

STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS

Robin Wonsley and Michael Wilson,  
  
Complainants,

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

vs.

John K. Wall,  
  
Respondent.

This matter came before the following panel of Administrative Law Judges: Christa L. Moseng (Presiding Judge); Tim O'Malley; and Ann C. O'Reilly (collectively, the Panel) for an evidentiary hearing on September 25, 2025. Daniel P. Sutor, Attorney at Law, appeared on behalf of Robin Wonsley and Michael Wilson (Complainants). Brian K. Flakne, Flakne Law Offices, P.A., appeared on behalf of John K. Wall (Respondent).

The proceedings were convened to consider a Fair Campaign Practices Complaint (Complaint) filed on September 8, 2025. The Complaint maintains that Respondent violated Minn. Stat. § 211B.20 (Supp. 2025) by denying Complainants access to two apartment buildings for purposes of door-knock campaigning.

The matter was submitted to the Panel based on the record created at the evidentiary hearing and the underlying record, including the Complaint, the Prima Facie Determination, the Probable Cause Order, and closing oral and written arguments from the parties. The hearing record closed on October 3, 2025, the deadline for the parties' written submissions.

**STATEMENT OF THE ISSUES**

1. Did Respondent violate Minn. Stat. § 211B.20 (Supp. 2025) by denying Complainants access to two apartment buildings for purposes of door-knock campaigning on August 12, 2025?
2. Did Respondent violate Minn. Stat. § 211B.20 (Supp. 2025) by denying Complainants access to two apartment buildings for purposes of door-knock campaigning on August 29, 2025?
3. Did Respondent violate Minn. Stat. § 211B.20 (Supp. 2025) by denying Complainants access to two apartment buildings for purposes of door-knock campaigning on September 1, 2025?

4. If so, what penalties are appropriate?

### **SUMMARY OF CONCLUSIONS**

Complainants established by a preponderance of the evidence that Respondent violated Minn. Stat. § 211B.20 (Supp. 2025) on August 12 and August 29, 2025. For these two violations, a \$600 civil penalty per violation is appropriate. Complainants have also established that Respondent violated Minn. Stat. § 211B.20 (Supp. 2025) on September 1, 2025. For this violation, a \$250 civil penalty is appropriate.

Based on the record and proceedings herein, the undersigned panel of Administrative Law Judges now hereby issues the following:

### **FINDINGS OF FACT**

1. Complainants are candidates for local seats in Minneapolis in the upcoming general election on November 4, 2025.<sup>1</sup> Wonsley is running for reelection to the Ward 2 seat on the Minneapolis City Council, and Wilson is running for a Commissioner At Large seat on the Minneapolis Park and Recreation Board.<sup>2</sup>

2. Complainants qualify for door-knocking access to multi-unit dwellings under Minn. Stat. § 211B.20, subd. 1.<sup>3</sup>

3. The Flats at Malcolm Yards and The Station at Malcolm Yards (together, the Properties) are multi-unit apartment buildings within the territories represented by the offices to which Complainants seek election.<sup>4</sup> There are 143 units in The Flats and 210 units in The Station.<sup>5</sup> The Flats is a low income housing building.<sup>6</sup>

4. Respondent is the President of The Wall Companies, which owns and operates the Properties.<sup>7</sup> Respondent has worked in real estate development for approximately 30 years and has overseen approximately a dozen developments.<sup>8</sup> Respondent has authority to manage the Properties.<sup>9</sup>

5. During the events at issue here, Complainants coordinated their door-knocking efforts at the Properties.<sup>10</sup>

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<sup>1</sup> Testimony (Test.) of Robin Wonsley; Test. of Michael Wilson.

<sup>2</sup> Test. of R. Wonsley; Test. of M. Wilson.

<sup>3</sup> The parties stipulated that Complainants are covered by Minn. Stat. § 211B.20. Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings).

<sup>4</sup> The parties stipulated that the Properties are covered by Minn. Stat. § 211B.20. Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings).

