

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Shannon Bruce,

Complainant,

**ORDER ON RESPONDENTS' MOTION
FOR SUMMARY DISPOSITION**

v.

Our Minnetrista, David Kolb, Karen
Danielson, Pam Mortenson, John
Tschumperlin, Patricia Thoele, and Lisa
Whalen,

Respondents.

This matter came before Presiding Administrative Law Judge Jessica A. Palmer-Denig on a motion for summary disposition filed by all Respondents in this matter. The record on the motion closed on March 8, 2019.

Erick G. Kaardal, Mohrman, Kaardal & Erickson, P.A., appeared on behalf of Complainant Shannon Bruce. David J. Zoll, Lockridge Grindal Nauen, P.L.L.P., appeared on behalf of Respondents Our Minnetrista, David Kolb, Karen Danielson, Pam Mortenson, John Tschumperlin, Patricia Thoele, and Lisa Whalen.

Based upon the record in this matter, and for the reasons explained in the accompanying Memorandum, the Presiding Administrative Law Judge issues the following:

ORDER

1. The motion for summary disposition is **GRANTED** with respect to the alleged violation of Minn. Stat. § 211B.04 (2018) by Respondent Our Minnetrista. That claim is **DISMISSED**.
2. In all other respects, the motion for summary disposition is **DENIED**.
3. This matter will proceed to an evidentiary hearing on **Tuesday, May 7, 2019**. All prehearing deadlines established by the Prehearing Order issued on **January 22, 2019**, remain in effect.

Dated: March 29, 2019



JESSICA A. PALMER-DENIG

Presiding Administrative Law Judge

MEMORANDUM

I. Background

Complainant filed three complaints with the Office of Administrative Hearings alleging violations of Minnesota's campaign reporting and disclosure requirements. All three complaints relate to municipal elections in Minnetrista, Minnesota.

In the first complaint, filed on November 28, 2018, Complainant alleged violations of law by Respondents Our Minnetrista, Kolb, and Danielson.¹ Complainant asserts that Our Minnetrista operated as a political committee in 2018, in support of Minnetrista city council candidates Mortenson and Tschumperlin. Complainant alleges Kolb is the Chair of Our Minnetrista and Danielson is its Secretary/Treasurer.² The complaint alleged that Our Minnetrista received contributions of more than \$8,000 that it used to support candidates Mortenson and Tschumperlin, and made expenditures of more than \$6,000 in support of their campaigns. The complaint alleges that, despite spending and receiving more than \$750 in a calendar year, Our Minnetrista failed to file any campaign financial reports in violation of Minn. Stat. § 211A.02 (2018). Complainant also alleged that Our Minnetrista prepared and paid for campaign material promoting Mortenson and Tschumperlin, but did not include the disclaimer required on such materials by Minn. Stat. § 211B.04.

On December 27, 2018, Complainant filed two additional complaints with the Office of Administrative Hearings. One complaint alleges that candidates Mortenson and Tschumperlin violated Minn. Stat. §§ 211A.06, .12 (2018) by intentionally concealing Our Minnetrista's contributions and expenditures on their campaign financial reports and by accepting contributions from Our Minnetrista in excess of \$600.³ The other complaint relates to Minnetrista city elections in 2014, alleging that Mortenson, Thoele, and Whalen violated Minn. Stat. §§ 211A.06, .12 (2014) by receiving and misreporting contributions from Our Minnetrista related to their campaigns that year.⁴

Following determinations that all three complaints stated prima facie violations of law,⁵ the Chief Judge consolidated the three complaints into OAH Docket 71-0325-35774.⁶ Respondents filed their motion for summary disposition related to all allegations

¹ *Bruce v. Our Minnetrista*, Complaint, No. 71-0325-35774 (Nov. 28, 2018).

² Complainant's allegations relate to conduct of Our Minnetrista and the Presiding Administrative Law Judge has construed the complaint as alleging actions undertaken by Kolb and Danielson in their official capacities. Therefore, the Presiding Judge refers to these Respondents collectively as "Our Minnetrista." Kolb and Danielson dispute that they occupied any official position with Our Minnetrista, but that is a fact dispute for the hearing and it cannot be resolved at this stage of the proceeding.

³ *Bruce v. Mortenson and Tschumperlin*, Complaint, No. 60-0325-35844 (Dec. 27, 2018).

⁴ *Bruce v. Mortenson, Thoele, and Whalen*, Complaint, No. 60-0325-35845 (Dec. 27, 2018).

