rate case is referred to the Office of Administrative Hearings for a contested case proceeding. Advocate pays an independent contractor ("Expert") more than \$3,000 to prepare expert witness testimony to be filed in the rate case docket. Expert also testifies in an evidentiary hearing before an administrative law judge overseeing the contested case. Must Expert register as a lobbyist and report lobbying activities to the Board?
  - b. "Utility" files a certificate of need application with the PUC. Utility pays an external consultant ("Consultant") more than \$3,000 to work on the environmental review section of the Certificate of Need application. Consultant does not file testimony with the PUC in Consultant's name. Consultant does not testify at any evidentiary, public, or PUC hearing about the Certificate of Need. Must Consultant register as a lobbyist and report lobbying activities to the board?
  - c. "Utility" files a petition for a general rate increase under section 216B.16. Utility pays an internal employee ("Employee") more than \$3,000 (determined by multiplying Employee's hourly salary by the number of hours spent on the filing) to help with drafting the petition, and Employee signs the petition. Employee does not, themselves, file testimony with the PUC in Employee's name, nor testify at any evidentiary, public, or PUC hearing about the rate case. Must Employee register as a lobbyist and report lobbying activities to the Board?
  - d. "Advocate" is a registered lobbyist who, as part of their paid work on behalf of "Organization," contributes feedback to comments that are filed in a PUC proceeding that qualifies as a lobbying expense. Neither Advocate nor Organization sign the filed comments. Must Advocate and/or Organization track and report their time providing feedback to the comments as a lobbying expense?

Thank you for your consideration of this request for an interpretive opinion. Questions about this request can be directed to Annie Levenson-Falk, executive director of the Citizens Utility Board of Minnesota, and/or to the other signatories, below.

Sincerely,

/s/ Annie Levenson-Falk  
Executive Director  
Citizens Utility Board of Minnesota  
[annielf@cubminnesota.org](mailto:annielf@cubminnesota.org), 651-300-4701 x1

/s/ Jason Loos  
Associate General Counsel  
CenterPoint Energy  
[jason.loos@centerpointenergy.com](mailto:jason.loos@centerpointenergy.com)

/s/ Brian D. Krohnke  
Co-Executive Director  
Community Power  
[brian@communitypowermn.org](mailto:brian@communitypowermn.org), 612-208-2297

/s/ Erica S. McConnell  
Staff Attorney  
Environmental Law & Policy Center  
[emcconnell@elpc.org](mailto:emcconnell@elpc.org)

/s/ Allen Gleckner  
Executive Lead Policy & Programs  
Fresh Energy  
[gleckner@fresh-energy.org](mailto:gleckner@fresh-energy.org), 612-554-3291

/s/ John Farrell  
Co-Director  
Institute for Local Self-Reliance  
[jfarrell@ilsr.org](mailto:jfarrell@ilsr.org)

/s/ Amelia Vohs  
Regulatory Attorney  
Minnesota Center for Environmental Advocacy  
[avohs@mncenter.org](mailto:avohs@mncenter.org)

/s/ Richard Stasik  
Director State Regulatory Affairs  
Minnesota Energy Resources Corporation

/s/ Julia Nerbonne  
Executive Director  
Minnesota Interfaith Power & Light  
[julia@mnipl.org](mailto:julia@mnipl.org)

/s/ David R. Moeller  
ALLETE Senior Regulatory Counsel  
Minnesota Power  
[dmoeller@allete.com](mailto:dmoeller@allete.com), 218-723-3963

/s/ Logan O'Grady  
Executive Director  
MnSEIA  
[logrady@mnseia.org](mailto:logrady@mnseia.org)



**From:** [Annie Levenson-Falk](#)  
**To:** [Sigurdson, Jeff \(CFB\)](#)  
**Cc:** [David Moeller](#)  
**Subject:** Re: Question on advisory opinion request  
**Date:** Monday, October 21, 2024 2:41:42 PM

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Jeff,

Here is an explanation of scenario 2C:

In general, the MPUC's rules for miscellaneous filings require a designated utility employee be responsible – See Minn. Rules 7829.1300, subp. 3(E). At some utilities the signature is done by either an attorney or a VP, but some have non-management employees sign the petition and be the responsible. Signing the petition is basically adopting the entire petition.

If you have further questions on this, David Moeller with Allete/Minnesota Power is cc'ed and can explain.

Thank you,  
Annie

On Mon, Oct 21, 2024 at 10:08 AM Annie Levenson-Falk <[annielf@cubminnesota.org](mailto:annielf@cubminnesota.org)> wrote:

Hi Jeff,

That question was requested by a utility. I'm running your question by them to make sure that we answer it in the way that they intended, and I'll respond as soon as I can.

Thanks,  
Annie

On Mon, Oct 21, 2024 at 9:28 AM Sigurdson, Jeff (CFB) <[jeff.sigurdson@state.mn.us](mailto:jeff.sigurdson@state.mn.us)> wrote:

Hi Annie,

Yes it does, thank you. One other question. In scenario 2C “The utility pays an internal employee more than \$3,000 (determined by multiplying the employee’s hourly salary by the number of hours spent on the filing) to help with drafting the petition. The employee signs the petition, but the employee does not file testimony with the PUC in the employee’s name,..” What does “signs the petition” involve? Is the employee identifying which part of the petition they produced? Or is there more to it than that? Is it required that individuals who prepared the petition are identified to the PUC? I’m trying to understand why the employee signs the petition.

Thanks,

Jeff Sigurdson

Executive Director

Minnesota Campaign Finance and Public Disclosure Board

651-539-1189



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**From:** Annie Levenson-Falk <[annielf@cubminnesota.org](mailto:annielf@cubminnesota.org)>  
**Sent:** Monday, October 21, 2024 9:20 AM  
**To:** Sigurdson, Jeff (CFB) <[jeff.sigurdson@state.mn.us](mailto:jeff.sigurdson@state.mn.us)>  
**Subject:** Re: Question on advisory opinion request

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Hi Jeff,

Yes, in this scenario, the advocate would be providing input on a draft so that the filed comments are stronger. I would say that supports the writing of the filing. Does that answer your question?

Thanks,

Annie

On Fri, Oct 18, 2024 at 8:56 AM Sigurdson, Jeff (CFB) <[jeff.sigurdson@state.mn.us](mailto:jeff.sigurdson@state.mn.us)> wrote:

Hi Annie,

On question number 2d, the request states: *“Advocate” is a registered lobbyist who, as part of their paid work on behalf of “Organization”, contributes feedback to comments that are filed in a PUC proceeding that qualifies as a lobbying expense. Neither Advocate nor Organization signed the filed comments.*

I’m not sure if I understand the scenario. Is the lobbyist feedback being provided to the principal that is filing the comments in order to make the comments stronger? Or is the feedback only to inform the organization that the lobbyist represents so that the organization that the lobbyist represents is better informed on the content of the comments? Or put another way, is the organization that the lobbyist represents supporting the petition by making the lobbyist available to review the comments?

Regards,

Jeff Sigurdson

Executive Director

Minnesota Campaign Finance and Public Disclosure Board

651-539-  
1189





**State of Minnesota**  
**Campaign Finance and Public Disclosure Board**  
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603

**THIS ADVISORY OPINION IS PUBLIC DATA**  
pursuant to a consent for release of information  
provided by the requester

Issued to: Annie Levenson-Falk  
Citizens Utility Board of Minnesota  
Suite W1360  
332 Minnesota St.  
St. Paul, MN 55101

**ADVISORY OPINION 465**

**SUMMARY**

Lobbying occurs when individuals attempt to influence the application of administrative rules by the Minnesota Public Utilities Commission regarding rate setting, power plant and powerline siting, and granting of certificates of need under Minnesota Statutes section 216B.243, or attempt to influence the Minnesota Public Utilities Commission's adoption, amendment, or repeal of administrative rules. Registration as a lobbyist is required if an individual is compensated more than \$3,000 in a year to directly communicate with public or local officials, and the purpose of the communication is to influence an official action by the public or local official.

**Facts**

On behalf of the Citizens Utility Board of Minnesota, CenterPoint Energy, Community Power, the Environmental Law & Policy Center, Fresh Energy, the Institute for Local Self-Reliance, the Minnesota Center for Environmental Advocacy, the Minnesota Energy Resources Corporation, Minnesota Interfaith Power & Light, Minnesota Power (ALLETE, Inc.), and the Minnesota Solar Energy Industries Association (organizations), you request an advisory opinion from the Campaign Finance and Public Disclosure Board. The request is based on the following facts:

1. The organizations participate in regulatory proceedings before the Minnesota Public Utilities Commission (PUC).
2. All but one of the organizations are represented by lobbyists registered with the Board, and report to the Board as lobbyist principals.<sup>1</sup>
3. The organizations are aware that the definition of "lobbyist" provided in Chapter 10A requires, in part, that an individual register as a lobbyist if the individual is compensated

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<sup>1</sup> See [Minn. Stat. § 10A.01, subd. 33.](#)

more than \$3,000 in a year from all sources for the purpose of influencing the official action of a public official.<sup>2</sup>

4. The organizations are aware that lobbying to influence “administrative action”<sup>3</sup> generally does not include the application or administration of an adopted rule by a state agency, board, or commission, but does include the application by the PUC of administrative rules that apply to rate setting, power plant and powerline siting, and granting of certificates of need under Minnesota Statutes section 216B.243.

### **Issue One**

Are there any forms of advocacy before the PUC that must be reported as lobbying that are in addition to advocating on rate setting, power plant and powerline siting, and granting of certificates of need under Minnesota Statutes section 216B.243?

### **Opinion One**

Yes. The PUC has promulgated thirty-four chapters of administrative rules under Minnesota Statutes Chapter 14.<sup>4</sup> An attempt to influence the content of rules that the PUC may adopt, amend, or repeal is an attempt to influence “administrative action” and therefore is defined as lobbying. Lobbying on PUC administrative rules begins when the PUC takes the first formal action required by Chapter 14 to begin the rulemaking process.<sup>5</sup>

Lobbying of the PUC regarding administrative rules is reported by the lobbyist as administrative lobbying, and is not included in the disclosure of lobbying the PUC on rate setting, power plant and powerline siting, and granting of certificates of need. The disclosure required includes the name of the agency, board, or commission promulgating administrative rules, the Revisor of Statutes number assigned to the rules (if available when the report is filed), the applicable general lobbying category, and the specific subjects of interest within the rules that were the focus of the lobbying effort.

