OAH 28-0325-39856

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Laurel Johnson-Mohr,

Complainant,

vs.

Erin Heers-McArdle,

Respondent.

ORDER OF DISMISSAL

On February 26, 2024, Laurel Johnson-Mohr (Complainant) filed a campaign complaint (Complaint) with the Office of Administrative Hearings alleging that Erin Heers-McArdle (Respondent) violated Minn. Stat. § 211A.13 (2022) by failing to provide sufficient detail about campaign disbursements in campaign finance reports from December 8, 2023, through January 11, 2024. The Complaint further alleges that Respondent violated Minn. Stat. § 211B.12 (2022) by using campaign funds to make a charitable donation of over $100 on October 29, 2023.

The Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge on February 26, 2024. A copy of the Complaint was sent by U.S. mail to the Respondent on February 27, 2024.

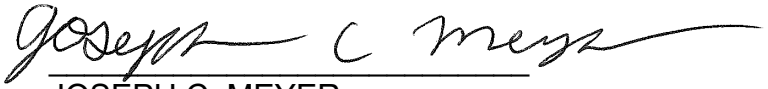
After reviewing the Complaint and attached exhibits, the undersigned Administrative Law Judge has determined that the Complaint does not set forth prima facie violations of either Minn. Stat. § 211A.13 or Minn. Stat. § 211B.12. This determination is described in more detail in the attached Memorandum.

Based upon the Complaint and the supporting filings and for the reasons set out in the attached Memorandum,

IT IS ORDERED:

That the complaint filed by Laurel Johnson-Mohr against Erin Heers-McArdle is **DISMISSED**.

Dated: February 29, 2024



JOSEPH C. MEYER
Administrative Law Judge

NOTICE

Under Minn. Stat. § 211B.36, subd. 5 (2022), this Order is the final decision in this matter and a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63-.69 (2022).

MEMORANDUM

Respondent was a candidate for a seat on the Anoka-Hennepin School Board in the November 7, 2023, general election.[1] The Complaint alleges that Respondent filed campaign finance reports between December 8, 2023, and January 11, 2024, that listed "donations" without providing sufficient detail as to where the campaign funds went.[2] The Complaint also alleges that Respondent donated $2,000 of campaign funds to charity on Ocober 29, 2023, which is more than the $100 statutory cap on charitable donations unless the campaign fund dissolves within one year of the donation.[3]

I. Standard for Prima Facie Determinations

To establish a prima facie violation of the Fair Campaign Finance Act, a complainant must allege sufficient facts to show that a violation of law has occurred.[4] The complaining party must "include evidence or allege facts that, if accepted as true, would be sufficient to prove a violation of chapter 211A or 211B."[5]

For purposes of a prima facie determination, this tribunal must accept the facts that are alleged in the Complaint as true, without independent substantiation, provided that those facts are not patently false or inherently incredible.[6] In determining whether a complaint alleges sufficient facts to state a prima facie case, reasonable inferences must be drawn in the light most favorable to the complainant.[7]

A complaint must be dismissed if it does not include evidence or allege facts that, if accepted as true, would be sufficient to prove a violation of law.[8]

II. Required Disbursement Information – Section 211A.13

The Complaint alleges that Respondent violated Minn. Stat. § 211A.13 because Respondent's campaign finance reports do not contain sufficient information about disbursements of campaign funds. However, Minn. Stat. § 211A.13 does not address the required disbursement information in campaign finance forms. Rather, Minn. Stat. § 211A.13 prohibits monetary transfers between candidates and the principal campaign committee of a candidate. Minnesota Statute section 211A.13 states:

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[1] Complaint at 2.
[2] *Id.*
[3] *Id.*
[4] Minn. Stat. § 211B.32, subd. 3 (2022).
[5] *Barry v. St. Anthony-New Brighton Indep. Sch. Dist. 282*, 781 N.W.2d 898, 902 (Minn. Ct. App. 2010).
[6] *Id*.
[7] *Abrahamson v. St. Louis Cty. Sch. Dist.*, 819 N.W.2d 129, 136 (Minn. 2012).
[8] *Barry,* 781 N.W.2d at 902.

> A candidate for political subdivision office must not accept contributions from the principal campaign committee of a candidate as defined in section 10A.01, subdivision 34. A candidate for political subdivision office must not make contributions to a principal campaign committee, unless the contribution is made from the personal funds of the candidate for political subdivision office.

The Complaint does not allege that Respondent and a principal campaign committee made improper monetary transfers. Instead, the Complaint alleges that Respondent's campaign finance reports provide "no details on to whom/where the donations went."[9] The Complaint does not allege facts sufficient to establish a violation of Minn. Stat. § 211A.13.

