

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Shannon Bruce,

Complainant,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

vs.

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

Respondents.

This matter came on for an evidentiary hearing on May 7 and 8, 2019, before the following panel of Administrative Law Judges: Jessica A. Palmer-Denig (Presiding Judge); James E. LaFave, and Jim Mortenson¹ (the Panel). The record closed on June 7, 2019, upon submission of the parties' final written argument.

Erick G. Kaardal, Mohrman, Kaardal & Erickson, P.A., appeared on behalf of Complainant. David J. Zoll and David W. Asp, Lockridge Grindal Nauen, P.L.L.P., appeared on behalf of all Respondents.

STATEMENT OF THE ISSUES

1. Is Respondent Our Minnetrista² a "committee" under Minn. Stat. § 211A.01, subd. 4 (2018), and subject to campaign finance reporting requirements?
2. Did Respondent Our Minnetrista violate Minn. Stat. § 211A.02 (2018) by failing to file campaign financial reports on its own behalf?
3. Did Respondents Mortenson and Tschumperlin violate Minn. Stat. §§ 211A.06 and .12 (2018) in connection with their 2018 campaigns by failing to keep a correct account of Our Minnetrista's contributions and by accepting contributions in excess of \$600 from a single source?

¹ Administrative Law Judge Mortenson is not related to Respondent Mortenson.

² The Panel refers to Respondents Our Minnetrista, David Kolb, and Karen Danielson collectively as "Our Minnetrista." Kolb and Danielson were named in the complaint only in their capacity as Our Minnetrista's leaders and all of their actions relevant to this case were undertaken on behalf of Our Minnetrista. See *Abrahamson v. St. Louis C'ty Sch. Dist.*, 819 N.W. 2d 129, 133 (Minn. 2012).

4. Did Respondents Mortenson, Thoele, and Whalen violate Minn. Stat. §§ 211A.06 and .12 (2014), in connection with their 2014 campaigns by failing to keep a correct account of Our Minnetrista's contributions and by accepting contributions in excess of \$600 from a single source?

5. Are claims related to the 2014 campaigns barred by the one-year statute of limitations in Minn. Stat. § 211B.32, subd. 2 (2018)?

6. If the alleged violations are proven, what penalties are appropriate?

SUMMARY OF CONCLUSIONS

Respondent Our Minnetrista is a committee under Minn. Stat. § 211A.01, subd. 4. Our Minnetrista violated Minn. Stat. § 211A.02 in 2018 by failing to file campaign financial reports despite spending more than \$750 in support of candidates.

With regard to the 2018 campaigns, Respondents Mortenson and Tschumperlin violated Minn. Stat. § 211A.12 by accepting contributions in excess of \$600 from Our Minnetrista. Complainant failed to establish that Respondents Mortenson and Tschumperlin violated Minn. Stat. § 211A.06 in 2018.

Complainant's claims regarding the 2014 campaigns of Respondents Mortenson, Thoele, and Whalen are not time barred. Complainant demonstrated that Respondents Mortenson, Thoele, and Whalen violated Minn. Stat. § 211A.12 by accepting contributions in excess of \$600 from Our Minnetrista. Complainant failed to establish that Respondents Mortenson, Thoele, and Whalen violated Minn. Stat. § 211A.06 in 2014.

Our Minnetrista shall pay a penalty in the amount of \$2,000. Respondent Mortenson shall pay a penalty of \$1,200, and Respondents Thoele, Whalen, and Tschumperlin shall each pay a penalty in the amount of \$600.

FINDINGS OF FACT

I. Our Minnetrista

1. In March or April of 2014, a group of residents of Minnetrista, Minnesota joined together to express their concerns about city government and determined that they wished to elect individuals into office who shared their vision for the community.³ The group called itself "Our Minnetrista,"⁴ and it met approximately every four to six weeks during 2014.⁵

2. David Kolb and Karen Danielson were founding members of Our Minnetrista and both took on leadership roles in the organization.⁶

³ Testimony (Test.) of Karen Danielson; Test. of Deani Montang; Test. of Pam Mortenson; Exhibit (Ex.) 24.

⁴ Test. of K. Danielson.

⁵ *Id.*

⁶ Test. of David Kolb; Ex. 61.

3. Our Minnetrista established and maintained a website at the web address: www.ourminnetrista.org.⁷

II. 2014 Minnetrista City Elections

4. In 2014, Our Minnetrista promoted the election of three candidates to local office in the City of Minnetrista: Pam Mortenson, Lisa Whalen, and Patricia Thoele.⁸

5. Mortenson and Thoele ran for seats on the Minnetrista City Council. Neither Mortenson nor Thoele had run for public office before.⁹ Whalen sought election as mayor of Minnetrista. Prior to her 2014 mayoral bid, Whalen served for several years on the Minnetrista City Council.¹⁰

6. Our Minnetrista coordinated its campaign efforts in support of Mortenson, Whalen, and Thoele.¹¹ Our Minnetrista solicited contributions on behalf of all three candidates and prepared and disseminated campaign material that promoted all three candidates.¹²

7. Respondent Danielson volunteered to be Our Minnetrista's Treasurer/Finance Chair.¹³ The candidates considered Our Minnetrista to be their campaign committee and Danielson to be their campaign treasurer.¹⁴ The candidates had no other campaign committees.¹⁵

8. Danielson sought advice from the Minnetrista city clerk, the Minnesota Campaign Finance and Public Disclosure Board (Campaign Finance Board), and the Minnesota Office of the Secretary of State on how best to account for contributions and expenditures for multiple candidates.¹⁶

9. Respondent Kolb sent an email on July 18, 2014, informing members of Our Minnetrista that he and Danielson had been working on the best way to "structure the finances of the campaign."¹⁷ Kolb stated that Danielson had determined the best approach was to set up one campaign account under the name of Our Minnetrista, which would "be legally considered a 'committee' for reporting purposes."¹⁸ Kolb stated that Our Minnetrista would file three campaign financial reports, one for each candidate.¹⁹ Kolb directed members to make donations payable to Our Minnetrista and explained that

⁷ Ex. 24; Test. of D. Kolb.