### **Issue Two**

The request presents four scenarios in which individuals take action related to dockets before the PUC regarding rate setting, power plant and powerline siting, and granting of certificates of need. The request asks if the actions described in the scenarios require the individual to register and report as a lobbyist.

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<sup>2</sup> [Minn. Stat. § 10A.01, subd. 21 \(1\).](#)

<sup>3</sup> [Minn. Stat. § 10A.01, subd. 2.](#)

<sup>4</sup> [revisor.mn.gov/rules/agency/138](http://revisor.mn.gov/rules/agency/138)

<sup>5</sup> [Minn. R. 4511.0800, subp. 1.](#)

In evaluating the scenarios, the Board applies the definition of lobbyist provided in Minnesota Statutes section 10A.01, subdivision 21. Generally, paragraph (1), clause (i) of this subdivision requires an individual to register as a lobbyist if three conditions are met: 1) the individual is compensated more than \$3,000 from all sources in a year; 2) the compensation is for attempting to influence legislative or administrative action, or the official action of a political subdivision; and 3) the attempt to influence was made by directly communicating with a public or local official.<sup>6</sup> In both enforcement actions and advisory opinions the Board has looked for all three factors before concluding that an individual was a lobbyist.<sup>7 8</sup>

- A. An advocate is party to a general rate case before the PUC. The rate case is referred to the Office of Administrative Hearings for a contested case proceeding. The advocate pays an independent contractor more than \$3,000 to prepare expert witness testimony to be filed in the rate case docket. The independent contractor also testifies in an evidentiary hearing before an administrative law judge overseeing the contested case. Do these actions require the independent contractor to register and report lobbying activities to the Board?

**Opinion:** Yes. With one exception expert testimony provided to influence administrative action is considered lobbying. The exception is provided in Minnesota Statutes section 10A.01, subdivision 21, paragraph (b), clause (8), which excludes from the definition of the term lobbyist “a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony”. In this scenario the independent contractor does not qualify for the exception because their testimony was not requested by the administrative law judge conducting the contested case hearing. The expert witness is being compensated more than \$3,000 in a year to provide direct communication with public officials in an attempt to influence an act by the PUC, and therefore will need to register and report as a lobbyist. Termination of a lobbyist registration may occur at any time after the lobbyist is no longer engaged in lobbying.

- B. A utility files a certificate of need application with the PUC.<sup>9</sup> The utility pays an external consultant more than \$3,000 to work on the environmental review section of the certificate of need application. The consultant does not file testimony in the consultant’s name, and does not testify at any evidentiary, public, or PUC hearing about the

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<sup>6</sup> The Board notes in [Laws of 2024, Chapter 112, Article 4, section 4](#), the requirement to register as a lobbyist when urging others to communicate with public or local officials in an attempt to influence official actions was eliminated.

<sup>7</sup> See, e.g., [Advisory Opinion 409 \(Aug. 3, 2010\); Findings and Order in the Matter of the Complaint by Karl Bremer regarding The Conach Group and Mike Campbell \(Aug. 16, 2011\)](#).

<sup>9</sup> For purposes of this opinion, the Board presumes that the certificate of need application in question is submitted pursuant to Minnesota Statutes section 216B.243.

certificate of need. Given this activity, does the consultant need to register and report as a lobbyist?

**Opinion:** No. The consultant was compensated over \$3,000, but did not directly communicate with public officials through written or verbal testimony in an attempt to influence the PUC. The environmental review is submitted in the name of the utility as support for the utility's lobbying effort to receive a certificate of need. The cost of the environmental review, including the payment to the consultant, must be included in the disbursements made to lobby the PUC reported by the utility on the annual lobbyist principal report.<sup>10</sup>

- C. A utility files a petition for a general rate increase under section 216B.16. The utility pays an internal employee more than \$3,000 (determined by multiplying the employee's hourly salary by the number of hours spent on the filing) to help with drafting the petition. The employee signs the petition as the utility employee responsible for the content of the filing.<sup>11</sup> The employee does not file testimony with the PUC in the employee's name, or testify at any evidentiary, public, or PUC hearing about the rate case. Given this activity does the employee need to register and report as a lobbyist?

**Opinion:** Yes. The employee was compensated more than \$3,000 for working on the application petition needed to bring the rate increase request to the PUC. If the employee's role in accumulating the statements of facts, expert opinions, substantiating documents, and required exhibits for the petition<sup>12</sup> is just administrative, then the utility may wish to consider if the employee is the appropriate person to be listed as "responsible for the filing" of the petition. By identifying the employee to the PUC, and providing the employee with a stated role in the effort to secure the rate increase, the utility has assigned tasks to the employee that will require registration and reporting as a lobbyist.

- D. A registered lobbyist who, as part of their paid work on behalf of the principal they represent, contributes feedback that will be used to strengthen comments that are filed in a PUC proceeding. The comments filed with the PUC qualify as lobbying. However, neither the lobbyist nor the principal signs the comments filed with the PUC. Must the lobbyist and/or the principal track and report their time providing feedback to the comments as a lobbying expense or activity?

**Opinion:** Yes. The lobbyist's review and feedback on comments is done in order to improve the effectiveness of the comments, and through the comments, attempt to lobby the decision of the PUC regarding the proceeding. The principal is compensating the

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<sup>10</sup> See [Minn. Stat. §10A.04, subd. 6 \(c\) \(2\)](#).

<sup>11</sup> See [Minn. R. 7829.1300, subp. 3](#), providing that a filing must contain "the signature, electronic address, and title of the utility employee responsible for the filing".

<sup>12</sup> See [Minn. Stat. §216B.16, subd. 1](#).



lobbyist for the work done to improve the comments submitted to the PUC. The compensation is a lobbying disbursement that is disclosed to the Board on the annual lobbyist principal report. If the lobbyist is only representing the principal before the PUC, then the total compensation paid to the lobbyist is disclosed on the annual lobbyist principal report as a disbursement to influence the PUC. If the lobbyist also represents the principal by seeking to influence legislative action, lobbying a political subdivision, or lobbying a state agency regarding administrative rules, then the lobbyist will need to monitor their time spent on each type of lobbying. The information from the lobbyist is used by the principal to comply with Minnesota Statutes section 10A.04, subdivision 6, which requires the principal to report “a reasonable good faith estimate of the portion of all salaries and administrative overhead expenses attributable to activities of the principal for that type of lobbying in this state.”

The lobbyist’s use of the comments to influence the action of the PUC regarding the proceeding is reported as required by Minnesota Statutes section 10A.04, subdivision 4, paragraph (f), which provides, “A lobbyist must report the Public Utilities Commission project name for each rate setting, power plant and powerline siting, or granting of certification of need before the Public Utilities Commission that the represented entity sought to influence during the reporting period.”

Issued November 6, 2024

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David Asp, Chair  
Campaign Finance and Public Disclosure Board

**State of Minnesota**  
**Campaign Finance and Public Disclosure Board**  
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603

**THIS ADVISORY OPINION IS PUBLIC DATA**  
pursuant to a consent for release of information  
provided by the requester

Issued to: Annie Levenson-Falk  
Citizens Utility Board of Minnesota  
Suite W1360  
332 Minnesota St.  
St. Paul, MN 55101

**ADVISORY OPINION 465**

**SUMMARY**

Lobbying occurs when individuals attempt to influence the application of administrative rules by the Minnesota Public Utilities Commission regarding rate setting, power plant and powerline siting, and granting of certificates of need under Minnesota Statutes section 216B.243, or attempt to influence the Minnesota Public Utilities Commission's adoption, amendment, or repeal of administrative rules. Registration as a lobbyist is required if an individual is compensated more than \$3,000 in a year to directly communicate with public or local officials, and the purpose of the communication is to influence an official action by the public or local official.

**Facts**

On behalf of the Citizens Utility Board of Minnesota, CenterPoint Energy, Community Power, the Environmental Law & Policy Center, Fresh Energy, the Institute for Local Self-Reliance, the Minnesota Center for Environmental Advocacy, the Minnesota Energy Resources Corporation, Minnesota Interfaith Power & Light, Minnesota Power (ALLETE, Inc.), and the Minnesota Solar Energy Industries Association (organizations), you request an advisory opinion from the Campaign Finance and Public Disclosure Board. The request is based on the following facts:

1. The organizations participate in regulatory proceedings before the Minnesota Public Utilities Commission (PUC).
2. All but one of the organizations are represented by lobbyists registered with the Board, and report to the Board as lobbyist principals.<sup>1</sup>
3. The organizations are aware that the definition of "lobbyist" provided in Chapter 10A requires, in part, that an individual register as a lobbyist if the individual is compensated

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<sup>1</sup> See [Minn. Stat. § 10A.01, subd. 33.](#)

more than \$3,000 in a year from all sources for the purpose of influencing the official action of a public official.<sup>2</sup>

4. The organizations are aware that lobbying to influence “administrative action”<sup>3</sup> generally does not include the application or administration of an adopted rule by a state agency, board, or commission, but does include the application by the PUC of administrative rules that apply to rate setting, power plant and powerline siting, and granting of certificates of need under Minnesota Statutes section 216B.243.

### **Issue One**

Are there any forms of advocacy before the PUC that must be reported as lobbying that are in addition to advocating on rate setting, power plant and powerline siting, and granting of certificates of need under Minnesota Statutes section 216B.243?

### **Opinion One**

Yes. The PUC has promulgated thirty-four chapters of administrative rules under Minnesota Statutes Chapter 14.<sup>4</sup> An attempt to influence the content of rules that the PUC may adopt, amend, or repeal is an attempt to influence “administrative action” and therefore is defined as lobbying. Lobbying on PUC administrative rules begins when the PUC takes the first formal action required by Chapter 14 to begin the rulemaking process.<sup>5</sup>

Lobbying of the PUC regarding administrative rules is reported by the lobbyist as administrative lobbying, and is not included in the disclosure of lobbying the PUC on rate setting, power plant and powerline siting, and granting of certificates of need. The disclosure required includes the name of the agency, board, or commission promulgating administrative rules, the Revisor of Statutes number assigned to the rules (if available when the report is filed), the applicable general lobbying category, and the specific subjects of interest within the rules that were the focus of the lobbying effort.

