

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Jason Metsa and Metsa for House,

Complainants,

vs.

**NOTICE OF ASSIGNMENT
OF PANEL**

Jesse Colangelo and Colangelo for
House,

Respondents.

TO: Parties

On October 16, 2012, Jason Metsa and Metsa for House filed a Campaign Complaint with the Office of Administrative Hearings alleging that Jesse Colangelo and Colangelo for House violated Minnesota Statutes §§ 211B.02 and 211B.06 by preparing and disseminating campaign material that falsely claimed that Mr. Colangelo is endorsed by the National Rifle Association (NRA) in the November 2012 general election. On October 18, 2012, Administrative Law Judge Manuel J. Cervantes determined that the Complaint set forth a *prima facie* violations of Minnesota Statutes §§ 211B.02 and 211B.06.

On October 24, 2012, a probable cause hearing was conducted by telephone conference call, and by Order dated October 26, 2012, the Administrative Law Judge found that there is probable cause to believe that Respondents Jesse Colangelo and Colangelo for House violated Minn. Stat. §§ 211B.02 and 211B.06. The Parties were given until October 31, 2012, to notify the Judge if they wished to waive their right to an evidentiary hearing and permit the appointed three-judge panel to resolve the dispute based on the record developed at the probable cause hearing. By November 9, 2012, both Parties indicated they wished to waive the evidentiary hearing and permit the panel to base its decision on the probable cause record.

THEREFORE, NOTICE IS HEREBY GIVEN that this matter has been assigned to a panel of three Administrative Law Judges for an evidentiary hearing. The assigned Administrative Law Judges are: Manuel J. Cervantes (Presiding Judge), Barbara L. Neilson, and Miriam Rykken. The Office of Administrative Hearings is located at 600 North Robert Street, in St. Paul. All mail to the Office should be addressed to: Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-06120. The Administrative Law Judges may be reached at 651-361-7900. The Office's fax number is 651-361-7936.

IT IS FURTHER ORDERED AND NOTICE IS HEREBY GIVEN that this matter will be considered by the Panel on **Monday, November 19, 2012**, at 2:00 p.m. **No appearance is required** because the parties have agreed to use the probable cause record and written submissions for the final decision.

WITHDRAWAL OF COMPLAINT

At any time before an evidentiary hearing begins, a complainant may withdraw a complaint. After the evidentiary hearing begins, however, a complaint filed may only be withdrawn with the permission of the panel.

COSTS

If the panel determines the complaint is frivolous, it may order the complainant to pay the respondent's reasonable attorney fees and to pay the costs of the office in the proceeding in which the complaint was dismissed.

BURDEN OF PROOF

The burden of proving the allegations in the complaint is on the complainant. The standard of proof of a violation of section 211B.06, relating to false statements in paid political advertising or campaign material, is clear and convincing evidence. The standard of proof of any other violation of chapter 211A or 211B is a preponderance of the evidence.

DISPOSITION OF COMPLAINT

At the conclusion of the evidentiary hearing, the panel must determine whether the violation alleged in the complaint occurred and must make at least one of the following dispositions:

- (1) The panel may dismiss the complaint.
- (2) The panel may issue a reprimand.
- (3) The panel may find that a statement made in a paid advertisement or campaign material violated section 211B.06.
- (4) The panel may impose a civil penalty of up to \$5,000 for any violation of chapter 211A or 211B.
- (5) The panel may refer the complaint to the appropriate county attorney.

The panel must dispose of the complaint within three days after the hearing record closes, if an expedited probable cause hearing was required by section 211B.33; or within 14 days after the hearing record closes, if an expedited probable cause hearing was not required by section 211B.33.

JUDICIAL REVIEW

A party aggrieved by a final decision on a complaint filed under section 211B.32 is entitled to judicial review of the decision as provided in Minn. Stat. §§ 14.63 to 14.69.

Dated: November 15, 2012

/s/ Raymond R. Krause

RAYMOND R. KRAUSE
Chief Administrative Law Judge

cc: Administrative Law Judge Manuel Cervantes
Administrative Law Judge Barbara Neilson
Administrative Law Judge Miriam Rykken
Docket Clerk Diane Nordstrom