⁸ Test. of Lisa Whalen; Ex. 63 at ¶ 11; Ex. 110.

⁹ Test. of P. Mortenson; Test. of Patricia Thoele.

¹⁰ Test. of L. Whalen.

¹¹ Ex. 61; Ex. 63 at ¶ 11; Ex. 110.

¹² Test. of K. Danielson; Ex. 63 at ¶ 11. See e.g., Ex. 110.

¹³ Test. of K. Danielson; Test. of P. Thoele; Test. of John Tschumperlin.

¹⁴ Test. of P. Mortenson; Test. of L. Whalen; Test. of P. Thoele.

¹⁵ Test. of P. Mortenson; Test. of L. Whalen; Test. of P. Thoele.

¹⁶ Test. of K. Danielson; Test. of P. Mortenson.

¹⁷ Ex. 61.

¹⁸ *Id.*

¹⁹ *Id.*

the contribution limit for an individual was \$1,800, or \$600 per candidate.²⁰ Kolb stressed the “need to follow the rules and keep very accurate records.”²¹

10. For the 2014 election, Danielson ultimately opened separate checking accounts at Wells Fargo under Our Minnetrista’s name with one account designated for each candidate.²²

11. An Our Minnetrista member established a PayPal account in Our Minnetrista’s name to accept online donations for the candidates.²³ Our Minnetrista was the PayPal account holder.²⁴ Online donations to the candidates via PayPal went to Our Minnetrista.²⁵

12. When it solicited contributions, Our Minnetrista directed donors to make checks payable to Our Minnetrista.²⁶ Our Minnetrista informed potential donors that, unless the donor indicated otherwise, contributions would be split evenly among the candidates.²⁷

13. Because contribution checks were made payable to Our Minnetrista and not the candidates, the candidates did not see the checks.²⁸ Instead, Danielson collected and deposited the checks.²⁹

14. Upon receiving contributions from donors, Danielson initially deposited the funds into one candidate’s account and then transferred equal shares to the other two accounts.³⁰ All contributions and expenditures were split evenly among the three candidates.³¹ Danielson maintained an electronic spreadsheet of all contributions received and expenditures made on behalf of the three candidates.³²

15. Our Minnetrista received at least one donation of \$750, six donations of \$1,000, and one donation of \$1,800 in 2014.³³ Danielson allocated these contributions in equal amounts to Mortenson, Thoele, and Whalen.³⁴

²⁰ *Id.*

²¹ *Id.*

²² Test. of K. Danielson; Ex. 63 at ¶ 11.

²³ Test. of K. Danielson; Exs. 37, 50.

²⁴ Ex. 37.

²⁵ *Id.*

²⁶ Test. of K. Danielson.

²⁷ Test. of K. Danielson; Test. of P. Mortenson; Ex. 111.

²⁸ Test. of L. Whalen.

²⁹ Test. of K. Danielson.

³⁰ *Id.*; Ex. 63 at ¶¶ 7, 10

³¹ Test. of L. Whalen; Test. of P. Mortenson; Test. of P. Thoele. See Exs. 3, 6, 9 (campaign finance reports disclosing contributions and expenditures in identical amounts for candidates Mortenson, Thoele and Whalen). See *also* Ex. 50 (copies of checks and PayPal receipt).

³² Test. of K. Danielson; Ex. 108.

³³ Exs. 50-52.

³⁴ Test. of K. Danielson: Exs. 3, 4, 6, 7, 9, 10, 63 at ¶¶ 7, 10.

16. Two donations to Our Minnetrista were drawn on corporate bank accounts, but these contributions were reported on the candidates' campaign financial reports as having been made by individuals.³⁵ These contributions were divided equally between the three candidates as well.³⁶

17. Our Minnetrista used contributions it received in 2014 to prepare and pay for a campaign flyer promoting the candidacies of Whalen, Thoele, and Mortenson. The flyer stated that the candidates were "endorsed by Our Minnetrista." The return mailing address on the flyer was: "Our Minnetrista, P.O. Box 321, Mound, MN 55364."³⁷ The cost of printing and mailing the flyer was spread equally among the three candidates' accounts.³⁸

18. Danielson prepared campaign financial reports for each candidate.³⁹ Danielson identified them as "candidate" reports as opposed to "campaign committee" reports.⁴⁰ She sent the reports to the candidates to review and approve,⁴¹ and upon receiving approval, Danielson filed the reports with the Minnetrista city clerk.⁴²

19. The campaign financial reports for Mortenson, Thoele, and Whalen did not list any contributions from Our Minnetrista.⁴³ Instead, Danielson listed all contributions as having come from the individuals who contributed to Our Minnetrista.⁴⁴ Mortenson, Thoele and Whalen were aware that the individual donors identified on their campaign financial reports had actually made their contributions to Our Minnetrista with the understanding that Our Minnetrista would apportion the contributions equally among the candidates.⁴⁵

20. Mortenson, Thoele and Whalen were also aware that the expenditures listed on their 2014 financial reports as having been made by them, were actually made by Our Minnetrista.⁴⁶

21. Because Danielson split all contributions and expenditures evenly among the three candidates, the 2014 campaign financial reports for Mortenson, Thoele and Whalen reflect nearly identical contribution and expenditure amounts.⁴⁷ For example, Danielson reported a \$7,838.82 payment to a vendor for printing services on each candidate's report as a \$2,612.94 printing expenditure.⁴⁸ Likewise, Danielson accounted

³⁵ Ex. 56; Test. of S. Bruce; Test. of K. Danielson; Ex. 100, 101, 103.

³⁶ Exs. 100, 101, 103.

³⁷ Ex. 110.

³⁸ Test. of K. Danielson.

³⁹ *Id.*

⁴⁰ See Exs. 3-11.

⁴¹ Test. of P. Mortenson; Test. of L. Whalen; Test. of P. Thoele; Test. of K. Danielson. See Exs. 59, 60.

⁴² Test. of K. Danielson; Ex. 63 at ¶ 14.

⁴³ See Exs. 3-11.

⁴⁴ See Exs. 3-11.

⁴⁵ Test. of P. Mortenson; Test. of P. Thoele; Test. of L. Whalen; Test. of K. Danielson.