<sup>5</sup> Exhibits (Exs.) D, F.

<sup>6</sup> Test. of John Wall; Test. of R. Wonsley.

<sup>7</sup> Test. of J. Wall.

<sup>8</sup> Test. of J. Wall.

<sup>9</sup> Test. of J. Wall.

<sup>10</sup> Test. of M. Wilson; Ex. A.

6. On July 23, 2025, Katie Smithberg, Wonsley's campaign manager, called both Properties to request door-knocking access.<sup>11</sup> Smithberg spoke to an unknown employee at The Flats who told Smithberg to come to the Properties that evening to door-knock.<sup>12</sup> No one at The Station answered Smithberg's call.<sup>13</sup>

7. That evening, Smithberg and several campaign volunteers arrived at The Flats and were conducting volunteer training outside of the building when Respondent approached the group and asked if they had an appointment to door-knock.<sup>14</sup> Smithberg stated that they had made an appointment earlier that day.<sup>15</sup> Respondent denied the volunteers access to The Flats because they did not have a candidate present, and Smithberg and the volunteers left the area.<sup>16</sup>

8. On July 30, 2025, Smithberg called both Properties and spoke to another unknown employee at The Station, who told Smithberg that they do not allow political door-knocking in any circumstance.<sup>17</sup>

9. On August 6, 2025, Smithberg sent Respondent an email on behalf of both Complainants' campaigns requesting access, stating: "We are letting you know that we plan to door-knock your properties, 'The Flats at Malcolm Yards' and 'The Station at Malcolm Yards' on Monday, August 11th from 5:30-8:00pm, in accordance with Minn. Stat. Sec. 211B.20."<sup>18</sup> Smithberg formatted the text "Minn. Stat. Sec. 211B.20" in the email as a hyperlink that when clicked opened to the page for Minn. Stat. § 211B.20 (2024) on the website for the Minnesota Office of the Revisor of Statutes (Revisor's website).<sup>19</sup>

10. At the time of Smithberg's August 6 email to Respondent, the page for Minn. Stat. § 211B.20 on the Revisor's website looked like this<sup>20</sup>:

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<sup>11</sup> Test. of Katie Smithberg; Ex. A at 1.

<sup>12</sup> Test. of K. Smithberg; Ex. A at 1.

<sup>13</sup> Test. of K. Smithberg.

<sup>14</sup> Test. of K. Smithberg; Test. of J. Wall; Ex. A at 1-2.

<sup>15</sup> Test. of K. Smithberg; Ex. A at 2.

<sup>16</sup> Test. of K. Smithberg; Test. of J. Wall. Minn. Stat. § 211B.20 provides that access must be granted to candidates and accompanying volunteers; the statute is silent regarding access for campaign volunteers without a candidate present. Complainants do not allege that Respondent's denial of access on July 23, 2025, violated Minn. Stat. § 211B.20. Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings).

<sup>17</sup> Test. of K. Smithberg; Ex. A at 2; see Ex. B at WW006.

<sup>18</sup> Ex. B at WW006

<sup>19</sup> Ex. B at WW006; Ex. 1; Test. of K. Smithberg; Test. of J. Wall.

<sup>20</sup> Ex. 1 at 2; Test. of K. Smithberg; Test. of J. Wall.

Office of the Revisor of Statutes  
Office of the Revisor of Statutes

2024 Minnesota Statutes

This section has  
been affected by law enacted during the 2025 Regular Session. [More info...](#)

**211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.**

Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has:

- (1) organized a campaign committee under applicable federal or state law;
- (2) filed a financial report as required by section [211A.02](#); or
- (3) filed an affidavit of candidacy for elected office.

A candidate granted access under this section must be allowed to be accompanied by campaign volunteers.

(b) Access to a facility or area is only required if it is located within the district or territory that will be represented by the office to which the candidate seeks election, and the candidate and any accompanying campaign volunteers seek access exclusively for the purpose of campaigning for a candidate or registering voters. The candidate must be seeking election to office at the next general or special election to be held for that office.

