OAH 65-0325-40616

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Luke Mielke,

Complainant,

vs.

Josh Bassais,

Respondent.

ORDER OF DISMISSAL

On February 5, 2025, Luke Mielke (Complainant) filed a Fair Campaign Practices Complaint (Complaint) with the Office of Administrative Hearings. The Complaint alleges that Josh Bassais (Respondent) violated a provision of the Campaign Finance Act[1] with respect to Respondent's campaign for the Ward 8 seat on the Minneapolis City Council in the general election to be held on November 4, 2025.

The Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge on February 5, 2025. A copy of the Complaint was sent by email and U.S. mail to the Respondent on February 5, 2025.

Upon a review of the Complaint under Minn. Stat. § 211B.33, the undersigned Administrative Law Judge determines that the Complaint does not set forth a prima facie violation of Minn. Stat. § 211A.02 (2024) and must be dismissed.

Based upon the Complaint and attached exhibits, and for the reasons explained in the accompanying Memorandum,

IT IS ORDERED:

The Complaint is **DISMISSED**.

Dated: February 6, 2025

ANN C. O'REILLY
Administrative Law Judge

[1] Minn. Stat. §§ 211A.01–.14 (2024).

NOTICE

Under Minn. Stat. § 211B.36, subd. 5, 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 (2024).

MEMORANDUM

Respondent is a candidate for the Ward 8 seat on the Minneapolis City Council in the upcoming general election on November 4, 2025.[2] The Complaint alleges that Respondent violated Minn. Stat. § 211A.02, subd. 1(a) by failing to file an initial campaign finance report within 14 days of exceeding the $750 filing threshold.[3] Complainant attached a copy of Respondent's 2024 annual financial report, which shows that Complainant received over $750 in contributions on December 20, 2024.[4] Complainant also attached a screenshot of the City of Minneapolis's campaign finance dashboard showing that Complainant's annual report was filed on January 3, 2025.[5]

I. Standard for Prima Facie Determinations

To establish a prima facie violation of the Campaign Finance Act, a complaint must allege sufficient facts to show that a violation of law has occurred.[6] The complaint must "include evidence or allege facts that, if accepted as true, would be sufficient to prove a violation of chapter 211A or 211B."[7]

For purposes of a prima facie determination, this tribunal must accept the facts that are alleged in a complaint as true, without independent substantiation, provided that those facts are not patently false or inherently incredible.[8] 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.[9]

A complaint must be dismissed if it does not include evidence or allege facts that, if accepted as true, would be sufficient to establish a violation of law.[10]

II. Financial Report (Minn. Stat. § 211A.02)

Under Minn. Stat. § 211A.02, subd. 1(a) a candidate who receives contributions or makes disbursements of more than $750 in a calendar year must file an initial campaign finance report within 14 days after the $750 threshold is met. Under Minn. Stat. § 211A.02,

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

subd. 1(c) a candidate must also file an annual report by January 31 of each year until a final report is filed.

Here, Respondent filed an annual report on January 3, 2025, showing that Respondent exceeded $750 in donations on December 20, 2024.[11] Complainant alleges that Respondent violated Minn. Stat. § 211A.02, subd. 1(a) by failing to file an initial finance report within 14 days of December 20, 2024.[12] However, nothing in Minn. Stat. § 211A.02, subd. 1 requires the initial report and the annual report to be two separate filings. Here, the reports would be identical because the $750 threshold was met at the end of the calendar year. Respondent's annual report was filed on January 3, 2025 – 14 days after exceeding the $750 threshold on December 20, 2024. Any information covered by an initial report would also be covered by an annual report in these circumstances. Because the report filed by Respondent on January 3, 2025, met the requirements for both an initial and annual financial report, the Complaint does not allege sufficient facts to establish a prima facie violation of Minn. Stat. § 211A.02, subd. 1(a).

III. Conclusion

The Administrative Law Judge concludes that the Complaint does not establish a prima facie violation of Minn. Stat. § 211A.02 by Respondent. Accordingly, the Complaint is **DISMISSED**.

A. C. O.

[11] Complaint at Ex. 1, Ex. 2.
[12] *Id.* at 2.