### **Issue Two**

The request presents four scenarios in which individuals take action related to dockets before the PUC regarding rate setting, power plant and powerline siting, and granting of certificates of need. The request asks if the actions described in the scenarios require the individual to register and report as a lobbyist.

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<sup>2</sup> [Minn. Stat. § 10A.01, subd. 21 \(1\).](#)

<sup>3</sup> [Minn. Stat. § 10A.01, subd. 2.](#)

<sup>4</sup> [revisor.mn.gov/rules/agency/138](http://revisor.mn.gov/rules/agency/138)

<sup>5</sup> [Minn. R. 4511.0800, subp. 1.](#)

In evaluating the scenarios, the Board applies the definition of lobbyist provided in Minnesota Statutes section 10A.01, subdivision 21. Generally, paragraph (1), clause (i) of this subdivision requires an individual to register as a lobbyist if three conditions are met: 1) the individual is compensated more than \$3,000 from all sources in a year; 2) the compensation is for attempting to influence legislative or administrative action, or the official action of a political subdivision; and 3) the attempt to influence was made by directly communicating with a public or local official.<sup>6</sup> In both enforcement actions and advisory opinions the Board has looked for all three factors before concluding that an individual was a lobbyist.<sup>7 8</sup>

- A. An advocate is party to a general rate case before the PUC. The rate case is referred to the Office of Administrative Hearings for a contested case proceeding. The advocate pays an independent contractor more than \$3,000 to prepare expert witness testimony to be filed in the rate case docket. The independent contractor also testifies in an evidentiary hearing before an administrative law judge overseeing the contested case. Do these actions require the independent contractor to register and report lobbying activities to the Board?

**Opinion:** Yes. With one exception expert testimony provided to influence administrative action is considered lobbying. The exception is provided in Minnesota Statutes section 10A.01, subdivision 21, paragraph (b), clause (8), which excludes from the definition of the term lobbyist “a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony”. In this scenario the independent contractor does not qualify for the exception because their testimony was not requested by the administrative law judge conducting the contested case hearing. The expert witness is being compensated more than \$3,000 in a year to provide direct communication with public officials in an attempt to influence an act by the PUC, and therefore will need to register and report as a lobbyist. Termination of a lobbyist registration may occur at any time after the lobbyist is no longer engaged in lobbying.

- B. A utility files a certificate of need application with the PUC.<sup>9</sup> The utility pays an external consultant more than \$3,000 to work on the environmental review section of the certificate of need application. The consultant does not file testimony in the consultant’s name, and does not testify at any evidentiary, public, or PUC hearing about the

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<sup>6</sup> The Board notes in [Laws of 2024, Chapter 112, Article 4, section 4](#), the requirement to register as a lobbyist when urging others to communicate with public or local officials in an attempt to influence official actions was eliminated.

<sup>7</sup> See, e.g., [Advisory Opinion 409 \(Aug. 3, 2010\); Findings and Order in the Matter of the Complaint by Karl Bremer regarding The Conach Group and Mike Campbell \(Aug. 16, 2011\)](#).

<sup>9</sup> For purposes of this opinion, the Board presumes that the certificate of need application in question is submitted pursuant to Minnesota Statutes section 216B.243.

certificate of need. Given this activity, does the consultant need to register and report as a lobbyist?

**Opinion:** No. The consultant was compensated over \$3,000, but did not directly communicate with public officials through written or verbal testimony in an attempt to influence the PUC. In some cases, the name of the consultant that completed the environmental review section may be identified on the document. However, the consultant does not provide expert testimony, written or in person, at any hearing on the certificate of need application. The environmental review is submitted in the name of the utility as support for the utility's lobbying effort to receive a certificate of need. The cost of the environmental review, including the payment to the consultant, must be included in the disbursements made to lobby the PUC reported by the utility on the annual lobbyist principal report.<sup>10</sup>

- C. A utility files a petition for a general rate increase under section 216B.16. The utility pays an internal employee more than \$3,000 (determined by multiplying the employee's hourly salary by the number of hours spent on the filing) to help with drafting the petition. The employee signs the petition as the utility employee responsible for the content of the filing. The employee does not file testimony with the PUC in the employee's name, or testify at any evidentiary, public, or PUC hearing about the rate case. Given this activity does the employee need to register and report as a lobbyist?

**Opinion:** Yes. The employee was compensated more than \$3,000 for working on the application petition needed to bring the rate increase request to the PUC. Unlike scenario B, the employee who is responsible for the petition must be identified to the PUC, and is required under PUC administrative rules to provide the PUC with contact information.<sup>11</sup> If the employee's role in accumulating the statements of facts, expert opinions, substantiating documents, and required exhibits for the petition<sup>12</sup> is just administrative, then the utility may wish to consider if the employee is the appropriate person to be listed as "responsible for the filing" of the petition. By identifying the employee to the PUC, and providing the employee with a stated role in the effort to secure the rate increase, the utility has assigned tasks to the employee that will require registration and reporting as a lobbyist.

- D. A registered lobbyist who, as part of their paid work on behalf of the principal they represent, contributes feedback that will be used to strengthen comments that are filed in a PUC proceeding. The comments filed with the PUC qualify as lobbying. However, neither the lobbyist nor the principal signs the comments filed with the PUC. Must the

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<sup>10</sup> See [Minn. Stat. §10A.04, subd. 6 \(c\) \(2\)](#).

<sup>11</sup> See [Minn. R. 7829.1300, subp. 3](#), providing that a filing must contain "the signature, electronic address, and title of the utility employee responsible for the filing".

<sup>12</sup> See [Minn. Stat. §216B.16, subd. 1](#).

lobbyist and/or the principal track and report their time providing feedback to the comments as a lobbying expense or activity?

**Opinion:** Yes. Unlike the previous three scenarios, the question here is not whether an individual will need to register as a lobbyist. The question is whether the work of the lobbyist is a reportable lobbying activity. The fact that the comments are filed by another entity does not change the purpose of the work done by the lobbyist on behalf of the principal. The lobbyist's review and feedback on comments is done in order to improve the effectiveness of the comments, and through the comments, attempt to lobby the decision of the PUC regarding the proceeding. The principal is compensating the lobbyist for the work done to improve the comments submitted to the PUC. The compensation is a lobbying disbursement that is disclosed to the Board on the annual lobbyist principal report. If the lobbyist is only representing the principal before the PUC, then the total compensation paid to the lobbyist is disclosed on the annual lobbyist principal report as a disbursement to influence the PUC. If the lobbyist also represents the principal by seeking to influence legislative action, lobbying a political subdivision, or lobbying a state agency regarding administrative rules, then the lobbyist will need to monitor their time spent on each type of lobbying. The information from the lobbyist is used by the principal to comply with Minnesota Statutes section 10A.04, subdivision 6, which requires the principal to report "a reasonable good faith estimate of the portion of all salaries and administrative overhead expenses attributable to activities of the principal for that type of lobbying in this state."

The lobbyist's use of the comments to influence the action of the PUC regarding the proceeding is reported as required by Minnesota Statutes section 10A.04, subdivision 4, paragraph (f), which provides, "A lobbyist must report the Public Utilities Commission project name for each rate setting, power plant and powerline siting, or granting of certification of need before the Public Utilities Commission that the represented entity sought to influence during the reporting period."

Issued November 6, 2024

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David Asp, Chair  
Campaign Finance and Public Disclosure Board





# MINNESOTA

## CAMPAIGN FINANCE BOARD

**Date:** October 30, 2024

**To:** Board members  
Counsel Hartshorn

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

**Subject:** Enforcement report for consideration at November 6, 2024, Board meeting

### A. Waiver Requests

1. TRIAL-PAC - 30225					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2024 September	9/24/24	10/16/24	\$800	No.	Waive.
<p>Carla Ferrucci, administrator for the TRIAL-PAC, mentioned that when they were submitting the 2024 September report, they accidentally did not change the reporting period in the drop-down menu. They noticed the error while preparing to submit the pre-general report and promptly submitted the September report. Ferrucci acknowledged that adapting to the new reporting system in their office has been challenging but has provided ample learning opportunities. Ferrucci emphasized that they have been timely with their report submissions and rarely make errors of this nature. Ending cash balance as of 10/21/2024 is \$52,784.</p>					

2. Melissa Hortman Campaign Committee - 15677					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2024 Pre-General	10/28/24	10/29/24	\$50	No.	Waive.
<p>Claudia Anderson, treasurer for the Hortman committee, reports that she believed that she filed the report on time. She accidentally filed the pre-primary report instead. Ms. Anderson reports that she had numerous glitches in the software while attempting to file the report and thought she had correctly filed it. As soon as she was contacted that the report was not filed, she filed the correct report. Ending cash balance as of 10/21/2024 is \$45,668.</p>					

3. Swedzinski (Chris) for House - 17075					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2024 Pre-General	10/28/24	10/29/24	\$50	Yes, \$1,000 LFF for large contribution notice reduced to \$250 in 2017.	Waive.
<p>Deanna Coudron, treasurer for the Swedzinski committee, reports that her internet was mistakenly turned off yesterday, so she was unable to file the report on the due date. As soon as she obtained internet service, she filed the report. Ending cash balance as of 10/21/2024 is \$16,725.</p>					



<b>4. CAR, Committee of Automotive Retailers - 40038</b>					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
Large Contribution 2024 Pre-Primary Notice	8/8/24	8/27/24	\$650	No.	Reduce to \$250.
<p>Amanda Duerr, Director of Government Affairs at the Minnesota Automobile Dealers Association, states the delay in reporting a \$1,800 contribution from Jeff Lupient was due to the timing of the contribution and the transition to a new Director of Government Affairs. The funds were not used for pre-primary expenditures and were meant to be reported once the new director was in place. The finance staff were unaware of the large contribution notice requirement. Upon realizing the oversight, the new director contacted Board staff to explain the situation and submitted the required notice. Duerr emphasizes that the late filing was an unintentional error, not an attempt to withhold information. Ending cash balance as of 10/21/2024 is \$131,195.</p>					