⁵ See Notice of Determination of Prima Facie Violation and Order for Prehearing Conference (Dec. 3, 2018); *Bruce v. Mortenson and Tschumperlin*, No. 60-0325-35844, Notice of Determination of Prima Facie Violation and Order for Prehearing Conference (Jan. 2, 2019); and *Bruce v. Mortenson, Thoele and Whalen*, No. 60-0325-35845, Notice of Determination of Prima Facie Violation and Order for Prehearing Conference (Jan. 2, 2019).

⁶ Consolidation Order (Jan. 17, 2019).

on February 8, 2019. Complainant responded on March 1, 2019. Respondents filed their reply brief on March 8, 2019.

II. Summary Disposition Standard

Summary disposition is the administrative equivalent of summary judgment.⁷ The Office of Administrative Hearings has generally followed the summary judgment standards developed in judicial courts in considering motions for summary disposition.⁸ A motion for summary disposition may be granted when no genuine issue of material fact exists.⁹ A genuine issue is one that is not sham or frivolous, and a fact is material if resolving it will affect the result or outcome of the case.¹⁰

The moving party must initially show the absence of a genuine issue of material fact.¹¹ To successfully resist a motion for summary disposition, the non-moving party must show that there are specific facts in dispute which have a bearing on the outcome of the case.¹² The non-moving party must establish facts at issue by substantial evidence, and may not rest upon general averments or denials.¹³ Evidence offered to support or defeat summary judgment must be such evidence as would be admissible at trial,¹⁴ though the evidence presented need not be in a form that would be admissible.¹⁵ “Speculation, general assertions, and promises to produce evidence at trial are not sufficient to create a genuine issue of material fact for trial.”¹⁶

When considering a motion for summary disposition, the evidence must be viewed in the light most favorable to the non-moving party, and doubts and factual inferences must be resolved against the moving party.¹⁷ The trial court’s function is not to decide the facts at issue, but to determine whether a genuine dispute of fact exists.¹⁸

III. Analysis

Respondents deny all of the alleged violations and contend that they are entitled to summary disposition as a matter of law. Complainant asserts that material issues of fact require denial of the motion, or that the absence of facts at issue support granting summary disposition to Complainant. The Presiding Administrative Law Judge

⁷ *Pietsch v. Bd. of Chiropractic Exam’rs*, 683 N.W.2d 303, 306 (Minn. 2004); Minn. R. 1400.5500(K) (2017).

⁸ Minn. R. 1400.6600 (2017); Minn. R. Civ. P. 56.

⁹ *In re Gillette Children’s Specialty Healthcare*, 883 N.W.2d 778, 785 (Minn. 2016).

¹⁰ *Rathbun v. W.T. Grant Co.*, 219 N.W.2d 641 (Minn. 1974).

¹¹ Minn. R. Civ. P. 56.03; *Anderson v. Dept. of Natural Resources*, 693 N.W.2d 181, 191 (Minn. 2005).

¹² Minn. R. Civ. P. 56.05; *DLH, Inc. v. Russ*, 566 N.W.2d 60, 69 (Minn. 1997).

¹³ Minn. R. Civ. P. 56.05; *DLH*, 566 N.W.2d at 70.

¹⁴ *Hopkins by LaFontaine v. Empire Fire & Marine Ins., Co.*, 474 N.W.2d 209, 212 (Minn. Ct. App. 1991).

¹⁵ *Carlisle v. City of Minneapolis*, 437 N.W.2d 712, 715 (Minn. Ct. App. 1989).

¹⁶ *Nicollet Restoration, Inc. v. City of St. Paul*, 533 N.W.2d 845, 848 (Minn. 1995).

¹⁷ *Rochester City Lines, Co. v. City of Rochester*, 868 N.W.2d 655, 661 (Minn. 2015).