⁴⁶ Test. of P. Mortenson; Test. of P. Thoele; Test. of L. Whalen; Test. of K. Danielson.

⁴⁷ Test. of K. Danielson. See Exs. 3-11.

⁴⁸ Test. of S. Bruce. See Exs. 17, 108 (Danielson's 2014 electronic ledger reflecting Sept. 22, 2014 payment to Tandem Printing).

for several \$1,000 contributions made to Our Minnetrista as separate contributions of either \$333.33 or \$333.34 to the candidates.⁴⁹

22. On or about August 8, 2014, Danielson completed and filed campaign financial reports for Mortenson, Thoele, and Whalen for the reporting period of July 29, 2014 through August 8, 2014.⁵⁰ Each of the three reports identify the same five donors and indicate that the candidate received a total of either \$1,033.33 or \$1,033.34 in contributions.⁵¹

23. On or about October 24, 2014, Danielson completed and filed campaign financial reports for the three candidates governing the reporting period of August 9, 2014 through October 24, 2014.⁵² The candidate report for Mortenson indicates that she received a total of \$4,808.34 in contributions from 42 individuals.⁵³ Thoele's candidate report for the same period indicates she received a total of \$4,808.35 from the same 42 individuals.⁵⁴ Whalen's report for the same period indicates that she received \$4,807.38 from the same 42 individuals.⁵⁵ All three reports are dated October 24, 2014, and signed by Danielson.⁵⁶

24. On or about December 4, 2014, Danielson completed and filed final campaign financial reports for the reporting period of October 25, 2014 through December 4, 2014, for the three candidates.⁵⁷ All three reports identify the same seven contributing donors and disclose contributions to Mortenson in the amount of \$1,030.41,⁵⁸ to Thoele in the amount of \$1,030.40,⁵⁹ and to Whalen in the amount of \$1,031.40.⁶⁰

25. The final campaign financial reports for Mortenson, Thoele, and Whalen also disclose that each candidate received in-kind contributions in the amount of \$765.77, including an in-kind contribution from Mortenson in the amount of \$200, and an in-kind contribution from Whalen in the amount of \$288.10.⁶¹

26. City clerks are required to post campaign financial reports filed by candidates or committees on the city government's website for at least four years.⁶² The campaign finance reports filed by Danielson on behalf of candidates Mortenson, Thoele and Whalen were available on the city of Minnetrista's website after they were filed.⁶³

⁴⁹ See Exs. 43, 108 (Danielson's 2014 electronic ledger reflecting contribution from C. Hales).

⁵⁰ Exs. 3, 6, 9.

⁵¹ Exs. 3, 6, 9.

⁵² Exs. 4, 7, 10.

⁵³ Ex. 4.

⁵⁴ Ex. 7.

⁵⁵ Ex. 10.

⁵⁶ Exs. 4, 7, 10.

⁵⁷ Exs. 5, 8, 11.

⁵⁸ Ex. 5.

⁵⁹ Ex. 8.

⁶⁰ Ex. 11.

⁶¹ Exs. 5, 8, 11.

⁶² Minn. Stat. § 211A.02, subd. 6.

⁶³ Test. of S. Bruce.

27. Whalen won election to the office of mayor of Minnetrista in 2014 by less than 200 votes.⁶⁴ Mortenson and Thoele were elected to city council seats.⁶⁵

28. Following the November 2014 general election, Danielson closed the three Our Minnetrista checking accounts that she had opened for candidates Mortenson, Thoele and Whalen.⁶⁶

29. Our Minnetrista did not file any campaign financial reports in its own name disclosing contributions it received or expenditures it made in 2014.

30. Because Our Minnetrista failed to file financial reports disclosing contributions it received and expenditures it made, and due to the manner in which Danielson reported the contributions and expenditures on the candidate's reports, Our Minnetrista's role in the candidates' campaigns was concealed from the public. Its activities could not have been discovered within one year of the 2014 election. Complainant did not discover Our Minnetrista's role until after the 2018 elections.

III. The 2016 Minnetrista Elections

31. In August of 2016, Respondent Kolb sent an email to several candidates for Minnetrista city offices, including Complainant.⁶⁷ Kolb described Our Minnetrista as "a group of residents who formed two years ago to help bring improvements to the Minnetrista City Government."⁶⁸ Kolb requested that the candidates meet with Our Minnetrista so that its members could learn about the candidates and "potentially offer our collective advice and assistance with your campaigns."⁶⁹

32. Complainant met with Kolb and at least two other members of Our Minnetrista prior to the 2016 general election.⁷⁰

33. Ultimately, Our Minnetrista did not endorse or support any candidates in the 2016 Minnetrista elections.⁷¹

34. Complainant was elected to the Minnetrista City Council in 2016.⁷²

⁶⁴ Ex. 54.

⁶⁵ *Id.*; Test. of P. Mortenson.

⁶⁶ Test. of K. Danielson.

⁶⁷ Ex. 24.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Test. of S. Bruce.

⁷¹ *Id.*; Ex. 48.

⁷² Test. of S. Bruce.

IV. The 2018 Minnetrista Elections

35. In January of 2018, members of Our Minnetrista invited Respondent Tschumperlin to meet with them.⁷³ Tschumperlin had served on Minnetrista's planning committee, but he had never run for elected office prior to 2018.⁷⁴

36. At the meeting, members of Our Minnetrista asked Tschumperlin to explain his position on a variety of issues.⁷⁵ Ultimately, Our Minnetrista members encouraged Tschumperlin to run for city council and offered their assistance with his campaign.⁷⁶

37. Our Minnetrista also supported Respondent Mortenson in a bid for re-election to City Council in 2018.⁷⁷

38. Danielson again agreed to serve as the treasurer for the candidates' campaigns. Danielson contacted Wells Fargo to establish campaign checking accounts for Mortenson and Tschumperlin under Our Minnetrista's name.⁷⁸ Danielson was advised by a bank employee that she needed to register the name "Our Minnetrista" as an assumed name with the Minnesota Secretary of State's Office in order to open the checking accounts.⁷⁹

39. On or about March 27, 2018, Danielson registered "Our Minnetrista" as an assumed name and paid a \$50 filing fee to the Minnesota Secretary of State's office.⁸⁰

40. Danielson then opened checking accounts in Our Minnetrista's name for Mortenson and Tschumperlin at Wells Fargo.⁸¹ The account designated for Mortenson was named "Our Minnetrista Pam."⁸² The account designated for Tschumperlin was called "Our Minnetrista John."⁸³

41. Mortenson and Tschumperlin considered Our Minnetrista to be their campaign committee and Danielson to be their campaign treasurer.⁸⁴ The candidates had no other campaign committees.⁸⁵

⁷³ Test. of J. Tschumperlin.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Test. of P. Mortenson; Ex. 20.