<b>5. Carpenters Local 322 - 30642</b>					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
Large Contribution 2024 Pre-Primary Notice	8/9/2024	9/13/24	\$1,000	Yes, \$1,000 LFF for large contribution notice reduced to \$250 in 2021; \$150 LFF for pre-primary report waived in 2012.	No recommendation.
<p>The treasurer is new to the political fund and did not realize that that the union's transfer of funds would apply to the Large Contribution Notice Period. He filed the notice in September when preparing the 2024 September report. The transfer of funds was \$1,189.50, and paying the late filing fee would be most of the amount of the transfer of funds. Ending cash balance as of 10/21/2024 is \$31,158.</p>					

<b>6. Municipal Utility Action Fund (MUAFF) - 30679</b>					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2024 June	6/14/24	9/4/24	\$1,000	No.	Reduce to \$250.
<p>Treasurer William Black explains that MUAFF had received three donations totaling \$375, along with minor credit card processing fees, but mistakenly believed there was no financial activity to report for the June report. Black states he realized the donations had occurred after the subsequent July filing deadline. Black states that they had previously arranged for online donations through a QR code and the Square payment system, having successfully reported contributions from earlier marketing events. However, they failed to check for any activity in the fund's bank account or Square account prior to the June filing. Black states MUAFF will commit to checking for all potential donations in the future and intends to file confirmation letters when there's no activity instead of skipping reports altogether. Black highlights MUAFF's small size, with average annual disbursements of only \$3,015 since its establishment in 2017, and express concern that contributors would prefer their donations to support their intended purposes rather than cover fines. Ending cash balance as of 10/21/2024 is \$3,373.</p>					

<b>7. Climate Cabinet PAC- MN - 41298</b>					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2024 September	9/24/24	10/9/24	\$550	No.	Reduce to \$250.
Blair Schuman handles the reporting for Climate Cabinet PAC-MN. Climate Cabinet believed that they had filed the 2024 September report on September 24, 2024, after entering all the information. However, the report was not actually filed. After being contacted by Board staff, the committee filed their September report. Ending cash balance as of 10/21/2024 is \$14,773.					

<b>8. MAIDA (Minnesota Asian-Indian Democratic Association) - 40713</b>					
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action
2023 year-end	1/31/24	2/9/24	\$175	Yes. \$350	Do not waive.
2024 June	6/14/24	6/17/24	\$50	LFF for 2022	
2024 pre-primary	7/29/24	7/30/24	\$50	pre-primary report waived when report was sent to wrong email address.	
Treasurer Vishala Pamulaparthi states the delay in submitting the 2023 year-end report was due to a transition from a paper-based system to a new online platform, which required extra time to navigate. Additionally, they experienced a change in treasurer. They are now familiar with the system and plan to submit all reports by the due date, ensuring future compliance. Pamulaparthi states the June and pre-primary reports were each filed a day late due to a busy election season. Ending cash balance as of 10/21/2024 is \$701.					

**B. Informational Items**

**Payments**

**1. Late filing fee for original EIS**

A.J. Plehal, \$20  
Trenton (T.J.) Hawthorne, \$100

**2. Late filing fee for 2024 June Report**

IAFF Local 5031 PAC, \$200

**3. Late filing fee for 2024 Pre-Primary Report**

Campaign Fund of Michael Reyes, \$50  
Houston County DFL, \$50  
Minnesota Police PAC, \$50  
MN Action Network IE PAC, \$650  
Friends of Heather Holmes, \$50  
IAFF Local 5031 PAC, \$50  
IBEW Local #31 Volunteer COPE Fund, \$50

**4. Late filing fee for 2020 1st Quarter Report**

MN Action Network IE PAC, \$25

**5. Late filing fee for 2024 September Report**

Minn AFL-CIO, \$50

**6. Late filing fee for 2020 Pre-General Report**

MN Action Network IE PAC, \$50

**7. Civil penalty for disclaimer violation**

Stancil (Will) Neighborhood Action Committee, \$150  
HRCC (House Republican Campaign Committee), \$200

**8. Civil penalty for exceeding special source limit**

Rarick (Jason) for Senate, \$100  
Aric (Putnam) for MN, \$170

**9. Late filing fee for 2024 pre-primary large contribution notice**

Committee to Elect Boone Carlson, \$50  
Committee to Elect Shawn Reed for Judge, \$100  
Faith in Minnesota Action, \$50  
Movement Voter PAC, \$750

**10. Late filing fee for 2022 pre-primary large contribution notice**

TRIAL-PAC, \$1,000  
TRIAL-PAC, \$1,000

**11. Forwarded anonymous contribution**

Douglas County DFL, \$50  
St. Louis County (07) DFL, \$100



October 16, 2024

Melissa Stevens  
Compliance Officer  
Campaign Finance & Public Disclosure Board  
190 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155-1603

Dear Ms. Stevens,

This letter is to provide some background information on why our September 2024 report was submitted late. It appears, as I have learned to use the new Campaign Finance Reporter Online, that when submitting the September report, I did not change the reporting period in the drop-down menu. As I prepared to do my October report, I noticed the error and submitted the September report immediately.

This year with the new reporting system, combined with our office using new accounting software, has been challenging, but has provided ample learning opportunities. We will not make this mistake again. We have always been timely with our report submissions and rarely make errors of this nature. I hope that you can consider a waiver of the delayed reporting fine.

I am available for any questions or if you need more information.

Sincerely,

Carla M. Ferrucci  
Trial PAC Administrator

## Melissa Hortman Campaign Committee - 15677

**From:** [Claudia Anderson](#)  
**To:** [Stevens, Melissa \(CFB\)](#)  
**Subject:** request to forgive late fee penalty  
**Date:** Tuesday, October 29, 2024 1:08:40 PM

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### 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.

Melissa,

As we discussed this morning, this email is to explain why my reports were filed 8 ½ hours late. It wasn't until you called me this morning that I realized that I had filed the wrong report. I had thought that the correct report would automatically roll over as it did using the old software. I had spent a very frustrating day reconciling my reports and it was almost 10 pm before I located the final problem and was ready to file.

Because correcting any data entry errors in the new software is cumbersome, yesterday morning I had called for help in entering an in-kind contribution to make sure that I did it correctly. After being walked through the process while on the phone, I was assured by CFB staff that my entry was there and they could see it. Turns out it wasn't there, adding to the time to reconcile. There are numerous small glitches in the new software that make data entry and reconciliation more time consuming than the desktop version. Often the software doesn't find an entity even with the correct spelling leading to more double entities in the database that need to be found and merged. Often the software enters the previous donation amount in error (a \$10 donation becomes a \$100 donation if the previous donation is \$100). Entering a spouse isn't smooth depending at what point the spouse is added. I find I am spending a lot more time to find and correct data entry errors than previously. Sometimes the system just locks up and I can't continue without logging out and coming back in. There is no adjustment within label printing feature as there was with the desktop version. Address labels for PCR mailing do not print within the 30 labels/page forms. I must export the complete data base to an Excel file and isolate the entities (and combine joint donations) that I need and then use Avery software to print those labels. I have called about these problems with no satisfactory answers. I understand that new software does have a learning curve and that things may go more smoothly as I continue to use it but I do find some of these glitches strange and not consistent.

I ask that you forgive the late penalty this time.

Claudia Anderson  
Treasurer for the Melissa Hortman Campaign Committee.

## Swedzinski (Chris) for House - 17075

**From:** [Coudron, Deanna](#)  
**To:** [Stevens, Melissa \(CFB\)](#)  
**Subject:** Late pre-election report  
**Date:** Tuesday, October 29, 2024 3:02:33 PM

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### 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.

I ran into a problem when I attempted to file my pre-election report. I had no internet. I found out that our internet service had been dis-connected through to mis-understanding. I finally got it re-connected this morning. I know I would have usually been charged a late fee for this, but I would appreciate the late fee be waived, as I did not know what had happened as I received no notice of any pending service connection cancellation. As soon as I got reconnected, I filed the report, but it was a day late. I realize I would usually be charged a late fee, which is why I am asking if it could be waived because of the circumstances.

I am sorry that this happened. I understood that you are the person I was to contact. If that is not correct, and if it is someone else, let me know.

Deanna Coudron, Treasurer  
Swedzinski for House

**Johnson, Greta (CFB)**

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**From:** Amanda Duerr <duerr@mada.org>  
**Sent:** Friday, October 04, 2024 11:07 AM  
**To:** Engelhardt, Megan (CFB)  
**Cc:** Scott Lambert  
**Subject:** Request to Waive Late Filing Fee

You don't often get email from duerr@mada.org. [Learn why this is important](#)

**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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Hello Megan,

I write this request in response to your September 23, 2024 letter regarding the 24-hour rule for large contributions and the Committee of Automotive Retailers' (CAR) delay in reporting a contribution.

We would request that the late filing fee be waived for CAR, due to the fact that the contribution was received at a time when contributions were being set aside to be reported once the new Director of Government Affairs (myself) began with MADA. The contributions in question (\$1,800 from Jeff Lupient) were not used in any pre-primary expenditures, which you will see from CAR's recent campaign finance reports. All contributions received in early August were simply set aside to be reported once I was on staff and granted reporting rights for CAR. The finance staff receiving the contributions were unaware of the 24-hour rule to flag the large contribution to our Treasurer to file the 24-hour notice.

Once I realized the issue as I was entering contributions into Campaign Finance Reporter, I contacted the Campaign Finance Board immediately to explain the situation and submit the required 24-hour notice.

This was a simply an unfortunate timing error, with no intent to withhold information from the Campaign Finance Board. Given these facts, we request that the \$650 late filing fee be waived.

Please feel free to reach out with any questions.

Thank you,

**Amanda Duerr, Director of Government Affairs**

Office: 651-789-2949      Mobile: 651-208-2815

[duerr@mada.org](mailto:duerr@mada.org)



## Carpenters Local 322 - 30642

**From:** [Matt Sowell](#)  
**To:** [Engelhardt, Megan \(CFB\)](#)  
**Subject:** 24-hour notice Reg. No. 30642  
**Date:** Monday, September 30, 2024 9:41:06 AM

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Good morning Megan,

I have received a notice concerning Minnesota Statutes section 10A.20, subdivision 5. We had a deposit of \$1,189.50. And have I cured a \$1,000 late fee with a \$50 per day. I am new as the Treasurer for the Local 322 PAC Committee. I apologize for the late filing and will make sure we file every deposit in the future. Every dollar is important for our Local and the penalty incurred hits us very hard. Please consider a waiver to reduce or dismiss this fee.