The allegations in the Complaint that Respondent did not provide sufficient detail regarding campaign fund disbursements are better analyzed under Minn. Stat. § 211A.02, subd. 2 (2022), which governs the information a candidate or committee must include in a campaign financial report. For example, candidates or committees are required to report their total cash on hand and the total amount of contributions and disbursements.[10] Pursuant to Minn. Stat. § 211A.02, subd. 2(5), candidates are also required to report "the amount, date, and purpose for each disbursement" of campaign funds.

The Complaint alleges that the disbursements between December 8, 2023, and January 11, 2024, were not sufficiently detailed in Respondent's campaign finance report.[11] Complainant attached a copy of Respondent's campaign finance report for that time period to the Complaint.[12] The campaign finance report lists three disbursements, all on December 20, 2023: 1) "Thank-you gifts" for $32.67; 2) "School Fundraisers" for $250.00; and 3) "Charitable Donation" for $1,765.41.[13] All three of these disbursements meet the requirements of Minn. Stat. § 211A.02, subd. 2(5) to report "the amount, date, and purpose for each disbursement" of campaign funds. Further detail, including the identity of the specific persons or entities who received the disbursements, is not required by statute. This stands in contrast to the requirement that the financial reports include "the name, address, and employer, or occupation if self-employed" of individuals or committees that contribute more that $100 to campaigns.[14] Because the legislature explicitly requires financial reports to provide the identity of certain contributors, but omitted any such requirement, in the same statutory subdivision, with respect to disbursements, it can be reasonably inferred that the legislature did not intend for "the amount, date, and purpose" to implicitly require information about the identity of entities receiving disbursements of campaign funds.

Complainant articulates a concern that "[Respondent's] contributors and the public have an interest" in knowing who received money from Respondent's campaign funds.[15]

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[9] Complaint at 2.
[10] Minn. Stat. § 211A.02, subd. 2(3)-(4).
[11] Complaint at 2.
[12] *Id.* at 4
[13] *Id.*
[14] Minn. Stat. § 211A.02, subd. 2(6).
[15] Complaint at 2.

But this is a policy argument with respect to how much detail about disbursements of campaign funds *should* be required. It does not change that the statute does not require this information.

The Complaint has not alleged facts that, if true, would establish that Respondent violated the Fair Campaign Finance Act by reporting insufficient information about campaign disbursements.

III. Charitable Donations – Section 211B.12

The Complaint alleges that Respondent violated Minn. Stat. § 211B.12 by donating $2,000 of campaign funds to charity on October 29, 2023.[16] Minnesota Statutes section 211B.12(6) prohibits donating over $100 of campaign funds to charity each year, unless the campaign fund making the donation dissolves within one year of the donation being made. Here, the Complaint alleges that Respondent's $2,000 donation of campaign funds to charity occurred on October 29, 2023. Such a donation would only violate Minn. Stat. § 211B.12(6) if Respondent's campaign fund did not dissolve by October 30, 2024. As October 30, 2024, is still more than eight months in the future, no violation has occurred. Put differently, the question of whether Respondent violated Minn. Stat. § 211B.12 is not yet ripe for review.[17]

Furthermore, Respondent lost a bid for re-election to a school board seat in the November 7, 2023, general election, and Respondent's two campaign finance reports from October 24, 2023, through January 11, 2024, attached to the Complaint appear to show that Respondent's campaign fund has dissolved, with $0 cash-on-hand remaining.[18]

The Complaint alleges that, had Respondent prevailed in the election, the campaign fund would have not been dissolved.[19] But whether or not Respondent would have kept the campaign fund intact under different circumstances is immaterial with respect to whether or not the fund actually was dissolved.

For these reasons, the Complaint does not allege facts sufficient to establish that Respondent's disbursement for a charitable donation is a violation of Minn. Stat. § 211B.12(b).

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[16] *Id.*

[17] *Leiendecker v. Asian Women United of Minn.*, 731 N.W.2d 836, 841 (Minn. Ct. App. 2007) (holding that a justiciable controversy must exist in order for a claim to be properly before a court); *Nat'l Park Hospitality Ass'n v. Dep't of Interior*, 538 U.S. 803, 807 (2003) (quoting *Abbott Laboratories v. Gardner*, 387 U.S. 136, 148-49 (1967)) (holding that ripeness is a justiciability doctrine which prevents courts from entangling themselves prematurely in abstract disputes); *Lee v. Delmont*, 36 N.W.2d 530, 110 (Minn. 1949) ("Issues which have no existence other than in the realm of future possibility are purely hypothetical and are not justiciable. Neither the ripe nor the ripening seeds of a controversy are present.").

[18] Complaint at 2-4.

[19] *Id.* at 2.

IV. Conclusion

The Administrative Law Judge finds that the Complaint does not establish prima facie violations of either Minn. Stat. § 211A.13 or Minn. Stat. § 211B.12 by Respondent. Accordingly, the Complaint is **DISMISSED**.

J. C. M.