

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

Luke Mielke,

Complainant,

vs.

Michael Baskins,

Respondent.

**NOTICE OF DETERMINATION OF
PRIMA FACIE VIOLATION AND
NOTICE OF AND ORDER FOR
PROBABLE CAUSE HEARING**

On August 28, 2025, Luke Mielke (Complainant) filed a Fair Campaign Practices Complaint (Complaint) with the Court of Administrative Hearings. The Complaint was assigned to Administrative Law Judge Kimberly Middendorf that same day. The Complaint alleges that Michael Baskins (Respondent) violated Minn. Stat. §§ 211A.02, 211B.04, and 211B.12 (2024) related to his campaign for the Minneapolis City Council Ward 2 seat in the general election scheduled for November 4, 2025.¹

After reviewing the Complaint, the Judge determined that the Complaint sets forth prima facie violations of Minn. Stat. §§ 211A.02, 211B.04, and 211B.12. For the reasons detailed in the Memorandum below, these allegations will proceed to a probable cause hearing.

ORDER

1. This matter is scheduled for a telephone probable cause hearing to be held before Judge Middendorf at **1:00 p.m. on Monday, September 8, 2025**. At the appointed time, the parties are directed to do the following:

- (a) Telephone **1-651-395-7448**, and, when prompted,
- (b) Enter the Conference Code: **100 691 958#**.

The parties are responsible for calling into the probable cause hearing.

2. By **1:00 p.m. on Friday, September 5, 2025**, the parties must provide to the Judge all evidence bearing on the case, with copies of the same items sent to the opposing party. The parties shall provide copies of any filings to the opposing party via **email**.

¹ Complaint (Compl.) (Aug. 28, 2025).

3. The probable cause hearing will be conducted pursuant to Minn. Stat. § 211B.34 (2024). Information about probable cause proceedings and copies of state statutes may be found online at <http://mn.gov/oah> and www.revisor.leg.state.mn.us.

At the probable cause hearing, all parties have the right to be represented by legal counsel or appear on their own behalf. In addition, the parties have the right to submit evidence, affidavits, and argument for consideration by the Administrative Law Judge.

Any document filed with the Court of Administrative Hearings, or any documents that a party wishes to make part of the hearing record, must be filed in one of the following ways: (1) by **eFiling** through the Court of Administrative Hearings' eFiling system; (2) by **mail**; (3) by **facsimile**; or (4) by **personal delivery**. See Minn. Stat. § 14.58; Minn. R. 1400.5550, subp. 5 (2025). The eFiling system is accessible at: <http://mn.gov/oah/forms-and-filing/efiling/>. The Court of Administrative Hearings' facsimile number is: (651) 539-0310.

After the probable cause hearing, the 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(s) of law alleged in the Complaint has occurred; or (2) determine that there is probable cause to believe that the violation(s) of law alleged in the Complaint has occurred and refer the case to the Chief Administrative Law Judge to schedule an evidentiary hearing. Evidentiary hearings are conducted pursuant to Minn. Stat. § 211B.35.

If the Administrative Law Judge dismisses the Complaint, the Complainant may seek reconsideration of the decision on the record by the Chief Administrative Law Judge pursuant to Minn. Stat. § 211B.34, subd. 3.

To request an interpreter, email oah.courtpersonnel@state.mn.us or call (651) 361-7900. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one in writing. To request an accommodation pursuant to Title II of the Americans with Disabilities Act, the parties should electronically submit an accommodation request at: <https://mn.gov/oah/lawyers-and-litigants/title-ii.jspTitle>. To request the accommodations form in paper format, call 651-361-7900.

Dated: September 2, 2025


KIMBERLY MIDDENDORF
Administrative Law Judge

MEMORANDUM

Respondent is a candidate for the Minneapolis City Council Ward 2 seat in the general election scheduled for November 4, 2025.² In support of his campaign, Respondent distributed yard signs that have been placed throughout Ward 2.³ Respondent also filed a pre-primary campaign finance report with the City of Minneapolis on August 18, 2025.⁴ In this report, Respondent disclosed total contributions received of \$9,410, and total disbursements of \$8,278.99.⁵ Notably, among the expenditures were a \$590 payment on April 4, 2025, to Jaxen Gray, a boutique clothing store, and a \$1,168 payment on July 15, 2025, to Indochino, a custom suit store.⁶