Sincerely,

Matthew Sowell  
6132 5th Ave South  
Minneapolis MN 55419  
(267) 235-9587  
[mattsowellcarpenter@gmail.com](mailto:mattsowellcarpenter@gmail.com)



William Black  
Municipal Utilities Action Fund  
3131 Fernbrook Lane North, Suite 200  
Plymouth, MN 55447

Ms. Megan Engelhardt  
Assistant Executive Director  
Minnesota Campaign Finance Board  
Centennial Office Building, Suite 190  
658 Cedar St.  
St. Paul, MN 55155-1603

September 24, 2024

Re: Municipal Utility Action Fund (MUAF) late 2024 June Report of Receipts and Expenditures

Dear Ms. Engelhardt:

I filed the Municipal Utility Action Fund's Report of Receipts and Expenditures, due on June 14, 2024, with the Campaign Finance Board on September 4, 2024, causing a late fee of \$1,000 to accrue (\$50 per day capped at \$1,000). I greatly regret not filing this report in a timely manner. Please allow me to explain how this mistake occurred.

As you know, a political fund is not required to file a Report of Receipts and Expenditures IF there was no financial activity during the reporting period. In the time since I filed the previous Report of Receipts and Expenditures, MUAF DID receive three donations totaling \$375 ("contributions") minus \$11.78 for three credit card processing fees ("expenditures"). No other receipts were received, nor disbursements made.

MUAF was required, then, to file a Report of Receipts and Expenditures by June 14, 2024. I did not file a report, however, because I did not realize at the filing time that the fund had received the three donations described above in April. This is why I did not initially file the June report. In fact, I did not realize it until after the July 29, 2024, deadline for filing the next report, the Pre-primary Report.

Since they were included in the Pre-Primary Report, however, I did not think it necessary to go back and file the June report. Yet, when I went to record activity in early September, I noticed that Campaign Finance Reporter Online continued to show that no June report was filed. And so, on September 4, 2024, I decided to select "2024 June Report" from the "Board reports" menu and click "Submit." While simple inattention is not a good reason to miss a filing, there is more to the story.

In June of last year, I arranged for MUAF to be able to accept donations via a QR code in conjunction with the Square online payment system and used it once myself to make a donation and see how it worked. Later in the year, following a marketing event in

August, three more donations came in through Square. These were all properly reported. Then, during another marketing event in March 2024, one more outside donation came in through Square which I noted and included in the Report of Receipts and Expenditures covering January 1 through March 31, filed on April 15.

On April 3, 5, and 23, three more donations arrived in the MUAF bank account via Square thanks to leave-behind marketing materials from the March event. I do not recall now when I entered them into Campaign Finance Reporter. However, when the time came for the June Report of Receipts and Expenditures, it did not occur to me that those donations had been made since the end of the previous reporting period. Thinking, incorrectly, that no financial activity had occurred, I chose the option of not filing a June report. Knowing now that I need to check for payments in Square or in the fund's bank account that I was not aware of, I would certainly do so from now on before choosing the option of not filing a report due to no financial activity.

However, another option exists when a filer believes no activity has occurred, and that is to file a letter confirming such. Rather than filing no report, I will definitely make it my practice to file such letters when there is no activity whenever that is the case at every future report filing time. This step will remind me to make doubly sure that no activity has occurred when a report is due.

With this explanation and plan for avoiding again my failure to file a timely report, I earnestly request a waiver or reduction from the \$1,000 fine imposed on the Municipal Utilities Action Fund. MUAF is quite a small political fund with average annual total disbursements and expenditures of \$3,015 since its first full year of existence in 2017. Contributors to the MUAF would be relieved to know their donations will be used toward their intended purposes and not to pay fines for missteps in meeting administrative requirements, important as they are. I appreciate that fact and commit to preventing such missteps in the future.

Thank you very much for your consideration.

Sincerely,



William Black  
Treasurer  
Municipal Utilities Action Fund

## Climate Cabinet PAC-MN - 41298

**From:** [Blair Schuman](#)  
**To:** [Engelhardt, Megan \(CFB\)](#)  
**Cc:** [Emma Fisher](#)  
**Subject:** Climate Cabinet-MN - Fine Waiver Request  
**Date:** Thursday, October 17, 2024 7:14:28 PM

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Hello Megan,

This letter serves as an official request from the Political Action Committee Climate Cabinet PAC-MN (#41298) to waive the late fee issued by the Campaign Finance and Public Disclosure Board on October 9, 2024 regarding the 2024 September Report. The report was not filed due to an apparent internet or software issue, as the committee was under the impression that this had been filed in a timely manner. The data appearing on this report was entered into the Campaign Finance Board system on September 24, 2024 and it was thought that the report had been filed that same day. As soon as it was brought to the Committee's attention that the Pre-Primary report was still outstanding on October 9, 2024, the Committee immediately corrected its error and filed the report. Moving forward, the committee will ensure that reports have been fully processed and submitted well ahead of the deadline.

If the Campaign Finance and Public Disclosure Board have any additional questions or concerns on this or any other manner, please reach out to me or the treasurer of Climate Cabinet PAC-MN, Emma Fisher, who is copied on this email.

Thank you for your time and consideration.

Sincerely,  
Blair Schuman

--



Blair Schuman  
President, Roger That Compliance  
C. (215) 429-6632

**From:** [Vishala Pamula](#)  
**To:** [Engelhardt, Megan \(CFB\)](#)  
**Subject:** Expense report for MAIDA  
**Date:** Monday, October 07, 2024 1:04:04 PM

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Dear Megan,

I am writing to explain the delay in submitting our campaign finance reports for 2024. The DFL Party campaign financing report transitioned from a paper-based reporting system to a new online platform. This change required additional time to fully understand and navigate the new system, which unfortunately resulted in a delay in our filing process in Jan 2024 in addition to our transition of the treasurer to new treasurer.

We have since familiarized ourselves with the online platform, and all necessary reports will be submitted by due date. Moving forward, we are confident that all future filings will be timely and compliant with the updated reporting standards.

I know there was a 175 dollar charge from Jan 2023 filing I was in touch with finance committee but still got delayed and there was late charge. In addition due to election season it was miss from our end for two filings to be delayed by a day. If you could please present this at the upcoming committee and help us waive the bigger charges, we would really appreciate it.

We appreciate your understanding during this adjustment period and apologize for any inconvenience the delay may have caused. Please feel free to contact me at the above email address, if you require further clarification or have any questions.

Thank you for your attention to this matter.

Sincerely,  
Vishala

MAIDA chair

Minnesota Asian Indian Democratic Association







# MINNESOTA

## CAMPAIGN FINANCE BOARD

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**Date:** October 30, 2024

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

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

**Subject:** Rulemaking update

A notice regarding the Board's proposed administrative rules, the formal comment period, and the possibility of a hearing, was published in the State Register on October 7, 2024. The comment period ends on November 6, 2024. As of the date of this memorandum, the Board has received one comment and no requests for a public hearing.

The one comment received thus far was submitted by Representative Nathan Coulter, who is a member of the House Elections Finance and Policy Committee. Representative Coulter's comment concerns a new rule regarding lobbying to be codified at Minnesota Rules 4511.1100, which will clarify the following definitions within Minnesota Statutes section 10A.01:

Subd. 22. **Local official.** "Local official" means a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

Subd. 26b. **Official action of a political subdivision.** "Official action of a political subdivision" means any action that requires a vote or approval by one or more elected local officials while acting in their official capacity; or an action by an appointed or employed local official to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

The phrase "major decisions" is not currently defined within Chapter 10A or the Board's rules. Minnesota Rules 4511.1100, subpart 1, will state that an attempt to influence a nonelected local official regarding a major decision involving public money is lobbying. Minnesota Rules 4511.1100, subparts 2 and 3, will provide non-exhaustive lists of types of decisions by political subdivisions that are and are not major decisions regarding the expenditure or investment of public money. One type of decision that would be classified as a major decision within subpart 2, paragraph D, is a decision on "expenditures on public infrastructure used to support private housing or business developments."

Representative Coulter raised the concern that the term expenditures “could be construed as only referring to direct expenditures, not more indirect forms of financing such as Tax Increment Financing, land value write-downs, etc.” Unlike directly spending or investing public money, tax abatement<sup>1</sup> and tax increment financing<sup>2</sup> may involve reducing or deferring property tax payments, or using property tax payments to indirectly finance a portion of the costs related to a specific development. Based on that concern, Board staff has prepared rule language that would slightly modify Minnesota Rules 4511.1100, subpart 2, paragraph D.<sup>3</sup> Within the language below, the newly added language is in red.

- 19.1            **Subp. 2. Actions that are a major decision regarding public funds.** A major decision  
19.2 regarding the expenditure or investment of public money includes but is not limited to a  
19.3 decision on:
- 19.4            A. the development and ratification of operating and capital budgets of a political  
19.5 subdivision, including development of the budget request for an office or department within  
19.6 the political subdivision;
- 19.7            B. whether to apply for or accept state or federal funding or private grant funding;
- 19.8            C. selecting recipients for government grants from the political subdivision; or
- 19.9            D. tax abatement, tax increment financing, or expenditures on public infrastructure,  
19.10 used to support private housing or business developments.

The impact of the proposed change on the definition of the term “local official” will likely be minimal because there is likely little, if any, difference between the universe of individuals who have the “authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money” and the universe of individuals who lack that authority but do have the authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding tax abatement or tax increment financing. The impact of the proposed change on the definition of the phrase “official action of a political subdivision” will likely be minimal as well. That phrase already encompasses “any action that requires a vote or approval by one or more elected local officials while acting in their official capacity,” and Board staff is not aware of a political subdivision with nonelected local officials who have the authority to approve tax abatement for economic development purposes or tax increment financing without that approval being subject to a vote or approval by one or more elected officials.<sup>4</sup> Therefore, the proposed change is not expected

<sup>1</sup> See Minn. Stat. §§ [469.1812](#) - [469.1815](#).

<sup>2</sup> See Minn. Stat. §§ [469.174](#) - [469.1799](#).

<sup>3</sup> The text of the proposed rules, without the proposed change to rule 4511.1100, is available at [cfb.mn.gov/pdf/legal/rulemaking/2023/Revisor\\_draft.pdf](http://cfb.mn.gov/pdf/legal/rulemaking/2023/Revisor_draft.pdf). Subpart 2, paragraph D, appears on page 19 at lines 19.9 - 19.10.