(c) A candidate and any accompanying campaign volunteers granted access under this section must be permitted to knock on the doors of individual units to speak with residents, and to leave campaign materials for residents at their doors, except that the manager of a nursing home may direct that the campaign materials be left at a central location within the facility. The campaign materials must be left in an orderly manner.

(d) If a facility or area contains multiple buildings, a candidate and accompanying volunteers must be permitted to access more than one building on a single visit, but access is limited to only one building at a time. If multiple candidates are traveling together, each candidate and that candidate's accompanying volunteers is limited to one building at a time, but all of the candidates and accompanying volunteers traveling together must not be restricted to accessing the same building at the same time.

(e) A violation of this section is a petty misdemeanor.

Subd. 2. **Exceptions.** Subdivision 1 does not prohibit:

- (1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;
- (2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;
- (3) in the case of a nursing home or an assisted living facility under chapter 144G, denial of permission to visit certain persons for valid health reasons;
- (4) limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours;
- (5) requiring a prior appointment to gain access to the facility; or
- (6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

**History:** [1988 c 578 art 3 s 20](#); [2010 c 314 s 3](#); [7Sp2020 c 1 art 6 s 25](#); [2023 c 62 art 4 s 131](#)

Official Publication of the State of Minnesota  
Revisor of Statutes

11. There was a yellow banner at the top of the Minn. Stat. § 211B.20 webpage that stated “[t]his section has been affected by law enacted during the 2025 Regular

Session. More info...”<sup>21</sup> The “More info...” text in the yellow banner was formatted into a hyperlink.<sup>22</sup> When clicked on, this hyperlink opened additional text in the yellow banner and two more hyperlinks that looked like this<sup>23</sup>:

9/23/25, 3:53 PM

Sec. 211B.20 MN Statutes

EX. G



Office of the Revisor of Statutes

Office of the Revisor of Statutes

## 2024 Minnesota Statutes

Authenticate PDF

This section has been affected by law enacted during the 2025 Regular Session. [Less info...](#)

211B.20 subd. 2 has been amended by [Chapter 39, Article 8, Section 83](#)

211B.20 subd. 3 has been added by [Chapter 39, Article 8, Section 84](#)

*Note: see session law sections for effective dates.*

### 211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.

Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has:

- (1) organized a campaign committee under applicable federal or state law;
- (2) filed a financial report as required by section [211A.02](#); or
- (3) filed an affidavit of candidacy for elected office.

A candidate granted access under this section must be allowed to be accompanied by campaign volunteers.

(b) Access to a facility or area is only required if it is located within the district or territory that will be represented by the office to which the candidate seeks election, and the candidate and any accompanying campaign volunteers seek access exclusively for the purpose of campaigning for a candidate or registering voters. The candidate must be seeking election to office at the next general or special election to be held for that office.

(c) A candidate and any accompanying campaign volunteers granted access under this section must be permitted to knock on the doors of individual units to speak with residents, and to leave campaign materials for residents at their doors, except that the manager of a nursing home may direct that the campaign materials be left at a central location within the facility. The campaign materials must be left in an orderly manner.

(d) If a facility or area contains multiple buildings, a candidate and accompanying volunteers must be permitted to access more than one building on a single visit, but access is limited to only one building at a time. If multiple candidates are traveling together, each candidate and that candidate's accompanying volunteers is limited to one building at a time, but all of the candidates and accompanying volunteers traveling together must not be restricted to accessing the same building at the same time.

(e) A violation of this section is a petty misdemeanor.