⁷⁸ Test. of K. Danielson.

⁷⁹ *Id.*

⁸⁰ *Id.*; Exs. 44, 45.

⁸¹ Test. of K. Danielson, Exs. 106, 107.

⁸² Ex. 106; Ex. 63, Attachment A.

⁸³ Ex. 107; Ex. 63, Attachment B.

⁸⁴ Test. of P. Mortenson; Test. of J. Tschumperlin.

⁸⁵ Test. of P. Mortenson; Test. of J. Tschumperlin.

42. Our Minnetrista disseminated campaign flyers in support of Mortenson and Tschumperlin. Some flyers included a disclaimer stating, “prepared and paid for by Our Minnetrista,”⁸⁶ and others included the statement: “Endorsed by Our Minnetrista.”⁸⁷

43. As it had in 2014, Our Minnetrista solicited campaign contributions on behalf of its selected candidates. In June of 2018, Our Minnetrista distributed a letter to residents advising them of Mortenson’s and Tschumperlin’s candidacies for seats on the Minnetrista City Council.⁸⁸ The letter requested that donations be made to Our Minnetrista to cover costs related to printing campaign material.⁸⁹ The letter included a donation form for residents to complete and return with their donation.⁹⁰ The form indicated that, unless otherwise specified, all donations would be split equally between Mortenson and Tschumperlin.⁹¹

44. On July 18, 2018, Deani Montang wrote a check to Our Minnetrista in the amount of \$150.⁹² Ms. Montang intended that her \$150 contribution be divided evenly between Mortenson and Tschumperlin.⁹³

45. Our Minnetrista also promoted Mortenson’s and Tschumperlin’s candidacies on its website and included a link for persons to donate to their campaigns online via PayPal.⁹⁴

46. Upon receiving contributions, Danielson initially deposited the funds into the account designated for Mortenson, and then transferred an equal share of the contribution into the account designated for Tschumperlin.⁹⁵ In some cases, when expenditures were paid out at or near the same time contributions were being deposited, Danielson paid expenditures for Tschumperlin’s campaign from the Mortenson account rather than transfer the funds between accounts.⁹⁶

47. Danielson maintained an electronic spreadsheet of all contributions received and expenditures made on behalf of Mortenson and Tschumperlin.⁹⁷

48. Danielson completed the campaign financial reports for Mortenson and Tschumperlin.⁹⁸ Danielson marked the reports as “candidate” reports as opposed to “campaign committee” reports.⁹⁹ Once completed, she sent the reports to the candidates

⁸⁶ Ex. 19.

⁸⁷ Ex. 20.

⁸⁸ Ex. 109.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Test. of D. Montang; Exs. 102, 104.

⁹³ Test. of D. Montang; Exs. 102, 104.

⁹⁴ Test. of S. Bruce; Exs. 26, 27, 28.

⁹⁵ Test. of K. Danielson; Test. of J. Tschumperlin.

⁹⁶ Ex. 63 at ¶ 7.

⁹⁷ Test. of K. Danielson; Ex. 105.

⁹⁸ Test. of K. Danielson.

⁹⁹ See Exs. 12-15.

to review and approve.¹⁰⁰ Upon approval, Danielson filed the reports with the Minnetrista city clerk.¹⁰¹

49. Our Minnetrista allocated contributions it received and expenditures it paid on behalf of Mortenson and Tschumperlin equally between the two candidates' campaign financial reports. Danielson reported all contributions as having come from the individuals who donated to Our Minnetrista, and the expenditures as being paid by the candidates, rather than Our Minnetrista.¹⁰²

50. Mortenson and Tschumperlin were aware that the individual donors identified on their 2018 campaign financial reports actually made their contributions to Our Minnetrista with the understanding that Our Minnetrista would apportion the contributions equally between them.¹⁰³ Mortenson and Tschumperlin were also aware that they had not made the expenditures listed on their 2018 financial reports, but that these payments were actually made by Our Minnetrista.¹⁰⁴

51. In candidate campaign financial reports for the reporting period of July 19, 2018 through August 1, 2018, both Mortenson and Tschumperlin reported receiving \$1,362.50 in contributions from the same 19 individuals.¹⁰⁵ The reports are dated August 1, 2018 and signed by Danielson.¹⁰⁶

52. In candidate campaign financial reports for the reporting period of August 2, 2018 through October 26, 2018, Mortenson and Tschumperlin reported receiving contributions of \$2,719.01 and \$2,719.02, respectively, from the same 28 individuals.¹⁰⁷ The contributions included in-kind donations from Tschumperlin, Kolb, and Mortenson totaling of \$419.02.¹⁰⁸ Danielson signed the reports, which were dated October 26, 2018.¹⁰⁹

53. In final campaign financial reports, for the reporting period October 26, 2018 through December 6, 2018, Mortenson and Tschumperlin reported receiving contributions of \$50.23 and \$50.22, respectively.¹¹⁰ The reports are dated December 6, 2018, and were signed by Danielson.¹¹¹

54. In 2018, Complainant noticed campaign fliers and signs disseminated throughout the city by Our Minnetrista in support of Mortenson and Tschumperlin.¹¹² She

¹⁰⁰ Test. of J. Tschumperlin.

¹⁰¹ Test. of K. Danielson.

¹⁰² See Exs. 12-15, 105.

¹⁰³ Test. of P. Mortenson; Test. of J. Tschumperlin; Test. of K. Danielson.

¹⁰⁴ Test. of P. Mortenson; Test. of J. Tschumperlin; Test. of K. Danielson.