<sup>4</sup> [Minnesota Statutes section 469.1812, subdivision 4](#), which concerns tax abatement for economic development purposes, defines the term “political subdivision” to be limited to “a statutory or home rule charter city, town, school district, or county.” [Minnesota Statutes section 469.174, subdivisions 5-6](#), which concern tax increment financing, define the term “governing body” to mean “the elected council or board of a municipality” and the term “municipality” to mean a city, a county, or in rare instances, a township.

to expand the scope of what is considered lobbying. The benefit of the proposed change is added clarity and avoiding the appearance of a loophole regarding tax abatement for economic development purposes and tax increment financing.

If less than 25 people request a public hearing by November 6, the hearing scheduled for December 17, 2024, will be canceled, and Board staff will prepare a resolution for the December Board meeting authorizing the formal adoption of the proposed rules. No Board action is required at this time. However, input from the Board regarding the proposed change to the text of Minnesota Rules 4511.1100, subpart 2, paragraph D, would be appreciated.

Attachments:

Comment submitted by Representative Nathan Coulter





**From:** [Rep. Nathan Coulter \(house.mn.gov\)](mailto:Rep.Nathan.Coulter@house.mn.gov)  
**To:** [Sigurdson, Jeff \(CFB\)](mailto:Sigurdson,Jeff@cfb.org)  
**Cc:** [beth.fraser@mnsenate.gov](mailto:beth.fraser@mnsenate.gov); [John Boehler](mailto:John.Boehler@house.mn.gov)  
**Subject:** Comment on Proposed Rule  
**Date:** Tuesday, October 15, 2024 11:16:40 AM

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Jeff,

A proposed CFB rule was brought to my attention by Beth Fraser and John Boehler, and I wanted to offer a thought. The rule I'm referring to is:

4511.1100 MAJOR DECISION OF NONELECTED LOCAL OFFICIALS.

18.20 Subpart 1. Major decision regarding the expenditure of public money. Attempting  
18.21 to influence a nonelected local official is lobbying if the nonelected local official may make,  
18.22 recommend, or vote on as a member of the political subdivision's governing body, a major  
18.23 decision regarding an expenditure or investment of public money.

19.1 Subp. 2. Actions that are a major decision regarding public funds. A major decision  
19.2 regarding the expenditure or investment of public money includes but is not limited to a  
19.3 decision on:

19.4 A. the development and ratification of operating and capital budgets of a political  
19.5 subdivision, including development of the budget request for an office or department within  
19.6 the political subdivision;

19.7 B. whether to apply for or accept state or federal funding or private grant funding;

19.8 C. selecting recipients for government grants from the political subdivision; or

19.9 D. expenditures on public infrastructure used to support private housing or business  
19.10 developments.

19.11 Subp. 3. Actions that are not a major decision. A major decision regarding the  
19.12 expenditure of public money does not include:

19.13 A. the purchase of goods or services with public funds in the operating or capital  
19.14 budget of a political subdivision;

19.15 B. collective bargaining of a labor contract on behalf of a political subdivision;  
19.16 or

19.17 C. participating in discussions with a party or a party's representative regarding  
19.18 litigation between the party and the political subdivision of the local official.

My only comment is on Subpart 2, Section D, referring to "expenditures". My concern is that the term could be construed as only referring to direct expenditures, not more indirect forms of financing such as Tax Increment Financing, land value write-downs, etc. I think some clarification is warranted – perhaps something like "expenditures and/or financing"?

Thanks!

Nathan

**Representative Nathan Coulter**

HD 51B – Bloomington

[rep.nathan.coulter@house.mn.gov](mailto:rep.nathan.coulter@house.mn.gov)

651-296-4218

For more information and updates, check out my [Facebook page](#) and sign up for [Email Updates](#).



# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** October 30, 2024

**To:** Board members

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

**Re:** Prima Facie Determinations

Complaints filed with the Board are subject to a prima facie determination which is 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 complaints were dismissed by Chair Asp, and the prima facie determinations are provided here as an informational item to Board members. No further Board action is required.

## **Jean Epland/Pat Neilon/Sandy Sletten/City of Twin Lakes**

On October 10, 2024, the Board received a complaint from Janel Heideman regarding Jean Epland, Pat Neilon, Sandy Sletten, and the City of Twin Lakes. The complaint alleged that the three local candidates sent out a piece of campaign literature without a disclaimer in violation of Minnesota Statutes section 211B.04. The complaint also alleged that the literature was printed on neon green paper, as was a mailer that was sent to residents by the City of Twin Lakes and had various news items for residents, including information about the upcoming election. The complaint alleged that "[t]his gives residents/taxpayers/voters the impression that the City very possibly paid for the paper, and the copying with our brand new copier." The complaint included a copy of the campaign literature from the candidates and the mailing from the City of Twin Lakes. The complaint was dismissed by Chair Asp on October 14, 2024, due to the Board's lack of jurisdiction over the statute(s) that might give rise to the violation alleged in the complaint.

## **Forward Majority Action Minnesota**

On October 14, 2024, the Board received a complaint from William Beck regarding Forward Majority Action Minnesota (41316). The complaint alleged that Forward Majority Action

Minnesota distributed a campaign mailer in August 2024 regarding Tom Dippel, a candidate for Minnesota House District 41B. The complaint included a copy of the mailer, which states that Mr. Dippel “agrees with the Alabama Supreme Court decision to ban IVF.” The complaint asserted that Mr. “Dippel has never publicly spoken on the IVF issue and is comfortable publicly stating that he does not support the ban of IVF or any fertilization treatment.” The complaint alleged a violation of Minnesota Statutes section 211B.06, which generally prohibits the preparation or dissemination of false campaign material.<sup>1</sup> The complaint did not cite, and did not appear to allege any conduct that would violate, Minnesota Statutes Chapter 10A or sections 211B.04, 211B.12, or 211B.15. The complaint was dismissed by Chair Asp on October 18, 2024, due to the Board’s lack of jurisdiction over the statute that might give rise to the violation alleged in the complaint.

### **Kelsey Jezierski**

On October 21, 2024, the Board received a complaint from Jeremy Parrucci regarding Kelsey Jezierski, a school board candidate for ISD 192. The complaint alleged that Ms. Jezierski is not in compliance with the statutes requiring reporting by candidates. Mr. Parrucci alleged that he was unable to find the campaign finance report for Ms. Jezierski’s previous campaign in 2022 on the school district’s website. The complaint cited Minnesota Statutes section 10A.20, despite that statute being inapplicable to the campaigns of local candidates. The complaint was dismissed by Chair Asp on October 23, 2024, due to the Board’s lack of jurisdiction over the statute that might give rise to the violation alleged in the complaint.

### **Attachments:**

Epland/Neilon/Sletten/City of Twin Lakes complaint  
Epland/Neilon/Sletten/City of Twin Lakes prima facie determination  
Forward Majority Action Minnesota complaint  
Forward Majority Action Minnesota prima facie determination  
Jezierski complaint  
Jezierski prima facie determination

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<sup>1</sup> The United States Court of Appeals for the Eighth Circuit determined that Minnesota Statutes section 211B.06 is unconstitutional in [281 Care Committee v. Arneson, 766 F.3d 774 \(8th Cir. 2014\)](#).



# MINNESOTA CAMPAIGN FINANCE BOARD

## 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	Janel Heideman	
Address	18949 US Highway 69	Email address janelheideman@gmail.com
City, state, and zip	Albert Lea MN 56007	Telephone (Daytime) 507-383-5338

### Identify person/entity you are complaining about

Name of person/entity being complained about	Jean Epland, Pat Neilon, Sandy Sletten, City of Twin Lakes	
Address	101 Main St	
City, state, zip	Twin Lakes MN 56089	
Title of respondent (If applicable)	candidate	
Board/Department/Agency/District # (If legislator)	city council	

trust\_7c1732f9-6e9f-4628-8d3b-150e2dd22254

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trust\_7c1732f9-6e9f-4628-8d3b-150e2dd22254  
Date: 2024.10.06 12:18:42 -05'00'

10/6/2024

Signature of person filing complaint

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:

211B.04

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.

Minnesota Statutes 211B.04..All three candidates, Incumbent Jean Epland (city Council,) and candidate Sandy Sletten (city council), and Candidate Pat Neilon (for mayor) sent out a marketing piece with no disclaimer, no address, no point of contact, no campaign identification.

Of additional concern is that the 1 page neon green paper is the exact same paper as mailed out to residents by City Hall the same week for their newsletter. This gives residents/taxpayers/voters the impression that the City very possibly paid for the paper, and the copying with our brand new copier.

In the heading, it reads on the top line, "City of Twin Lakes" with the second line reading "Election 2024". Using the same color and stock of paper, and having the heading of "City of Twin Lakes" gives the impression that this is not only paid for by the city, but an endorsement from the City.

It seems even more egregious that one of the members, Jean Epland has a key to city hall and is an incumbent, having easy access to have the city clerk do this, or for Elpand to do it on her own, using city resources.

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 60 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.

# City of Twin Lakes

Election 2024

Your Vote Will Make a Difference

## **Pat Neilon for Mayor**

My wife Cheryl and I have been residents of Twin Lakes for 47 years.

33 years of service on the Twin Lakes Fire Dept (served as Fire Chief and Relief Assoc Pres).

Multiple terms on the Twin Lakes City Council.

Worked 12 years at Ventura Foods and then Elected as Business Agent for the Local 6 United Food & Commercial Workers Union served for 26 ½ years and the last 6 years as President of the Local 6.

Having experience in Budgeting and Financial responsibility.

## **Sandy Sletten for City Council**

My husband Larry and I have been residents of Twin Lakes for 46 plus years.

I have served as a past City Council Member for 38 years.

I worked 30 years as the Building Maintenance and Budgeting for a large business in Albert Lea.

Very knowledgeable in the operation of the Water and Wastewater systems for the City of Twin Lakes.

## **Jean Epland for Re-Elect City Council**

My husband Duane and I have been living in the City of Twin Lake for 28 years.

I have been on the City Council for 26 years and with that I believe that having these years of experience will help lead this town into the future.