¹⁸ *Id.* at 664 (citing *DLH*, 566 N.W.2d 60 at 70).

determines that Respondents' motion should be granted as to one issue, but denied as to the remaining issues.¹⁹

A. Alleged Violation of Minn. Stat. § 211B.04 by Our Minnetrista

The complaint asserts that Our Minnetrista prepared and paid for campaign material promoting Mortenson and Tschumperlin that was distributed at a League of Women Voters Candidate Forum on October 4, 2018.²⁰ The campaign material lacked a disclaimer.²¹

Under Minn. Stat. § 211B.04, it is unlawful to prepare or disseminate most types of campaign material without prominently disclosing the name and address of the person or committee causing the material to be prepared or disseminated.²² The statute requires a disclaimer on the material to read substantially as follows: "Prepared and paid for by the _____ committee _____ (address)."²³ The purpose of the disclaimer requirement is to "identify who or what committee prepared, disseminated and paid for the campaign material."²⁴ "Campaign material" is defined, in relevant part, as any material disseminated for the purpose of influencing voting.²⁵

Respondents contend that a disclaimer was not required because Mortenson and Tschumperlin personally distributed the material at the 2018 event.²⁶ Minn. Stat. § 211B.04 provides an exception to the disclaimer requirement for "fund-raising tickets, business cards, personal letters, or similar items that are clearly being distributed by the candidate."²⁷ This exception does not apply here. The flyers at issue are standard campaign material obtained from a commercial printer, not a personally created letter or similar item, and these materials required a disclaimer regardless of the method of distribution. Notwithstanding this determination, the Presiding Administrative Law Judge concludes that this claim must be dismissed.

Complainant alleged a violation of section 211B.04 by Our Minnetrista, not by Mortenson and Tschumperlin. In the complaint, she noted connections between the candidates and Our Minnetrista, and the existence of other campaign material with a similar appearance that did contain a disclaimer showing it was prepared and paid for by

¹⁹ Complainant requested that summary disposition be granted to her in her response to the motion, an argument she makes only fleetingly. See Compl't's Response to Resp'ts' Motion for Summ. Disposition (Compl't's Response) at 23-24. Complainant did not move for summary disposition and Respondents' did not have sufficient notice that Complainant might seek resolution in a dispositive proceeding. Further, the Presiding Administrative Law Judge determines disputes of fact exist as to a number of Complainant's claims, and this matter will proceed to a hearing on those issues.

²⁰ Complaint at 4; Declaration of Shannon Bruce (Bruce Decl.) ¶ 6, Ex. 8.

²¹ Complaint at 4; Bruce Decl. ¶ 6, Ex. 8.

²² Minn. Stat. § 211B.04, subd. 1(b).

²³ *Id.*

²⁴ *Hansen v. Stone*, No. 4-6326-16911, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER at 4 (Minn. Office Admin. Hearings Oct. 28, 2005).

²⁵ Minn. Stat. § 211B.01, subd. 2 (2018).

²⁶ Complainant disputes this, noting that she picked up the flyers from display holders in the lobby at the event. Bruce Decl. ¶ 6.

²⁷ Minn. Stat. § 211B.04, subd. 3(a).

Our Minnetrista. She asserted that “it is reasonable to assume Our Minnetrista was responsible for producing this literature”²⁸ Complainant’s allegations were sufficient to show a prima facie violation under the limited standard of review used during the earliest phase of the case.²⁹

In support of the motion for summary disposition, however, Mortenson and Tschumperlin both submitted declarations attesting that they personally prepared and paid for the campaign material at issue.³⁰ The costs for preparation of the campaign material were reported as in-kind contributions from the candidates on campaign disclosure forms.³¹ In response, Complainant has not produced any information supporting her claim that Our Minnetrista prepared and paid for the materials. Instead, she reasons generally that disclaimers serve a useful purpose and that the absence of a disclaimer created confusion about the identity of the person or committee who prepared and paid for the material.³²

Complainant must show that specific facts are in dispute,³³ and may not rest upon general averments or denials.³⁴ Complainant has not supported her claims by showing that there is a dispute of fact as to whether Our Minnetrista distributed campaign material lacking a disclaimer. Therefore, the motion for summary disposition is granted as to this issue and this claim is dismissed.

B. Our Minnetrista’s Alleged Campaign Financial Reporting Violations

Complainant alleges that Our Minnetrista meets the definition of a “committee” under Minn. Stat. § 211A.01, subd. 4 (2018). Complainant maintains that Our Minnetrista’s bank records show that it accepted contributions and made disbursements of over \$750 for candidates in 2018, such that it was required to file campaign finance reports under Minn. Stat. § 211A.02.³⁵

Respondents contend that Our Minnetrista was not required to file financial reports regarding its campaign activities. Respondents assert that Our Minnetrista acted as the campaign committees for Mortenson and Tschumperlin in 2018, that the candidates had no other campaign committees for that election, and that all contributions and expenditures were properly accounted for on the candidates’ filed campaign finance reports.³⁶

²⁸ Complaint at 2.