¹⁰⁵ Exs. 12, 14 at 3-4.

¹⁰⁶ Exs. 12, 14 at 3-4.

¹⁰⁷ Exs. 13, 14 at 5-8.

¹⁰⁸ Exs. 13, 14 at 5-8.

¹⁰⁹ Exs. 13, 14 at 5-8.

¹¹⁰ Exs. 14, 15.

¹¹¹ Exs. 14, 15.

¹¹² Test. of S. Bruce.

visited the city of Minnetrista's website to determine if Our Minnetrista had filed any campaign financial reports disclosing its activities.¹¹³ While she found candidate reports for Mortenson and Tschumperlin, she found no reports filed for Our Minnetrista.¹¹⁴

55. Complainant reviewed the campaign financial reports filed for Mortenson and Tschumperlin and noticed that both candidates reported identical contributions from the same individual donors and the same expenditures.¹¹⁵ Complainant also noticed that some contribution amounts were unusual, such as \$37.50 from the same individual donor.¹¹⁶

56. Our Minnetrista did not file any campaign financial reports in its own name disclosing contributions it received or expenditures it made in 2018.¹¹⁷

IV. Procedural History

57. In November and December 2018, Complainant filed three complaints with the Office of Administrative Hearings alleging violations of Minnesota's campaign reporting and disclosure requirements relating to the 2014 and 2018 municipal elections in Minnetrista.¹¹⁸

58. Following determinations that all three complaints stated prima facie violations of campaign practice and finance regulations, the Chief Administrative Law Judge consolidated the complaints into OAH Docket 71-0325-35774.¹¹⁹

59. Respondents moved for summary disposition on February 8, 2019. By Order dated March 29, 2019, the Presiding Administrative Law Judge granted in part and denied in part Respondents' motion for summary disposition.¹²⁰

60. The assigned Panel held an evidentiary hearing at the Office of Administrative Hearings on May 7 and 8, 2019.¹²¹ The record closed on June 7, 2019, with the receipt of final submissions from the parties.

Based upon the foregoing Findings of Fact, the Panel makes the following:

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.* Compare Ex. 13 with 14 at 5-6.

¹¹⁶ Test. of S. Bruce. See Exs. 12, 14 at 3-4.

¹¹⁷ Test. of K. Danielson.

¹¹⁸ *Bruce v. Our Minnetrista*, Complaint, No. 71-0325-35774 (Nov. 28, 2018); *Bruce v. Mortenson and Tschumperlin*, Complaint, No. 60-0325-35844 (Dec. 27, 2018); and *Bruce v. Mortenson, Thoele, and Whalen*, Complaint, No. 60-0325-35845 (Dec. 27, 2018).

¹¹⁹ See Consolidation Order (Jan. 17, 2019).

¹²⁰ Order on Respondents' Motion for Summary Disposition (Mar. 29, 2019).

¹²¹ See Notice of Assignment of Panel (Apr. 11, 2019).

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction to consider this matter pursuant to Minn. Stat. § 211B.35 (2018).

2. Complainant must prove her allegations by a preponderance of the evidence.¹²²

3. Under Minn. Stat. § 211B.32, subd. 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.” An exception to the one-year filing requirement exists:

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.¹²³

4. Under Minn. Stat. § 211A.02, subd. 1, candidates or committees who receive contributions or make disbursements of over \$750 in a calendar year must file financial reports with the appropriate filing officer. A candidate or committee shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursement of more than \$750 and shall continue to make the reports listed in Minn. Stat. § 211A.02, subd. 1(b) until a final report is filed.¹²⁴

5. A “contribution” is “anything of monetary value that is given or loaned to a candidate or committee for a political purpose.”¹²⁵ An “in-kind” contribution refers to anything of value that is given, other than money.¹²⁶

6. A “disbursement” is defined as “money, property, office, position, or any other thing of value that passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent.”¹²⁷

7. A “committee” is defined, in part, to mean “a corporation or association or persons acting together to influence the nomination, election, or defeat of a candidate.”¹²⁸

8. Our Minnetrista was an association of persons acting together to influence the election of candidates in the 2014 and 2018 Minnetrista city elections. Our Minnetrista was a “committee” for purposes of Minn. Stat. § 211A.01, subd. 4.

¹²² Minn. Stat. § 211B.32, subd. 4 (2018).

¹²³ *Id.*

¹²⁴ Minn. Stat. § 211A.02, subd. 1(a).

¹²⁵ Minn. Stat. § 211A.01, subd. 5 (2018).

¹²⁶ *See generally* Minn. Stat. § 10A.01, subd. 13 (2018).

¹²⁷ Minn. Stat. § 211A.01, subd. 6.

¹²⁸ Minn. Stat. § 211A.01, subd. 4.

9. Our Minnetrista received campaign contributions and made campaign disbursements of more than \$750 in 2018. Our Minnetrista was required to file campaign financial reports with the Minnetrista city clerk in 2018.¹²⁹

10. Complainant established by a preponderance of the evidence that Respondent Our Minnetrista violated Minn. Stat. § 211A.02, subd. 1, by failing to file campaign financial reports after receiving contributions or making disbursements of more than \$750 in 2018.

11. Our Minnetrista's role in the 2014 campaigns of Mortenson, Thoele, and Whalen was concealed by Our Minnetrista's failure to file campaign financial reports and the failure of Our Minnetrista and the candidates to identify contributions made by, and expenditures paid by, Our Minnetrista on the candidates' campaign reports.

12. Such concealment could not have been discovered within one year of the 2014 elections. Complainant did not discover the facts related to the 2014 elections until after the 2018 elections occurred. Complainant timely filed her complaints within one year after the concealment was discovered.¹³⁰

13. Based on its violations of Minn. Stat. § 211A.02, it is appropriate to assess a civil penalty against Our Minnetrista in the amount of \$2,000.

14. Minn. Stat. § 211A.06 provides, in part, that a treasurer or other individual who receives money for a committee is guilty of a misdemeanor if the individual fails to keep correct account and does so "with the intent to conceal receipts or disbursements."¹³¹

15. Complainant failed to establish by a preponderance of the evidence that Respondents Mortenson, Thoele, Whalen, or Tschumperlin failed to keep accurate accounts of their campaign finances with the intent to conceal receipts or disbursements in violation Minn. Stat. § 211A.06.