Having over 25 years of Banking experience and another 20 years of experience in Customer Service.

*Vote in the upcoming election.*

*We will serve with transparency, integrity and honesty.*

*We will always look out for the best interest for all the Citizens of Twin Lakes.*

*Over these years we have been trying to do what is best for the Community and believe that with your vote we can continue to do so.*







**Q3 2024                      The City of Twin Lakes                      09/30/2024**

**Next council meetings:**

**Monday, October 7th, 2024, @ 7 p.m.**

**Monday, November 4th, 2024, @ 7 p.m.**

**Tuesday, December 2<sup>nd</sup>, 2024, @ 7 p.m.**

\*\*\*\*\*

**Election Year: There will be 3 openings on the November ballot.**

**Mayor Kathy Benschoter 2-year term expires 12/31/2024.**

**Council member Jean Epland 4-year term expires 12/31/2024.**

**Council member Lynda Vis special 2-year term expires 12/31/2024\*.**

**\*November ballot will show both open council vacancies as new 4-year terms.**

**Twin Lakes City Council consists of an elected mayor and 4 elected council members. The 4 elected council members serve 4-year terms with 2 becoming vacant in 2-year rotations. When we have a special 2-year term council member that means that a previous 4-year term council member was not able to complete their 4-year term.**

**The following individuals are running for Mayor of Twin Lakes:**

**1) Pat Neilon**

**2) David Prestholt**

**And for the 2 positions as 4-year term Council member:**

**1) Jean Epland**

**2) Jeff Posthumus**

**3) Sandy Sletten**

**4) Lynda Vis**

\*\*\*\*\*

**Other Council Meeting business**

**-Mail in Balloting Resolution (Annual): continue mail in balloting**

**-Water/Sewer quarterly Fee:**

**ANNUAL INCREASE of \$2.50 per quarter each for both water and sewer goes into effect January 01 which is billed after the quarter ends which is March 31st.**

# **FIRE DEPARTMENT NEWS**

## **Fire Prevention Week**

**Sunday, October 6<sup>th</sup> thru Saturday, October 12<sup>th</sup>, 2024**



**“Operation Edith” is on Wednesday, October 9<sup>th</sup> at 7 pm. Turn on your porch lights that evening, the Fire Department will be driving around counting lights.**

**For Fire Prevention Week, the Twin Lakes Fire Department will be having an Open House on Thursday, October 10<sup>th</sup> from 5:30pm to 7:30pm. The Fire Department will be doing some demonstrations, and they will have food.**

**The Twin Lakes Fire Department encourages all residents to actively support the 2024 Fire Prevention Week Theme, “Smoke alarms: Make them work for you!” A working smoke alarm can make a life-saving difference in a home fire, giving people the time to get out safely.**

B I N G O					
4	26	43	59	70	
9	30	41	55	68	
7	23	FREE 32 SPACE	50	63	
8	20	31	60	75	
13	18	34	52	69	

## **BINGO, BINGO, BINGO!**

**If you haven't heard, the Twin Lakes Fire Relief Association has BINGO every Sunday from 1-3pm at City Hall. What are you waiting for? Join us for an afternoon of fun and to socialize with your friends and neighbors!**



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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF JANEL HEIDEMAN REGARDING JEAN EPLAND, PAT NEILON, SANDY SLETTEN, AND THE CITY OF TWIN LAKES

On October 10, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Janel Heideman regarding Jean Epland, a city council candidate in the City of Twin Lakes; Pat Neilon, a mayoral candidate in the City of Twin Lakes; Sandy Sletten, a city council candidate in the City of Twin Lakes; and the City of Twin Lakes.

The complaint alleges that the candidates sent out a piece of campaign literature without a disclaimer in violation of Minnesota Statutes section 211B.04. The literature consisted of a single page with the text “City of Twin Lakes” and “Election 2024,” first-person descriptions of each of the three candidates, and language encouraging individuals to vote for those candidates. The complaint also alleges that the literature was printed on neon green paper, as was a mailer dated September 30, 2024, that was sent to residents by the City of Twin Lakes and had various news items for residents, including information about the upcoming election. The complaint asserts that “[t]his gives residents/taxpayers/voters the impression that the City very possibly paid for the paper, and the copying with our brand new copier.” The complaint alleges that “Jean Epland has a key to city hall and is an incumbent, having easy access to have the city clerk do this, or for [Epland] to do it on her own, using city resources.” The complaint does not explain what statute or rule may have been violated if city resources were used to produce the campaign literature included with the complaint. The complaint included a copy of the campaign literature from the candidates and the mailing from the City of Twin Lakes.

**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. Minnesota Statutes section 10A.01, subdivision 10, defines the term “candidate” to mean “an individual who seeks nomination or election as a state constitutional officer, legislator, or judge.” The Board does not have investigative authority with respect to alleged violations by candidates for local office. Because the individuals named in the complaint are not candidates within the meaning of Minnesota Statutes Chapter 10A, the Board does not have investigative authority with respect to the violations alleged in the complaint regarding those individuals. While the complaint appears to list the City of Twin Lakes as one of the entities being complained about, the complaint does not explain what statute or rule the City of Twin Lakes may have violated, and none of the alleged conduct appears to be addressed by the statutes and rules under the Board’s

jurisdiction. Therefore, 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.

A handwritten signature in black ink, appearing to read 'D. Asp', is written over a horizontal line.

David Asp, Chair  
Campaign Finance and Public Disclosure Board

Date: October 14, 2024





# MINNESOTA CAMPAIGN FINANCE BOARD

## 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	
Address	Email address
City, state, and zip	Telephone (Daytime)

### Identify person/entity you are complaining about

Name of person/entity being complained about
Address
City, state, zip
Title of respondent (If applicable)
Board/Department/Agency/District # (If legislator)

\_\_\_\_\_  
Signature of person filing complaint

\_\_\_\_\_  
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.









# Tom Dippel's extreme ideas aren't a laughing matter.

Tom Dippel's ideas aren't funny — *they're downright scary*. In his record, statements, and in the press, Dippel says:

- He will ban abortion.
- He agrees with the Alabama Supreme Court decision to ban IVF.
- LGBT relationships are an “abomination.”
- He will advocate for “biblical family values.”
- Minnesota should to ignore all federal gun laws, including background checks.

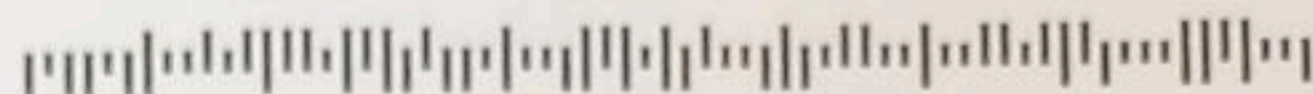
Minnesotans need to take a stand against Dippel's extreme ideas.





FORWARD MAJORITY ACTION MINNESOTA  
2136 FORD PARKWAY #8135  
SAINT PAUL, MN 55116

PRSRT STD  
U.S. POSTAGE  
**PAID**  
WP LLC



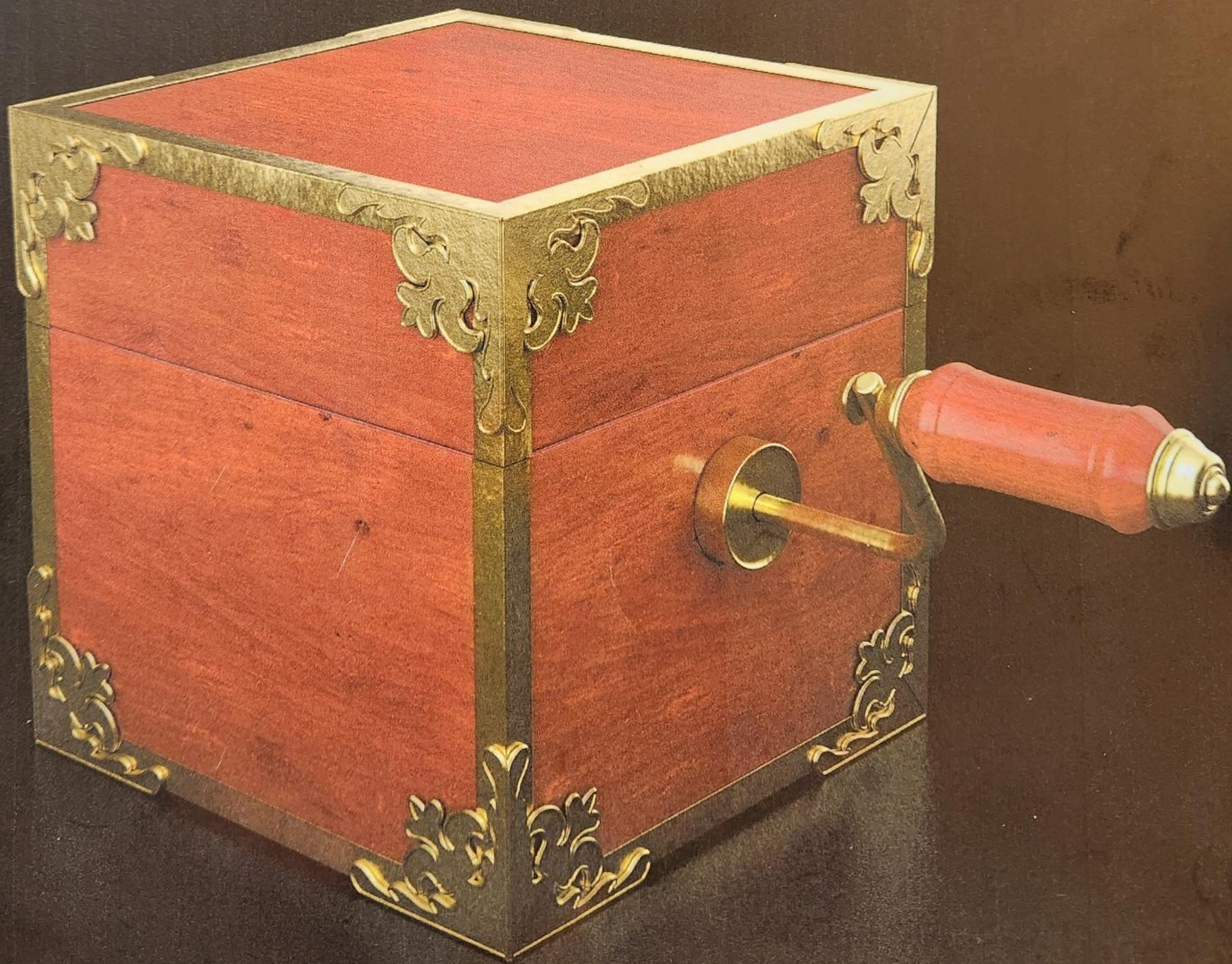
0219345 P-29 P63 MN\_HD\_41B \*\*\*\*\*ECRLOT 0024A\*\*R011