On August 28, 2025, Complainant filed the Complaint with the Court of Administrative Hearings.⁷ The Complaint alleges that Respondent violated Minn. Stat. § 211A.02 by filing his pre-primary report 16 days late, as the deadline for that report was August 2, 2025.⁸ The Complaint alleges that Respondent violated Minn. Stat. § 211B.04 because the yard signs shown in the Complaint do not include the required disclaimer.⁹ Finally, the Complaint alleges that Respondent's campaign expenditures for clothing items at Jaxen Gray and Indochino were primarily for his "personal use" rather than for any "political purpose," in violation of Minn. Stat. § 211B.12.¹⁰

I. Standard for Prima Facie Determinations

To establish a prima facie violation of the Fair Campaign Practices Act, a complainant must allege sufficient facts to show that a violation of law has occurred.¹¹ The complaining party must submit evidence or allege facts that, if accepted as true, would be sufficient to prove a violation of Minn. Stat. §§ 211A.01-.14, 211B.01-.37 (2024).¹²

For purposes of a prima facie determination, an administrative law judge must accept the facts that are alleged in the complaint as true, without independent substantiation, provided that those facts are not patently false or inherently incredible.¹³ In determining whether a complaint alleges sufficient facts to state a prima facie case, reasonable inferences must be drawn in the light most favorable to the complainant.¹⁴

² Compl. at 2.

³ Compl. at 2; Ex. 3. (The Complaint labeled both "Michael Baskins Yard Sign" and "Screenshot of Jaxen Grey, accessed August 22, 2025" as Exhibit 3).

⁴ Compl. at 2; Exhibit (Ex.) 1.

⁵ Ex. 1.

⁶ Compl. at 3-4; Ex. 1; Ex. 3; Ex. 4.

⁷ Compl. at 1-4.

⁸ Compl. at 2.

⁹ Compl. at 2; Ex. 3.

¹⁰ Compl. 2-4.

¹¹ Minn. Stat. § 211B.32, subd. 3 (2024).

¹² *Barry v. St. Anthony-New Brighton Indep. Sch. Dist.* 282, 781 N.W.2d 898, 902 (Minn. Ct. App. 2010).

¹³ *Id.*

¹⁴ *Abrahamson v. St. Louis Cty. Sch. Dist.*, 819 N.W.2d 129, 136 (Minn. 2012).

A complaint must be dismissed if it does not include evidence or allege facts that, if accepted as true, would be sufficient to prove a violation of Minn. Stat. §§ 211A.01-.14, 211B.01-.37.¹⁵

II. Campaign Financial Reporting (Minn. Stat. § 211A.02)

Complainant alleges that Respondent violated Minn. Stat. § 211A.02 by filing his pre-primary report 16 days late.¹⁶ Minn. Stat. § 211A.02 provides, in relevant part:

- (a) In a year in which a candidate receives contributions or makes disbursements of more than \$750 or the candidate's name appears on the ballot, the candidate must file a report:
- (b) ten days before the primary or special primary if a primary is held in the jurisdiction, regardless of whether the candidate is on the primary ballot. If a primary is not conducted, the report is due ten days before the primary date specified in section 205.065.

Minn. Stat. § 205.065, subd. 1 (2024) provides in turn that:

A municipal primary for the purpose of nominating elective officers may be held in any city on the second Tuesday in August of any year in which a municipal general election is to be held for the purpose of electing officers.

The Complaint includes Respondent's Campaign Financial Report, which was filed on August 18, 2025.¹⁷ Since the report lists both contributions and disbursements in excess of \$750, Respondent is subject to the requirements of Minn. Stat. § 211A.02.¹⁸ The due date for his report was ten days before the primary, or, if a primary was not conducted, ten days before the second Tuesday in August, which this year fell on August 12, 2025. Therefore, the due date for the report was August 2, 2025.

Taking the facts alleged by the Complainant as true, it is reasonable to infer that Respondent filed his pre-primary report 16 days late, in violation of Minn. Stat. § 211A.02.

