

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Susan Rego,		NOTICE OF DETERMINATION OF
	Complainant,	PRIMA FACIE VIOLATION
vs.		AND
94 West Business Center LLC,		NOTICE OF AND ORDER FOR
	Respondent.	PROBABLE CAUSE HEARING

TO: Susan Rego, [Street Address Redacted], St. Michael, MN 55376; and 94 West Business Center LLC, 21025 Commerce Blvd #900, Rogers, MN 55374.

On October 21, 2008, Susan Rego filed a Campaign Complaint with the Office of Administrative Hearings alleging that 94 West Business Center LLC violated Minnesota Statutes § 211B.15, subd. 2 (prohibited corporate contributions), by posting campaign signs on corporate property. After reviewing the Complaint and attached exhibits, the undersigned Administrative Law Judge has determined that the Complaint sets forth a prima facie violation of Minnesota Statutes § 211B.15, subd. 2.

THEREFORE, IT IS ORDERED AND NOTICE IS GIVEN that this matter is scheduled for a probable cause hearing to be held by telephone before the undersigned Administrative Law Judge at **1:30 p.m.** on Tuesday, **October 28, 2008**. The hearing will be held by call-in telephone conference. You must call: **1-888-790-3257** at that time. When the system asks for your numeric pass code, enter **“19998”** on your phone and you will be connected to the conference. The probable cause hearing will be conducted pursuant to Minnesota Statutes § 211B.34. Information about the probable cause proceedings and copies of state statutes may be found online at www.oah.state.mn.us and www.revisor.leg.state.mn.us.

At the probable cause hearing all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if that choice is not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. Parties should provide to the Administrative Law Judge all evidence bearing on the case, with copies to the opposing party, before the telephone conference takes place. Documents may be emailed to Judge Cervantes at Manuel.Cervantes@state.mn.us or faxed to 651-361-7936.

At the conclusion of the probable cause hearing, the Administrative Law Judge will either: (1) dismiss the complaint based on a determination that the complaint is frivolous, or that there is no probable cause to believe that the violation of law alleged in the complaint has occurred; or (2) determine that there is probable cause to believe that the violation of law alleged in the complaint has occurred and refer the case to the Chief Administrative Law Judge for the scheduling of an evidentiary hearing. Evidentiary

hearings are conducted pursuant to Minnesota Statutes § 211B.35. If the Administrative Law Judge dismisses the complaint, the complainant has the right to seek reconsideration of the decision on the record by the Chief Administrative Law Judge pursuant to Minnesota Statutes § 211B.34, subdivision 3.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at P.O. Box 64620, St. Paul, MN 55164-0620, or call 651-361-7900 (voice) or 651-361-7878 (TDD).

Dated: October 23, 2008

/s/ Manuel J. Cervantes
MANUEL J. CERVANTES
Administrative Law Judge

MEMORANDUM

The Complaint alleges that Respondent 94 West Business Center LLC violated Minn. Stat. § 211B.15 by posting campaign lawn signs promoting the election of Norm Coleman for U.S. Senate and Erik Paulson for U.S. House of Representatives.¹ The signs are located along inter-state highway I-94.

Minnesota Statutes § Section 211B.15, subd. 2, prohibits corporations from making contributions to an individual to promote the individual's candidacy or election to political office within Minnesota. The statute defines "corporation" to mean: "(1) a corporation organized for profit that does business in this state; (2) a nonprofit corporation that carries out activities in this state; or (3) a limited liability company formed under chapter 322B, or under similar laws of another state, that does business in this state."²

The Complaint alleges that Respondent 94 West Business Center LLC is a corporation as defined in the statute. The Complainant has attached information from the Minnesota Secretary of State's website identifying 94 West Business Center as a limited liability company. The Complaint further alleges that billboard space in that area along I-94 is valued at approximately \$2500-3000 per month. The Complaint asserts

¹ The Complaint also states that there is a sign promoting John McCain for President, however, Minnesota Chapter 211B does not govern campaign practices related to candidates for president and vice-president of the United States. See, Minn. Stat. § 211B.01, subd. 3.

² Minn. Stat. § 211B.15, subd. 1 (2008).

that by posting campaign signs on its property, Respondent made a prohibited corporate contribution to Norm Coleman's and Erik Paulsen's campaigns in violation of Minn. Stat. § 211B.15, subd. 2.

After reviewing the Complaint and its attachments, the Administrative Law Judge concludes that the Complaint sets forth a prima facie violation of Minn. Stat. § 211B.15, subd. 2. This matter will proceed to a probable cause hearing as scheduled by this Order.

M.J.C.