²⁹ See Notice of Determination of Prima Facie Violation and Order for Prehearing Conference at 2-3.

³⁰ See Declaration of Pam Mortenson (Mortenson Decl.) ¶ 13, Ex. A at 7 and Ex. C; Declaration of John Tschumperlin (Tschumperlin Decl.) ¶ 8, Ex. A at 7 and Ex. B. See also Declaration of Karen Danielson (Danielson Decl.) ¶ 9.

³¹ See Danielson Decl. ¶ 9; Exs. A and B.

³² Compl’t’s Response at 37-38.

³³ Minn. R. Civ. P. 56.05; *DLH*, 566 N.W.2d at 69.

³⁴ Minn. R. Civ. P. 56.05; *DLH*, 566 N.W.2d at 70.

³⁵ See Danielson Decl. ¶ 4, Exs. A and B.

³⁶ Mortenson Decl. ¶ 3; Tschumperlin Decl. ¶ 3; Danielson Decl. at ¶ 8.

For the 2018 election, Our Minnetrista created two bank accounts at Wells Fargo.³⁷ One account was designated for Mortenson and the other for Tschumperlin.³⁸ Our Minnetrista solicited campaign contributions for Mortenson and Tschumperlin, but it asserts that it made clear to donors that the contributions would be split evenly between the two candidates.³⁹ Contributors made checks payable to “Our Minnetrista,” but Respondents contend that the contributions were, in fact, contributions for the individual candidates and not to Our Minnetrista.⁴⁰

Our Minnetrista admits that contributions were initially deposited into the account established for Mortenson and then one-half of the contributions were transferred to the bank account for Tschumperlin.⁴¹ When expenditures were paid out at the same time that contributions were being deposited, expenditures were paid from the Mortenson account “rather than transferring funds to the Tschumperlin account only for them to be paid out immediately.”⁴² Our Minnetrista maintains that it tracked the allocation of contributions and expenditures and accurately referenced them on the candidates’ campaign finance reports.⁴³

For purposes of campaign financial reporting, a “committee” is defined, in relevant part, as “a corporation or association or persons acting together to influence the nomination, election, or defeat of a candidate.”⁴⁴ Committees that receive contributions or make expenditures of over \$750 in a calendar year are required to file campaign financial reports under Minn. Stat. § 211A.02.⁴⁵

By Respondents’ own admission, Our Minnetrista is “a group of engaged residents who joined together to promote the election of local officials who share their vision for the community.”⁴⁶ Our Minnetrista also received contributions and made expenditures in excess of \$750.⁴⁷ Our Minnetrista concedes it set up two bank accounts, accepted checks made payable to “Our Minnetrista,” deposited the checks into one account, moved funds into the other account, paid expenditures for the candidates out of both accounts, and in some instances paid expenses for one candidate from the other candidate’s account.⁴⁸ The individual contributors may have intended to donate funds in equal amounts to Mortenson and Tschumperlin, but that is not how the contributions were

³⁷ Danielson Decl. ¶ 4.

³⁸ *Id.*, Exs. A and B. The Wells Fargo accounts appear to have been named “Our Minnetrista Pam” (Ex. A) and “Our Minnetrista John” (Ex. B).

³⁹ Danielson Decl. ¶ 6, Ex. E.

⁴⁰ *Id.* at ¶ 6.

⁴¹ *Id.* at ¶ 7.

⁴² Resp’ts’ Mem. in Support of Summ. Disposition at 3; Danielson Decl. ¶ 7.

⁴³ Danielson Decl. at ¶ 8.

⁴⁴ Minn. Stat. § 211A.01, subd. 4.

⁴⁵ Minn. Stat. § 211A.02, subd. 1.

⁴⁶ Resp’ts’ Mem. in Support of Summ. Disposition at 2; Danielson Decl. ¶ 2.

⁴⁷ Danielson Decl. ¶¶ 4-11, Exs. A - D.

⁴⁸ A candidate’s campaign committee must have its own bank account and cannot mix its funds with any other money. See Minnesota Campaign Finance and Public Disclosure Board, Legislative and Constitutional Office Candidate Handbook at 8 (Rev. July 2, 2018), available at https://cfb.mn.gov/pdf/publications/handbooks/candidate_handbook.pdf?t=1553552630 (viewed on Mar. 26, 2019).

actually made. Moreover, at least one piece of campaign material contains a disclaimer indicating it was “prepared and paid for by ‘Our Minnetrista,’ P.O. Box 193, Mound, MN 55364.”⁴⁹

Viewing the facts in the light most favorable to Complainant, Our Minnetrista was a committee and accepted contributions and made disbursements in an amount requiring it to file campaign financial reports. Complainant has demonstrated disputed issues of material fact exist precluding granting summary disposition in favor of Our Minnetrista on the alleged violations of Minn. Stat. § 211A.02.