16. Minn. Stat. § 211A.12 prohibits local candidates in voting districts with fewer than 100,000 residents from accepting more than \$600 in contributions from any individual or committee. The statute reads in relevant part:

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 election year for the office sought and \$250 in other years; except that a candidate or a candidate's committee for an office whose territory has a population over 100,000 may not accept aggregate contributions made or delivered by an individual or committee in excess of \$1,000 in an election year for the office sought and \$250 in other years.¹³²

¹²⁹ Minn. Stat. § 211A.02, subd. 1(a).

¹³⁰ *Id.*

¹³¹ Minn. Stat. § 211A.06 (1), (4).

¹³² Minn. Stat. § 211A.12.

17. Complainant established that Respondents Mortenson, Thoele, and Whalen violated Minn. Stat. § 211A.12 by accepting contributions in excess of \$600 from Our Minnetrista in 2014.

18. Complainant established that Respondents Mortenson and Tschumperlin violated Minn. Stat. § 211A.12 by accepting contributions in excess of \$600 from Our Minnetrista in 2018.

19. Based on their violations of Minn. Stat. § 211A.12, it is appropriate to require Respondent Mortenson to pay a civil penalty of \$1,200, and for Respondents Thoele, Whalen, and Tschumperlin each to pay a civil penalty in the amount of \$600.

Based upon the record, and for the reasons stated in the following Memorandum, which is incorporated herein, the Panel makes the following:

ORDER

1. By 4:30 p.m. on August 1, 2019, Respondent Our Minnetrista shall pay a civil penalty of \$2,000 for violating Minn. Stat. § 211A.02.

2. By 4:30 p.m. on August 1, 2019, Respondent Mortenson shall pay a civil penalty of \$1,200 for violating Minn. Stat. § 211A.12.

3. By 4:30 p.m. on August 1, 2019, Respondents Thoele, Whalen, and Tschumperlin shall each pay a civil penalty of \$600 for violating Minn. Stat. § 211A.12.

4. Penalties shall be paid by a check made to the order of "Treasurer, State of Minnesota," and remitted to the Office of Administrative Hearings. The docket number, 71-0325-35774, shall be included on the check.

5. By August 1, 2019, Respondent Our Minnetrista shall file a campaign financial report regarding its 2018 campaign activities with the City of Minnetrista filing officer and submit a copy of the report to the Office of Administrative Hearings.

6. By August 1, 2019, Respondents Mortenson and Tschumperlin shall file corrected 2018 campaign financial reports with the City of Minnetrista filing officer and submit copies of the reports to the Office of Administrative Hearings.

7. By August 1, 2019, Respondents Mortenson, Thoele, and Whalen shall file corrected 2014 campaign financial reports with the City of Minnetrista filing officer and submit copies of the reports to the Office of Administrative Hearings.

8. Complainant's alleged violations of Minn. Stat. 211A.06 are **DISMISSED**.

Dated: June 21, 2019


JESSICA A. PALMER-DENIG
Presiding Administrative Law Judge


JAMES E. LAFAVE
Administrative Law Judge


JIM MORTENSON
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 211B.36, subd. 5 (2018), this is the final decision in this case. Under Minn. Stat. § 211B.36, subd. 5, a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63-.69 (2018).

MEMORANDUM

I. Our Minnetrista's Campaign Financial Reporting Violations

Minnesota law provides that committees receiving contributions or making disbursements of over \$750 in a calendar year are required to file campaign financial reports under Minn. Stat. § 211A.02.¹³³ 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."¹³⁴

Respondents have expressly admitted that Our Minnetrista is "a group of engaged residents who joined together to promote the election of local officials."¹³⁵ Our Minnetrista was a "committee" for campaign finance reporting purposes. Our Minnetrista also received contributions and made disbursements in excess of \$750 in 2018.¹³⁶ Our Minnetrista concedes it opened bank accounts in its own name, accepted checks made payable to "Our Minnetrista," deposited the funds into one account, transferred funds into

¹³³ Minn. Stat. § 211A.02, subd. 1.

¹³⁴ Minn. Stat. § 211A.01, subd. 4.

¹³⁵ Resp'ts' Mem. in Support of Summ. Disposition at 2; Ex. 63 at ¶ 2.

¹³⁶ Ex. 63 at ¶¶ 4-11, Attachments A - D.

other accounts, paid expenditures for the candidates, and in some instances, it paid expenses for one candidate from another candidate's account.¹³⁷

Our Minnetrista claims that individual contributors intended to donate funds in equal amounts to the candidates themselves. Therefore, Our Minnetrista contends it did not actually receive funds or make expenditures. The facts here are in direct opposition to that claim. Donors wrote checks payable to Our Minnetrista; the checks were deposited into accounts opened by and held in the name of Our Minnetrista; and Our Minnetrista used those funds to pay expenses for the candidates' campaigns. Additionally, 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."¹³⁸

Respondents insist that Our Minnetrista acted as the campaign committee for the candidates and that all contributions and expenditures were properly accounted for on the candidates' filed campaign financial reports.¹³⁹ Therefore, Respondents maintain that Our Minnetrista was not required to file its own campaign financial reports. The Panel rejects this argument.

Our Minnetrista operated independently of the candidates in this case, and in fact solicited candidates to run for office starting in 2014. The organization continued to operate in the 2016 and 2018 elections. Though it did not promote candidates in the 2016 elections, it supported multiple candidates in 2014 and 2018. Our Minnetrista is a "political committee" in that it is "an association whose major purpose is to influence the nomination or election of one or more candidates . . . , other than a principal campaign committee or a political party unit."¹⁴⁰ It was not a "principal campaign committee" for any candidate. A principal campaign committee is an association designated or formed by a candidate for each office sought.¹⁴¹ A candidate has control over a principal campaign committee, and "may at any time without cause remove and replace the chair, treasurer, deputy treasurer, or any other officer of the candidate's principal campaign committee."¹⁴² A candidate remains a candidate for office until the candidate's principal campaign committee is dissolved under Minn. Stat. § 10A.243.¹⁴³ Therefore, Our Minnetrista was not a campaign committee for any of the candidates it supported.