Subd. 2. **Exceptions.** Subdivision 1 does not prohibit:

- (1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;
- (2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;
- (3) in the case of a nursing home or an assisted living facility under chapter 144G, denial of permission to visit certain persons for valid health reasons;
- (4) limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours;
- (5) requiring a prior appointment to gain access to the facility; or
- (6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

**History:** [1988 c 578 art 3 s 20](#); [2010 c 314 s 3](#); [7Sp2020 c 1 art 6 s 25](#); [2023 c 62 art 4 s 131](#)

<https://www.revisor.mn.gov/statutes/cite/211b.20>

WW027

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<sup>21</sup> Ex. 1; Test. of K. Smithberg; Test. of J. Wall.

<sup>22</sup> Ex. 1; Test. of K. Smithberg; Test. of J. Wall.

<sup>23</sup> Ex. G at WW027; Test. of K. Smithberg.

12. The additional text in the yellow banner provided information about what subdivisions of Minn. Stat. § 211B.20 were amended and provided links to the session law that when clicked showed the new 2025 statutory language.<sup>24</sup>

13. Minn. Stat § 211B.20, subd. 2(4) (2024) states that “limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours” is not prohibited. However, effective July 1, 2025, Minn. Stat. § 211B.20, subd. 2(4) includes additional language: “provided that access must be permitted during the hours of 9:00 a.m. through 9:00 p.m. on any day, at a minimum.”<sup>25</sup>

14. Sometime between August 6 and August 12, 2025, Respondent clicked the hyperlink in Smithberg’s August 6 email and read the page for Minn. Stat. § 211B.20 (2024) on the Revisor’s website.<sup>26</sup> Respondent did not click on the “More info...” link in the yellow banner, did not follow the subsequent links to the session law, and did not read the new 2025 statutory language or its effective date.<sup>27</sup> As a result, Respondent relied upon the 2024 version of the statute, which allowed door-knocking access be limited to “reasonable hours.”<sup>28</sup>

15. On August 12, 2025, Respondent replied to Smithberg, stating:

We take security very seriously in our properties. Especially since our City Council has made a campaign of disgracing the police profession and run them off. We do not let just anyone wander freely through the building knocking on doors. However, we do respect the state statute and will make a staff person available to escort the candidates and a couple of volunteers through the buildings, during regular office hours; Monday through Friday between 9:00am and 5:00pm.

Please consult with your calendar and suggest another time the candidates are available. Thank you.<sup>29</sup>

Respondent ended his email with a paragraph expressing his disagreement with rent control and housing policies that Complainants support.<sup>30</sup>

16. On August 28, 2025, Smithberg emailed Respondent, stating: “As per Minn. Stat. Sec. 211B.20, access must be permitted during the hours of 9:00 a.m. through 9:00 p.m. on any day, at a minimum. I am reaching out to notify you that we will be

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<sup>24</sup> Test. of K. Smithberg; Ex. G at WW029.

<sup>25</sup> Ex. G at WW029; Minn. Stat. § 211B.20, subd. 2(4) (Supp. 2025); 2025 Minn. Laws ch. 39, art. 8, § 83, at 138.

<sup>26</sup> Test. of J. Wall.

<sup>27</sup> Test. of J. Wall.

<sup>28</sup> Test. of J. Wall.

<sup>29</sup> Ex. B at WW006-07.

<sup>30</sup> Ex. B at WW007.

door-knocking the Flats and Station at Malcolm Yards with Council Member Robin Wonsley and Park Board Candidate Michael Wilson on September 3rd from 5:30-8pm.”<sup>31</sup>

17. On August 29, 2025, the Thursday before Labor Day weekend, Respondent replied to Smithberg, stating: “I will be out of the state, and I have no staff on duty at that time. You do not have permission to wander unescorted in my buildings. I have offered reasonable times for your candidates. Pick a time when I have staff available.”<sup>32</sup>

18. Respondent copied Jodi Johnson, an attorney, on his August 29 email.<sup>33</sup>

19. On August 30, 2025, Smithberg emailed Respondent, stating:

Thank you for letting me know. Just to reiterate, Minn. Stat. Sec. 211B.20 states that access must be permitted during the hours of 9:00 a.m. through 9:00 p.m. on any day, at a minimum. Council Member Wonsley and many renters work business hours, therefore 9:00am-5:00pm is not feasible.