C. Alleged Violations by Mortenson and Tschumperlin in 2018

Complainant asserts that Mortenson and Tschumperlin failed to properly account for contributions and expenditures made on their behalf by Our Minnetrista in 2018. Complainant maintains Mortenson and Tschumperlin were required to disclose on their campaign financial reports that Our Minnetrista was the source of the contributions. Instead, the candidates reported the contributions as coming from individual donors. Complainant contends Mortenson and Tschumperlin failed to keep a correct account of Our Minnetrista’s contributions in violation of Minn. Stat. § 211A.06. Complainant also asserts that Respondents violated Minn. Stat. § 211A.12 by accepting contributions from Our Minnetrista in excess of the \$600 contribution limit.

Respondents insist that Our Minnetrista did not make any contributions to the candidates. Instead, Respondents maintain individuals made contributions to the candidates by writing checks payable to “Our Minnetrista,” which were allocated equally among the candidates.⁵⁰ According to Respondents, individual contributors understood they were contributing to the candidates and not “Our Minnetrista” when they wrote their checks. Our Minnetrista maintains that because it accurately accounted for all contributions and expenditures on the individual candidate campaign financial reports, there is no basis to claim Mortenson and Tschumperlin intentionally filed inaccurate reports in order to conceal contributions or disbursements. According to Respondents, one would have to “disregard the clear intent of the contributors [and] elevate form over substance” in order to find a violation of the reporting laws and contribution limits.⁵¹

Minn. Stat. § 211A.02 requires the filing of financial reports by a candidate or committee that receives contributions or pays expenditures of more than \$750 in a calendar year. The reports must identify any individual or committee that has made contributions that in the aggregate exceed \$100.⁵² Under Minn. Stat. § 211A.06, an individual who receives money for a committee is guilty of a misdemeanor if the individual fails to keep a correct account as required by law. Additionally, Minn. Stat. § 211A.12 provides that a “candidate or a candidate’s committee may not accept aggregate contributions made or delivered by an individual or committee in excess of \$600 in an

⁴⁹ Bruce Decl. ¶ 5, Ex. 7.

⁵⁰ Resp’ts’ Reply Mem. at 2.

⁵¹ *Id.*

⁵² Minn. Stat. § 211A.02, subd. 2(6).

election year for the office sought” unless the office has a territory with a population over 100,000.

The Presiding Administrative Law Judge is not persuaded that the violations alleged are form over substance. Even if individual contributors planned for their contributions to be divided between Mortenson and Tschumperlin, they wrote checks to Our Minnetrista. Our Minnetrista deposited the funds into bank accounts it had opened, and then transferred the funds between the accounts and paid campaign expenditures for the candidates. In some instances, Our Minnetrista paid expenditures for Tschumperlin’s campaign from the account designated for Mortenson. Our Minnetrista engaged in all of these activities without ever being identified as a source of the funds on the candidates’ campaign reports. Though Respondents maintain that Our Minnetrista acted as the campaign committee for the candidates, Mortenson and Tschumperlin’s financial reports were filed as candidate reports, rather than campaign committee reports, further obscuring Our Minnetrista’s role in the candidates’ campaigns.⁵³ Additionally, the funds expended by Our Minnetrista greatly exceeded the \$600 contribution limit.

Respondents have not established that there are no facts in dispute or that they are entitled to judgment as a matter of law regarding Complainant’s claims against Mortenson and Tschumperlin. Therefore, summary disposition must be denied as to these claims.

D. Alleged Violations by Mortenson, Thoele, and Whalen in 2014

Complainant alleges candidates Mortenson, Thoele, and Whalen violated Minn. Stat. § 211A.06, .12 during their 2014 campaigns for office.⁵⁴ These allegations mirror Complainant’s claims regarding Mortenson and Tschumperlin’s 2018 candidacies. Respondents acknowledge that the relationship between Our Minnetrista, Mortenson, Thoele, and Whalen in 2014 worked in exactly the same way as the dealings between Our Minnetrista, Mortenson, and Tschumperlin in 2018.⁵⁵ As to the 2014 claims, however, Respondents assert that the allegations are barred by the statute of limitations.⁵⁶

Under Minn. Stat. § 211B.32, subds. 1, 2 (2018), a complaint alleging a violation of chapter 211A or 211B must be filed with the Office of Administrative Hearings “within one year after the occurrence of the act or failure to act that is the subject of the complaint.” The statute contains an exception providing that:

⁵³ Bruce Decl. ¶ 2, Ex. 3.