Other facts also counter Our Minnetrista's argument. First, Our Minnetrista submitted reports as "candidate" reports, rather than "campaign committee" reports. Second, even if the candidate reports disclosed, to the penny, all amounts received and paid out, the reports did not disclose that funds were actually contributed to, and paid out,

¹³⁷ 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).

¹³⁸ See Ex. 19.

¹³⁹ Test. of K. Danielson; Test. of P. Mortenson; Test. of J. Tschumperlin.

¹⁴⁰ Minn. Stat. § 10A.01, subd. 27 (2018).

¹⁴¹ Minn. Stat. §§ 10A.01, subd. 34, .105, subd. 1 (2018).

¹⁴² Minn. Stat. § 10A.105, subd. 2 (2018).

¹⁴³ Minn. Stat. § 10A.01, subd. 10 (2018).

by Our Minnetrista. Third, potential voters received campaign material with a disclaimer indicating it was “prepared and paid for” by Our Minnetrista and Our Minnetrista “endorsed” candidates. Endorsing a candidate is inconsistent with operating as that candidate’s campaign committee.

The United States Supreme Court has long recognized the validity of disclosure and disclaimer requirements.¹⁴⁴ In *Buckley v. Valeo*,¹⁴⁵ the Court held that disclosure requirements serve important government interests in: (1) “provid[ing] the electorate with information as to where political campaign money comes from and how it is spent by the candidate;” (2) avoiding corruption by exposing large contributions and expenditures to the light of publicity; and (3) detecting campaign finance violations.¹⁴⁶ More recently, in *Citizens United v. Fed. Election Comm’n*,¹⁴⁷ the Court affirmed that disclosure and disclaimer requirements are permissible means of informing the electorate “about the sources of election-related spending.”¹⁴⁸

Complainant has established that Our Minnetrista was required to file campaign financial reports in 2018 and that it failed to do so.¹⁴⁹ The Panel concludes Our Minnetrista violated Minn. Stat. § 211A.02.

II. Timeliness of Claims Regarding the 2014 Elections

Under Minn. Stat. § 211B.32, subds. 1, 2, 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 provides an exception under limited circumstances:

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.¹⁵⁰

The Panel determines that Our Minnetrista’s role in the 2014 Mortenson, Thoele, and Whalen campaigns was concealed from the public. Our Minnetrista solicited contributions, received checks payable to it and deposited the contributions in bank accounts under its own name, and made expenditures on the candidates’ behalf.¹⁵¹ Our Minnetrista did not file its own campaign financial reports disclosing its role. It filed financial reports as candidate reports, rather than as campaign committee reports, even

¹⁴⁴ See *Lewison v. Hutchinson*, ___ N.W.2d ___ (Minn. Ct. App. May 3, 2019).

¹⁴⁵ 424 US 1, 66, 96 S.Ct. 612, 657, 46 L.Ed.2d 659 (1976).

¹⁴⁶ *Id.* at 66-68, 96 S. Ct. at 657-58 (quotation omitted).

¹⁴⁷ 558 U.S. 310, 366, 130 S.Ct. 876, 914, 175 L.Ed.2d 753 (2010).

¹⁴⁸ *Id.*

¹⁴⁹ While Our Minnetrista’s activities in 2014 are relevant to determining that it is a political committee and to determining whether Mortenson, Thoele, and Whalen violated the law in 2014, Complainant’s claim that Our Minnetrista violated Minn. Stat. § 211A.02 relates only to the 2018 elections. See *Bruce v. Our Minnetrista*, Complaint, No. 71-0325-35774 (Nov. 28, 2018).

¹⁵⁰ *Id.*

¹⁵¹ Ex. 63 at ¶ 11, Attachment. D.

though Our Minnetrista maintains it was acting as a campaign committee.¹⁵² Our Minnetrista's name never appears on the reports and no funds received or paid out were ever attributed to Our Minnetrista.

The Panel further concludes that these actions could not have been discovered within one year of the 2014 election. Though Complainant was aware that Our Minnetrista existed, she was not aware of its role in the 2014 campaigns until 2018. At that time, she was required to engage in substantial investigative efforts to piece together the facts.¹⁵³ The Panel finds that Complainant timely filed her complaints within one year of the time she discovered Our Minnetrista's and the candidates' actions.

III. Campaign Financial Reporting Violations by the Candidates

A. Minn. Stat. § 211A.06

Complainant alleges that the candidates violated Minn. Stat. § 211A.06 by failing to keep an accurate account of their campaign receipts and disbursements.

Minn. Stat. § 211A.06 provides:

A treasurer or other individual who receives money for a committee is guilty of a misdemeanor if the individual:

- (1) fails to keep a correct account as required by law;
- (2) mutilates, defaces, or destroys an account record;
- (3) in the case of a committee, refuses upon request to provide financial information to a candidate; and
- (4) does any of these things with the intent to conceal receipts or disbursements, the purpose of receipts or disbursements, or the existence or amount of an unpaid debt or the identity of the person to whom it is owed.

Because violations of Minn. Stat. § 211A.06 may result in criminal prosecutions and penalties, the statute must be construed strictly, notwithstanding the civil nature of

¹⁵² Exs. 100, 101, 103.