III. Campaign Material Must Include Disclaimer (Minn. Stat. § 211B.04)

Complainant alleges that Respondent's campaign signs throughout Ward 2 violate Minn. Stat. § 211B.04.¹⁹ Minn. Stat. § 211B.04 provides, in relevant part:

- (a) A person who participates in the preparation or dissemination of campaign material other than as provided in section 211B.05, subdivision 1, that does not prominently include the name and address of the person or committee causing the material to be

¹⁵ *Barry*, 781 N.W.2d at 902.

¹⁶ Compl. at 2.

¹⁷ Compl. at 2; Ex. 1.

¹⁸ Ex. 1.

¹⁹ Compl. at 2; Ex. 3.

prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

- (b) Except in cases covered by paragraph (c), the required form of disclaimer is: "Prepared and paid for by the committee, (address)" for material prepared and paid for by a principal campaign committee, or "Prepared and paid for by the committee, (address)" for material prepared and paid for by a person or committee other than a principal campaign committee. The address must be either the committee's mailing address or the committee's website, if the website includes the committee's mailing address. If the material is produced and disseminated without cost, the words "paid for" may be omitted from the disclaimer.

The Complaint includes an image of a sign that reads "Michael Baskins for Minneapolis."²⁰ However, the sign does not contain a disclaimer as required by Minn. Stat. § 211B.04.²¹ Complainant alleges this sign is one of several placed by Respondent throughout Ward 2.²²

Taking the facts alleged by the Complainant as true, it is reasonable to infer that Respondent participated in the preparation or dissemination of the campaign signs that lack the necessary disclaimers.

IV. Legal Expenditures (Minn. Stat. § 211B.12)

Complainant alleges that Respondent violated Minn. Stat. § 211B.12 because his campaign expenditures at Jaxen Gray and Indochino were primarily for his "personal use" rather than for the "political purpose" of his campaign.²³ Minn. Stat. § 211B.12 provides:

Use of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement as defined in section 10A.01, subdivision 26. The following are permitted expenditures when made for political purposes:

- (1) salaries, wages, and fees;
- (2) communications, mailing, transportation, and travel;
- (3) campaign advertising;
- (4) printing;
- (5) office and other space and necessary equipment, furnishings, and incidental supplies;

²⁰ Ex. 3.

²¹ See Compl. at 2; Minn. Stat. § 211B.04.

²² Compl. at 2.

²³ Compl. at 2-4.

- (6) charitable contributions of not more than \$100 to any charity organized under section 501(c)(3) of the Internal Revenue Code annually, except that the amount contributed is not limited by this clause if the political committee, political fund, party unit, principal campaign committee, or campaign fund of a candidate for political subdivision office that made the contribution dissolves within one year after the contribution is made; and
- (7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses. Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.

The Complaint includes Respondent's Campaign Financial Report, which indicated total disbursements of \$8,278.99.²⁴ Among these expenditures are payments to Jaxen Gray of \$590 for "event wardrobe" and \$1,168 to Indochino for "event attire."²⁵ The report does not indicate whether the events in question were related to Respondent's campaign.²⁶ Under Minn. Stat. § 211B.12, Item 7, candidates may only use campaign funds for expenditures that are reasonably related to the conduct of an election campaign.

The Complaint alleges that Respondent's spending on luxury clothing items was not for a "political purpose," and that these expenditures primarily benefitted Respondent personally rather than his campaign.²⁷ The Complaint raises concerns that these two expenditures, accounting for 20 percent of Respondent's total campaign spending, are disproportionate to any possible benefit to the campaign. Complainant contends that the disproportionality is proof of Respondent's conversion of political funds to personal use.²⁸

Taking the facts alleged by the Complainant as true, it is reasonable to infer that Respondent's use of campaign funds for clothing items was for his personal use rather than for a "political purpose" or campaign-related activities.

V. Conclusion

Accepting the facts alleged in the Complaint as true, the Administrative Law Judge finds that Complainant has set forth prima facie violations of Minn. Stat. §§ 211A.02, 211B.04, and 211B.12 by Respondent. As a result, those claims will proceed to a probable cause hearing as ordered above.

K. J. M.

²⁴ Ex. 1.

²⁵ Compl. at 3; Ex. 1, Ex. 3, Ex. 4.

²⁶ See Ex.1.

²⁷ Compl. at 2-4.

²⁸ Compl. at 4.