CAROLYN DIPPEL  
12085 GREY CLOUD TRL S  
COTTAGE GROVE MN 55016-4200



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**With Tom Dippel,  
you never know what  
extreme idea will pop up.**



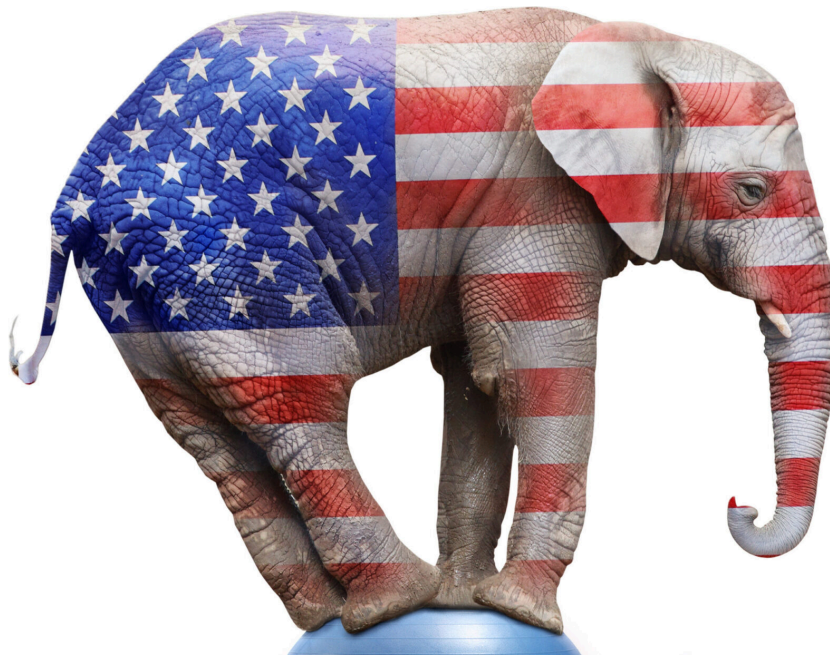
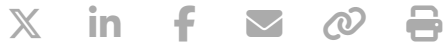




GOVERNMENT &amp; POLITICS

## Action 4 Liberty candidates win GOP endorsements in eastern metro districts

BY: MICHELLE GRIFFITH - MARCH 12, 2024 2:18 PM



Getty Images.

Two candidates aligned with the far right-wing group Action 4 Liberty won the Republican endorsements in two eastern metro battleground districts, defeating more conventional conservatives and complicating the GOP's effort to take the House majority.

Republicans this November are seeking to break up the Democratic-Farmer-Labor Party's trifecta by taking back the Minnesota House; the Senate isn't on the ballot. All 134 seats are up for reelection and so far 15 House members have announced that they won't run again in November. Democrats currently hold a narrow 70-63 majority in the House.

Grayson McNew – former legislative aid for semi-famous right-wing provocateur former Rep. Erik Mortensen\* – on Saturday won the Republican endorsement for House District 41A, which includes Lake Elmo and Afton. McNew ran for the House in 2022, and this year he won the GOP endorsement over former Washington County Commissioner Wayne Johnson.

Johnson was supported by current Rep. Mark Wiens, R-Lake Elmo. Wiens in [his endorsement](#) said Johnson was electable and he could keep the district Republican. In 2022, Wiens won his seat by just 128 votes.

The Republican Party endorsement has remained important in GOP nominating contests.

After the local Republican party endorsed McNew, Johnson bemoaned his loss and blamed Action 4 Liberty.

“The Action For Liberty people, who are not actually ... Republicans, once again were successful in keeping MN Blue and turning our District Blue in November,” Johnson [said on Facebook](#).

Action 4 Liberty – whose members have questioned the efficacy of vaccines and the results of the 2020 election against all evidence – has long attempted to upend what they see as [“weak and feckless Republicans.”](#)

McNew said if elected he will advocate for school vouchers “immediately.”

“I will push for School Choice to be enacted immediately. We can either be leaders in education or slaves to the system,” McNew said in a [Facebook post](#). “I think it is high time we broke the chain our schools have on us and put parents back in charge of their children’s education.”

(Minnesota parents already have significant public school choice; private school vouchers would siphon money away from public schools.)

Tom Dippel on Saturday won the GOP endorsement for House District 41B, which includes Cottage Grove and Hastings. Current Rep. Shane Hudella, R-Hastings, won his seat two years ago by 418 votes. In a video on his Facebook page, Dippel said he was “encouraged” by Hudella to run for his seat.

Dippel ran for the state Senate two years ago. In a [Minnesota Family Council Voter guide](#) at the time, Dippel said that if elected he wanted to be a strong advocate for “biblical family values.”

He said that he supports an abortion ban, and that “transgender ideology” is “a grave evil that amounts to child abuse and indoctrination into a sinful lifestyle that leads to destruction.”

In the voter guide, he also called homosexuality an “abomination.”

*\*Correction: A previous version of this story misspelled Rep. Erik Mortensen’s name.*



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## MICHELLE GRIFFITH

Michelle Griffith covers Minnesota politics and policy for the Reformer, with a focus on marginalized communities. Most recently she was a reporter with The Forum of Fargo-Moorhead in North Dakota where she covered state and local government and Indigenous issues.

Minnesota Reformer is part of [States Newsroom](#), the nation’s largest state-focused nonprofit news organization.

[MORE FROM AUTHOR](#)

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BY ARIANA FIGUEROA



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BY JENNIFER SHUTT

## A JOURNAL OF THE FREE PEOPLE OF MINNESOTA

### DEMOCRACY TOOLKIT



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### STATES NEWSROOM

**FAIR. FEARLESS. FREE.**

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF WILLIAM BECK REGARDING FORWARD MAJORITY ACTION MINNESOTA (41316)

On October 14, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by William Beck regarding Forward Majority Action Minnesota, an independent expenditure political committee. Forward Majority Action Minnesota's Board registration number is 41316.

The complaint alleges that Forward Majority Action Minnesota distributed a campaign mailer in August 2024 regarding Tom Dippel, a candidate for Minnesota House District 41B. The complaint includes a copy of the mailer, which states that Mr. Dippel "agrees with the Alabama Supreme Court decision to ban IVF." The complaint asserts that Mr. "Dippel has never publicly spoken on the IVF issue and is comfortable publicly stating that he does not support the ban of IVF or any fertilization treatment." The complaint alleges a violation of Minnesota Statutes section 211B.06, which generally prohibits the preparation or dissemination of false campaign material. The complaint does not cite, and does not appear to allege any conduct that would violate, Minnesota Statutes Chapter 10A or sections 211B.04, 211B.12, or 211B.15.

**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. Because the Board does not have jurisdiction over Minnesota Statutes section 211B.06, the statute that might give rise to the violation 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. The Board notes that The United States Court of Appeals for the Eighth Circuit determined that Minnesota Statutes section 211B.06 is unconstitutional.<sup>1</sup> 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.

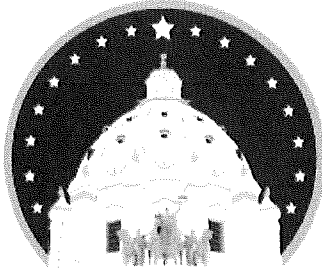
  
\_\_\_\_\_  
David Asp, Chair  
Campaign Finance and Public Disclosure Board

Date: October 18, 2024

<sup>1</sup> [281 Care Committee v. Arneson, 766 F.3d 774 \(8th Cir. 2014\)](#).







# MINNESOTA CAMPAIGN FINANCE BOARD

## 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	Jeremy Parrucci		
Address	19377 Canby Ct	Email address	jeremy_parrucci@yahoo.com
City, state, and zip	Farmington, MN, 55024	Telephone (Daytime)	952-594-0537

### Identify person/entity you are complaining about

Name of person/entity being complained about	Kelsey Jezierski
Address	PO Box 213
City, state, zip	Farmington, MN 55024
Title of respondent (If applicable)	School Board Candidate
Board/Department/Agency/District # (If legislator)	ISD 192

Signature of person filing complaint

10/15/2024

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).

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

**10A.20**

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.

I am not able to find the campaign finance report for Kelsey Jerieski's previous campaign in November 2022. I searched at the District 192 site, [https://www.farmington.k12.mn.us/about\\_us/school\\_board/election\\_info/campaign\\_finance\\_reports](https://www.farmington.k12.mn.us/about_us/school_board/election_info/campaign_finance_reports), however, I was not able to find the reports there. I believe that Kelsey was not in compliance with the state statutes and did not file a required document. By failing to do so, the public is not able to see what or how she acquired and used campaign funds.

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 60 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.

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF JEREMY PARRUCCI REGARDING KELSEY JEZIERSKI

On October 21, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Jeremy Parrucci regarding Kelsey Jezierski, a school board candidate in Independent School District 192.

The complainant alleges that Ms. Jezierski is not in compliance with the statutes requiring reporting by candidates. Mr. Parrucci alleges that he was unable to find the campaign finance report for Ms. Jezierski's previous campaign in 2022 on the school district's website. The complaint cites Minnesota Statutes section 10A.20.

**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. Minnesota Statutes section 10A.01, subdivision 10, defines the term "candidate" to mean "an individual who seeks nomination or election as a state constitutional officer, legislator, or judge." Therefore, Ms. Jezierski is not a "candidate" for purposes of Minnesota Statutes Chapter 10A, including section 10A.20. The Board does not have investigative authority with respect to alleged violations by candidates for local office. Because Ms. Jezierski is not a candidate within the meaning of Minnesota Statutes Chapter 10A, the Board does not have investigative authority with respect to the violation alleged in the complaint. Therefore, 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: October 23, 2024



**CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD  
November 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			Drafting default judgment filings