¹⁵³ Complainants must submit evidence or allege sufficient facts to establish a prima facie violation of the Fair Campaign Practices Act. See, Minn. Stat. § 211B.32, subd. 3 (2018); *Barry v. St. Anthony-New Brighton Indep. Sch. Dist.* 282, 781 N.W.2d 898, 902 (Minn. Ct. App. 2010). Unlike a civil case, a complainant under chapters 211A and 211B may not file a notice pleading and then flesh out his or her allegations through discovery. Concealment of campaign financial activities may impair the ability of a complainant to state a claim under this procedure. For example, the manner in which Our Minnetrista operated allowed it to conceal corporate contributions made by two entities in 2014. These donations were reported on the candidates' reports as having been received from individuals. Corporate contributions to a candidate or committee are prohibited under Minn. Stat. § 211B.15 (2014). Complainant only uncovered these donations when she obtained copies of contribution checks payable to Our Minnetrista in response to a subpoena issued in this case. Complainant did not allege this as a violation and the Panel does not impose any penalty related to these contributions. Nevertheless, this evidence further illustrates the consequences of Our Minnetrista's concealment of its 2014 activities.

the proceedings before the Panel.¹⁵⁴ With that in mind, the Panel notes that this section does not penalize merely inaccurate record-keeping; it penalizes the failure to keep correct accounts of money received for a committee with “the intent to conceal receipts or disbursements,” or the “purpose of receipts or disbursements.” The statute does not identify concealment of the “source” of receipts or “recipient” of disbursements as a criminal offense,¹⁵⁵ and those disclosure requirements are addressed elsewhere in chapter 211A. The focus of this claim, therefore, is on whether the candidates intentionally kept inaccurate accounts in order to conceal the amount or purpose of contributions or disbursements.

Although the candidates’ financial reports inaccurately identify the contributions as coming from individual donors rather than from Our Minnetrista, that inaccuracy is not enough to support finding a violation of Minn. Stat. § 211A.06. Complainant has not shown that Respondents intended to conceal the amount or purpose of the contributions or disbursements made on the behalf of the candidates. Instead, the record supports finding that Respondents disclosed all of the contributions and expenditures, doing so in a manner that apportioned the amounts equally among the candidates. The record reflects that Danielson sought advice from a variety of sources to learn the appropriate way to account for campaign contributions and expenses, and though she ultimately did so incorrectly, her attempt to obtain information weighs against a finding of intentional concealment.

Complainant has shown that Respondents concealed the fact that Our Minnetrista was the ultimate source of the receipts and disbursements, and the Panel finds violations of law by Our Minnetrista and the candidates related to these allegations. The Panel concludes, however, that this reporting error falls short of the intentional concealment of receipts or disbursements required to establish a violation of Minn. Stat. § 211A.06. Therefore, the alleged violations of section 211A.06 are dismissed.

B. Minn. Stat. § 211A.12

Complainant established by a preponderance of the evidence that Mortenson, Thoele, Whalen, and Tschumperlin received contributions from Our Minnetrista in excess of \$600. Therefore, Complaint has proven all four candidates violated Minn. Stat. § 211A.12.

For elections in a community of Minnetrista’s size, “[a] candidate or a candidate’s committee may not accept aggregate contributions made or delivered by an individual or

¹⁵⁴ *In the Matter of the Contest of General Election [Graves v. Meland]*, 264 N.W.2d 401, 403 (Minn. 1978). See also *State v. Stevenson*, 655 N.W.2d 235, 238 (Minn. 2003) (The Rule of Lenity states that “[w]hen the statute in question is a criminal statute, courts should resolve ambiguity concerning the ambit of the statute in favor of lenity.”).

¹⁵⁵ The Panel notes the contrast between the statute’s treatment of receipts and disbursements and its approach to concealment of a debt. With respect to debts, intentional concealment of the “*existence* or *amount* of an unpaid debt or the *identity* of the person to whom it is owed,” all are violations. See Minn. Stat. § 211A.06(4) (emphasis added). The statute does not treat receipts and disbursements in the same manner.

committee in excess of \$600 in an election year”¹⁵⁶ As explained above, Our Minnetrista operated as a political committee for both the 2014 and 2018 elections. In both election years and for multiple candidates, Our Minnetrista established bank accounts in its own name; it solicited checks from donors made payable directly to Our Minnetrista; it deposited the solicited funds into, and transferred money between, its bank accounts; and it paid campaign expenditures directly from those accounts. The candidates did not have control of those accounts or funds. Thus, in 2014 and 2018, Mortenson, Thoele, Whalen, and Tschumperlin received contributions from Our Minnetrista, not from the individual donors. The record shows that the amounts received were far in excess of the \$600 limit established by Minn. Stat. § 211A.12.

IV. Penalty and Filing Requirements

The Office of Administrative Hearings uses a “penalty matrix” to guide decision-making in assessing civil penalties for violations of the Fair Campaign Practices Act. The matrix categorizes violations based upon the willfulness of the misconduct and the impact of the violation upon voters.¹⁵⁷

The Panel concludes that Our Minnetrista was a committee and was required to file campaign financial reports in 2018 within 14 days of having spent \$750, and thereafter as required by section 211A.02. Our Minnetrista’s failure to file campaign financial reports in 2018 was ill-advised, corrupted the political process, and created an unfair advantage for the candidates it supported for two elective offices. A \$2,000 penalty is appropriate.

The Panel concludes that the candidates’ violation of the contribution limits was negligent and difficult to correct or counter. The Panel concludes that a \$600 penalty for Thoele, Whalen and Tschumperlin is appropriate. Because Mortenson violated section 211A.12 both in 2014 and 2018, the Panel concludes a \$1,200 violation is appropriate.

Additionally, Our Minnetrista is required to file campaign financial reports to disclose its role in the 2014 and 2018 Minnetrista city elections. The candidates are also ordered to file amended campaign financial reports disclosing contributions and expenditures made to them or on their behalf by Our Minnetrista.

Minn. Stat. § 211A.08, subd 3 (2018) provides that a county attorney may prosecute any violation of chapter 211A. Under Minn. Stat. § 211B.35, subd. 2(e), the Panel may refer Complainant’s complaints to the appropriate county attorney. Based upon the record here, however, the Panel declines to refer the matter to the county attorney for further consideration.

¹⁵⁶ Minn. Stat. § 211A.12.

¹⁵⁷ See Penalty Matrix (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>); *Fine v. Bernstein*, 726 N.W.2d 137, 149-50 (Minn. Ct. App. 2017), *review denied* (Minn. 2007).

V. Conclusion

Complainant established by a preponderance of the evidence that Respondent Our Minnetrista violated Minn. Stat. § 211A.02 by failing to report its campaign contributions and expenditures. Complainant also established that Respondents Mortenson, Thoele, Whalen, and Tschumperlin accepted contributions in excess of the \$600 limit in violation of Minn. Stat. § 211A.12.

J. P. D., J. E. L., J. R. M.