Could we choose another day when you are in town? Here are some options:

Monday, September 8 from 5:30-8pm

Monday, September 15 from 5:30-8pm

Sunday, September 21 from 2-4pm

Wednesday, September 24 from 5:30-8pm[.]<sup>34</sup>

20. On September 1, 2025, Johnson sent an email to Smithberg and Respondent stating that Smithberg’s “representation below as to the owner’s obligations is false. You completely ignore the exceptions and limitations to your rights provided in Subdivision 2 which I have copied below.”<sup>35</sup> Johnson copied the language from Minn. Stat. § 211B.20, subd. 2 (2024) into the body of the email, which did not include the new 2025 statutory language.<sup>36</sup> Johnson further stated:

Mr. Wall’s request to have an appointment during times that work for his company and to guaranty the safety of the residents is more than reasonable and is precisely what is permitted via the statute. Any access without this agreement would be a violation of the Statute and we trust that neither you nor Council Member Robin Wonsely, Park Board Candidate Michael Wilson or their teams will violate the law as you claim you intended to do below. Any violations will be reported to the police and we will take action available to us.

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<sup>31</sup> Ex. B at WW008 (emphasis in original).

<sup>32</sup> Ex. B at WW008-09.

<sup>33</sup> Ex. B at WW008-09, WW012.

<sup>34</sup> Ex. B at WW010 (emphasis in original).

<sup>35</sup> Ex. B at WW010.

<sup>36</sup> Ex. B at WW010-11.

When Mr. Wall is back in town, he will coordinate a time that works for his company and facility.<sup>37</sup>

21. Johnson wrote her September 1 email at Respondent's direction.<sup>38</sup>

22. The Properties are secured buildings, and a key fob is required to access both the buildings and the individual floors within the buildings.<sup>39</sup> There are no members of staff on duty at the Properties past 5:00 p.m.<sup>40</sup> Respondent never asked any members of staff at the Properties to work different hours in order to accommodate Complainants' requests to door-knock after 5:00 p.m.<sup>41</sup>

23. The Properties are new buildings that opened in 2023.<sup>42</sup> The previous two Ward 2 city council elections were decided by 13 votes in 2021 and approximately 850 votes in 2023.<sup>43</sup>

24. On September 8, 2025, Complainants filed this Complaint against Respondent.<sup>44</sup> The Complaint alleges that Respondent violated Minn. Stat. § 211B.20 (Supp. 2025) by denying Complainants access to the Properties to door-knock on August 12 and 29, 2025, and September 1, 2025.<sup>45</sup>

25. By Order dated September 11, 2025, Judge Moseng determined the Complaint set forth prima facie violations of Minn. Stat. § 211B.20 by Respondent and set this matter on for a probable cause hearing.<sup>46</sup>

26. On September 12, 2025, Respondent sent an email to Smithberg, stating:

In an effort to reach a reasonable accommodation, the building owners have authorized me to grant the candidates access to door knock The Flats and The Station on Monday, September 15 from 5:30pm-8:00pm. I will

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<sup>37</sup> Ex. B at WW011.

<sup>38</sup> At the beginning of the evidentiary hearing, Respondent stipulated that Johnson is an attorney who wrote the September 1 email at Respondent's direction. Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings). Complainants relied upon Respondent's stipulation in the presentation of their case: Complainants withdrew an offered exhibit based upon Respondent's stipulation. *Id.* Respondent later testified that he did not speak to Johnson prior to the September 1 email and did not intend for Johnson to respond to Smithberg's emails. Test. of J. Wall. At the close of the evidentiary hearing, Respondent stipulated to violations on August 12 and August 29, 2025, but denied a violation on September 1, 2025, based upon Respondent's testimony. Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings). Respondent's stipulation that Johnson's September 1 email was at Respondent's direction was never formally withdrawn. *Id.*

<sup>39</sup> Test. of J. Wall.

