

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

Ken Martin,

Complainant,

vs.

**ORDER OF DISMISSAL**

Torrey Westrom,

Respondent.

On October 1, 2012, Ken Martin filed a Complaint with the Office of Administrative Hearings alleging the Respondent violated Minn. Stat. § 211B.12 using campaign funds for personal expenditures.<sup>1</sup> The Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge on October 2, 2012.

After reviewing the Complaint, the undersigned Administrative Law Judge has determined that the complaint does not set forth sufficient facts to support a *prima facie* violation of § 211B.12.

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

**IT IS ORDERED:**

That the Complaint filed by Ken Martin against Torrey Westrom for violation of Minn. Stat. § 211B.12 is **DISMISSED WITHOUT PREJUDICE**. The Complainant may revise and file a subsequent complaint with documentation supporting the alleged violation of Minn. Stat. § 211B.12 at issue without paying an additional filing fee.

Dated: October 10, 2012

/s/ Barbara L. Neilson for  
**BRUCE H. JOHNSON**  
Administrative Law Judge

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<sup>1</sup> The Complaint was date-stamped October 1, 2012, but was missing the referenced attachments.

## MEMORANDUM

The Complaint alleges that the Respondent violated Minn. Stat. § 211B.12 by using campaign funds for personal expenditures. According to the Complaint, Representative Westrom purchased an advertisement in the 2011 Viking Regional Telephone Directory with campaign funds that primarily promoted his personal law practice. The Complaint asserts that this conduct violates the prohibition against converting campaign funds for personal use set forth in Minn. Stat. § 211B.12 (7).

Despite referencing the advertisement and Representative Westrom's reporting of the disbursement at issue, the Complaint failed to attach the advertisement or Representative Westrom's campaign finance report. The Office notified the Complainant that the referenced attachments were not included with the Complaint on October 2 and 4, 2012. To date the attachments have not been received.

The Administrative Law Judge concludes that the Complaint does not allege sufficient facts to support a *prima facie* violation of Minn. Stat. § 211B.12. The Complaint is dismissed without prejudice to re-filing. The Complainant may revise and file a subsequent complaint with the supporting documentation without payment of an additional filing fee.

**B.H.J.**