⁵⁴ In her response to the motion, Complainant contends that Minnetrista 411 is a predecessor to Our Minnetrista, and that it acted as a committee in 2014 but failed to file financial reports. See *Compl’t’s Response* at 24-26. Complainant also suggests that Minnetrista 411 engaged in a scheme related to the use of a tax exemption for a flyer related to the election. *Id.* at 8-9. Complainant pled allegations related to the 2014 elections against three candidates for office, not against Our Minnetrista or Minnetrista 411. Allegations against Minnetrista 411 are not at issue in this proceeding.

⁵⁵ Danielson Decl. ¶¶ 11-12, Ex. D.

⁵⁶ Minn. Stat. § 211B.32, subd. 2 (2018).

if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed with the office within one year after the fraud, concealment, or misrepresentation was discovered.⁵⁷

Viewed in the light most favorable to Complainant, the record shows that Our Minnetrista's role in the 2014 campaigns was concealed by the candidates and could not have been discovered until later. The candidates' campaign financial reports did not disclose funding from Our Minnetrista, though Our Minnetrista solicited contributions, received checks payable to it, and deposited the contributions and made the expenditures on the candidate's behalf.⁵⁸ The 2014 campaign financial reports were also filed as candidate reports, rather than campaign committee reports, though Our Minnetrista asserts it was acting as a campaign committee.⁵⁹ These actions concealed Our Minnetrista's role in the campaigns.

Additionally, Complainant avers that these actions only came to light after she began investigating her concerns about the 2018 campaign.⁶⁰ To file a claim under chapters 211A or 211B, a complainant must "detail the factual basis for the claim that a violation of law has occurred."⁶¹ To survive the prima facie review process, a complaint must include evidence or allege facts that, if accepted as true, would be sufficient to prove a violation occurred.⁶² In cases alleging campaign violations, complainants must come to the process with facts in hand, and cannot rely on speculative assertions to be fleshed out during discovery. Viewing the facts in the light most favorable to Complainant, Respondents concealment of Our Minnetrista's role could not be discovered without substantial digging.

Respondents argue that an August 2016 email put Complainant on notice of the alleged violations. The Presiding Administrative Law Judge is unpersuaded. Kolb sent the email to a number of candidates, including Complainant.⁶³ The email explains that Our Minnetrista is "a group of residents who formed two years ago to help bring improvements to the Minnetrista City Government."⁶⁴ The email requests that the candidates meet with Our Minnetrista so that its members may learn about them and "potentially offer our collective advice and assistance with your campaigns."⁶⁵ Nothing in the email suggests that Our Minnetrista was acting as a committee, processing contributions through its bank accounts, and making expenditures on behalf of the candidates as alleged here.

⁵⁷ *Id.*

⁵⁸ Compare Bruce Decl. ¶ 2, Ex. 2 with Danielson Decl. ¶ 11, Ex. D.

⁵⁹ Bruce Decl. ¶ 2, Ex. 2.

⁶⁰ *Id.* at ¶ 1.

⁶¹ Minn. Stat. § 211B.32, subd. 3 (2018).

⁶² *Barry v. St. Anthony-New Brighton Indep. Sch. Dist.* 282, 781 N.W.2d 898, 902 (Minn. Ct. App. 2010).

⁶³ Bruce Decl. ¶ 10, Ex. 12.

⁶⁴ *Id.*

⁶⁵ *Id.*

Complainant has established, at least at this stage, that Respondents concealed their activities in a manner that prevented discovery of their actions. Therefore, the Administrative Law Judge denies Respondents' request to dismiss the 2014 claims for failure to comply with the statute of limitations. The record is also sufficient to show a dispute of material fact as to the claims against Mortenson, Thoele, and Whalen, related to their 2014 campaigns.

IV. Conclusion

Summary disposition is **GRANTED** with respect to the alleged violation of Minn. Stat. § 211B.04 by Our Minnetrista. In all other respects, Respondents' motion for summary disposition is **DENIED**. This matter will proceed to an evidentiary hearing as ordered.

J. P. D.