<sup>40</sup> Test. of J. Wall.

<sup>41</sup> Test. of J. Wall.

<sup>42</sup> Ex. D; Ex. F.

<sup>43</sup> Test. of R. Wonsley.

<sup>44</sup> Complaint (Sep. 8, 2025).

<sup>45</sup> *Id.*

<sup>46</sup> Notice of Determination of Prima Facie Violation and Notice of and Order for Probable Cause Hearing (Sep. 11, 2025) (Prima Facie Determination).



personally escort them through one floor at a time, one building at a time. All guests will need to present ID. Please confirm that this will work for the candidates. If this doesn't work, please suggest alternate dates.<sup>47</sup>

27. As of the date of the evidentiary hearing, neither Smithberg nor Complainants responded to Respondent's September 12 email or provided Respondent with alternative dates for door-knocking.<sup>48</sup>

28. On September 15, 2025, Judge Moseng granted Respondent's continuance request for good cause and set this matter on for a probable cause hearing to be conducted by telephone on September 18, 2025.<sup>49</sup>

29. On September 18, 2025, Judge Moseng convened the probable cause hearing.<sup>50</sup>

30. Early voting in Minneapolis began on September 19, 2025.<sup>51</sup>

31. By Order dated September 23, 2025, Judge Moseng found that Complainants had established probable cause to believe Respondent violated Minn. Stat. § 211B.20 (Supp. 2025), by denying Complainants access to the Properties for door-knocking on three occasions.<sup>52</sup>

32. The Chief Administrative Law Judge assigned this matter to the Panel by Order dated September 23, 2025.<sup>53</sup>

33. The Panel convened an evidentiary hearing on September 25, 2025.

34. The record in this matter closed on October 3, 2025, upon receipt of the parties' written closing arguments.

35. Any Conclusion of Law more properly considered to be a Finding of Fact is incorporated herein.

36. Any portion of the accompanying Memorandum that is more properly considered to be a Finding of Fact is incorporated herein.

Based upon the foregoing Findings of Fact, the Panel now hereby issues the following:

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<sup>47</sup> Ex. 6.

<sup>48</sup> Test. of K. Smithberg; Test. of J. Wall; Test. of R. Wonsley; Test. of M. Wilson.

<sup>49</sup> Order for Continuance (Sep. 15, 2025).

<sup>50</sup> Probable Cause Order (Sep. 23, 2025).

<sup>51</sup> Test. of M. Wilson.

<sup>52</sup> *Id.*

<sup>53</sup> Notice of and Order Assigning Panel for Disposition of Complaint (Sep. 23, 2025).

## CONCLUSIONS OF LAW

1. The Panel is authorized to consider this matter pursuant to Minn. Stat. §§ 211B.32, 211B.35.

2. Complainant bears the burden of proving the allegations in the Complaint. The standard of proof of a violation of Minn. Stat. § 211B.20 is a preponderance of the evidence.<sup>54</sup> The preponderance of the evidence standard requires that, to establish a fact, it must be more probable that the fact exists than that the contrary exists.<sup>55</sup> If the evidence of a fact or issue is equally balanced, that fact or issue has not been established by a preponderance of the evidence.<sup>56</sup>

3. Minn. Stat. § 211B.20 (Supp. 2025) prohibits denying political candidates access to multiple unit dwellings for campaign purposes. Provided that the candidate has organized a campaign committee under federal or state law, filed a financial report as required under section 211A.02, or filed an affidavit of candidacy for elected office, the candidate must be granted access to the building and allowed to be accompanied by campaign volunteers.<sup>57</sup>

4. Candidate access to multiple unit dwellings is only required if the building is located within the district or territory represented by the office sought.<sup>58</sup> The candidate must be seeking access only for the purpose of campaigning or registering voters, and the candidate must be running for office in the next general or special election.<sup>59</sup>

5. A candidate and any accompanying campaign volunteers granted access to multiple unit dwellings must be permitted to knock on doors of individual units to speak with residents and to leave campaign materials for residents at their doors.<sup>60</sup>

6. Minn. Stat. § 211B.20, subd. 2 does not prohibit:

- (1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;
- (2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;
- (3) in the case of a nursing home or an assisted living facility under chapter 144G, denial of permission to visit certain persons for valid health reasons;

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<sup>54</sup> Minn. Stat. § 211B.32, subd. 4 (2024).

