

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Joseph Mansky,

Complainant,

vs.

St. Paul Federation of Teachers,
Local 28,

Respondent.

**NOTICE OF DETERMINATION OF
PRIMA FACIE VIOLATION
AND
NOTICE OF AND ORDER FOR
EVIDENTIARY HEARING**

TO: Parties

On March 2, 2010, Ramsey County Elections Manager Joseph Mansky filed a Complaint with the Office of Administrative Hearings alleging that the St. Paul Federation of Teachers, Local 28 (Respondent), violated Minnesota Statutes § 211A.02, subd. 1, by failing to timely file a year-end campaign finance report. Following a review of the Complaint, the undersigned Administrative Law Judge has determined that the Complaint sets forth a *prima facie* violation of Minnesota Statutes § 211A.02, subd. 1. This determination is described in more detail in the attached Memorandum.

THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that this matter will be scheduled for a prehearing conference and evidentiary hearing to be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101, before three Administrative Law Judges. The evidentiary hearing must be held within 90 days of the date the complaint was filed, pursuant to Minn. Stat. § 211B.35. You will be notified of the date and time of the prehearing conference and evidentiary hearing, and the three judges assigned to it, within approximately two weeks of the date of this Order. The evidentiary hearing will be conducted pursuant to Minnesota Statutes § 211B.35. Information about the evidentiary hearing procedures and copies of state statutes may be obtained online at www.oah.state.mn.us and www.revisor.leg.state.mn.us.

At the evidentiary hearing, all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice – so long as 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 bring with them all evidence bearing on the case with copies for the Administrative Law Judge and opposing party.

After the evidentiary hearing, the Administrative Law Judges may dismiss the complaint, issue a reprimand, or impose a civil penalty of up to \$5,000. The panel may also refer the complaint to the appropriate county attorney for criminal prosecution. A

party aggrieved by the decision of the panel is entitled to judicial review of the decision as provided in Minn. Stat. §§ 14.63 to 14.69.

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 600 North Robert Street, P.O. Box 64620, St. Paul, MN 55101, or call 651-361-7900 (voice) or 651-361-7878 (TTY).

Dated: March 4, 2010

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge

MEMORANDUM

Minnesota Statutes § 211A.02 requires that candidates or committees receiving contributions or making disbursements of more than \$750 in a calendar year must file financial reports with the “filing officer,”¹ including a final report that must be filed by January 31 of each year following the year when the initial report was filed.²

If a candidate or committee fails to file a required financial report on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file.³ If the report is not filed within ten days after the notification is mailed, the filing officer shall file a complaint with the Office of Administrative Hearings under section 211B.32.⁴

Joseph Mansky is the Ramsey County Elections Manager. According to the Complaint, the Respondent is a political committee that supported local candidates for office and other political action committees in the November 2010 election.

The Complaint states that in January 2010 the Ramsey County Elections office sent the Respondent a notice reminding it of its obligation to file a year-end campaign finance report by February 1, 2010, as required by Minn. Stat. § 211A.02, subd. 1.⁵ In addition, on February 9, 2010, the County sent the Respondent a notice of failure to file the required campaign finance report, as required by Minnesota Statutes § 211A.05,

¹ Minn. Stat. § 211A.01, subd. 7, defines “filing officer” to mean the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.

² Minn. Stat. § 211A.02, subd. 1.

³ Minn. Stat. § 211A.05, subd. 2.

⁴ Minn. Stat. § 211A.05, subd. 2.

⁵ January 31st fell on a Sunday in calendar year 2010.

subd. 2. As of the date of the Complaint, Ramsey County has not received the required campaign financial report from the Respondent.

The Complaint states a *prima facie* violation of Minnesota Statutes § 211A.02, subd. 1(b). This matter shall be set on for an evidentiary hearing before a panel of three administrative law judges pursuant to Minn. Stat. § 211B.33, subd. 2(d). An order scheduling this matter for a telephone prehearing conference and evidentiary hearing will be issued shortly.

K.D.S.