<sup>55</sup> *City of Lake Elmo v. Metropolitan Council*, 685 N.W.2d 1, 4 (Minn. 2004).

<sup>56</sup> *Id.*

<sup>57</sup> Minn. Stat. § 211B.20, subd. 1(a) (Supp. 2025).

<sup>58</sup> *Id.*, subd. 1(b).

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*, subd. 1(c) (a manager of a nursing home may direct that the materials be left at a central location within the facility).

- (4) limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours, *provided that access must be permitted during the hours of 9:00 a.m. through 9:00 p.m. on any day, at a minimum;*
- (5) requiring a prior appointment to gain access to the facility; or
- (6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.<sup>61</sup>

7. Complainants are candidates for office in the upcoming general election who were seeking to door-knock for campaign purposes at the Properties.<sup>62</sup>

8. The Properties are multi-unit dwellings located within the territories represented by the offices sought by Complainants.<sup>63</sup>

9. Complainants attempted to schedule an appointment for door-knocking between the hours of 5:30 p.m. and 8:00 p.m. with Respondent on three separate occasions via email.<sup>64</sup>

10. On August 12 and August 29, 2025, Respondent denied Complainants' door-knocking requests, stating that access would only be permitted from Monday through Friday between 9:00 a.m. and 5:00 p.m.<sup>65</sup>

11. Respondent stipulates to violations of Minn. Stat. § 211B.20 on August 12 and August 29, 2025.<sup>66</sup>

12. Complainants have established by a preponderance of the evidence that Respondent violated Minn. Stat. § 211B.20 on August 12 and August 29, 2025, by denying Complainants access to the Properties for purposes of door-knock campaigning after 5:00 p.m.

13. For the two violations of Minn. Stat. § 211B.20 on August 12 and August 29, 2025, it is appropriate to impose a civil penalty against Respondent in the amount of \$600 per violation.

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<sup>61</sup> *Id.*, subd. 2 (Supp. 2025) (emphasis added).

<sup>62</sup> The parties stipulated that Complainants are covered by Minn. Stat. § 211B.20. Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings).

<sup>63</sup> The parties stipulated that the Properties are covered by Minn. Stat. § 211B.20. Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings).

<sup>64</sup> Ex. B.

<sup>65</sup> Ex. B at WW006-09.

<sup>66</sup> Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings).

14. On September 1, 2025, Johnson sent an email to Smithberg denying Complainants' requested access.<sup>67</sup> Johnson wrote her September 1 email at Respondent's direction.

15. Complainants have established by a preponderance of the evidence that Respondent violated Minn. Stat. § 211B.20 on September 1, 2025, by indirectly denying Complainants access to the Properties for purposes of door-knock campaigning after 5:00 p.m.

16. For the September 1, 2025, violation of Minn. Stat. § 211B.20, it is appropriate to impose a civil penalty against Respondent in the amount of \$250.

17. Any Finding of Fact more properly considered to be a Conclusion of Law is incorporated herein.

18. Any portion of the accompanying Memorandum that is more properly considered to be a Conclusion of Law is incorporated herein.

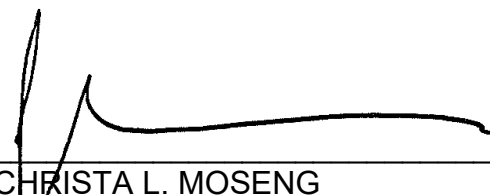

Based on the Findings of Fact and Conclusions of Law, and for the reasons stated in the Memorandum below, which is hereby incorporated, the Panel makes the following:

### ORDER

1. By **4:30 p.m. on November 7, 2025**, Respondent shall pay a civil penalty totaling \$1,450 for violating Minn. Stat. § 211B.20 (Supp. 2025).

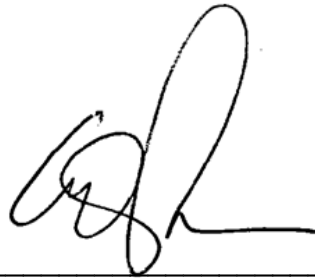
2. The penalty shall be paid by check made payable to: "Treasurer, State of Minnesota," and remitted to the Court of Administrative Hearings. The docket number 22-0325-41149 should be included on the check memo line.

Dated: October 8, 2025

  
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CHRISTA L. MOSENG  
Administrative Law Judge, Presiding  
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TIM O'MALLEY  
Chief Administrative Law Judge

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<sup>67</sup> Ex. B at WW010-11.



ANN C. O'REILLY  
Administrative Law Judge

## NOTICE

Pursuant to Minn. Stat. § 211B.36, subd. 5 (2024), 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 (2024).

## MEMORANDUM

### I. Minn. Stat. § 211B.20 and the 2025 Legislative Amendment

Minnesota Statutes section 211B.20, subdivision 1 prohibits denial of access to multiple unit dwellings to candidates and their volunteers for purposes of political door-knocking. Subdivision 2 of the statute lists six exceptions to the prohibition on denial of access outlined in subdivision 1. The events of this case occurred after the 2025 legislative session, during which the legislature added the underlined language to subdivision 2(4): “limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours, provided that access must be permitted during the hours of 9:00 a.m. through 9:00 p.m. on any day, at a minimum.”<sup>68</sup> As of July 1, 2025, the hours of 9:00 a.m. to 9:00 p.m. on any day of the week are presumptively reasonable hours for door-knocking. This new statutory language, whether Respondent violated it, and, if so, the effect and the degree of Respondent’s willfulness are at issue here.

### A. August 12 and August 29 Violations

At the evidentiary hearing Respondent stipulated to “technical” violations of Minn. Stat. § 211B.20 on August 12 and August 29, 2025.<sup>69</sup> Complainants sought to door-knock at the Properties between the hours of 5:30 p.m. and 8:00 p.m., and Respondent denied Complainants’ request and indicated that door-knocking would only be permitted between 9:00 a.m. and 5:00 p.m., Monday through Friday.<sup>70</sup> Limiting door-knocking to regular business hours is not reasonable under the statute because Minn. Stat. § 211B.20, subd. 2(4) requires access be granted from 9:00 a.m. through 9:00 p.m. on any day of the week, at a minimum. By not allowing door-knocking access

<sup>68</sup> Minn. Stat. § 211B.20, subd. 2(4) (Supp. 2025) (emphasis added).

<sup>69</sup> Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings).

<sup>70</sup> Ex. B.

between 5:00 p.m. and 9:00 p.m., Respondent violated Minn. Stat. § 211B.20 on August 12 and August 29, 2025.

### **B. September 1 Violation**

Respondent did not stipulate to a violation of Minn. Stat. § 211B.20 on September 1, 2025. Respondent testified that he did not intend for Johnson to respond to Smithberg's emails and did not speak to Johnson about this matter prior to her September 1 email.<sup>71</sup> Respondent testified that he copied Johnson on his August 29, 2025, email and Johnson responded to Smithberg of her own volition.<sup>72</sup> Standing alone, this particular evidence does not support a violation of Minn. Stat. § 211B.20. However, Respondent stipulated that Johnson wrote the September 1 email at Respondent's direction and did not withdraw that stipulation.<sup>73</sup> Based upon Respondent's stipulation, the Panel finds that Johnson's September 1 email is attributable to Respondent and violated Minn. Stat. § 211B.20 by indirectly denying Complainants access to door-knock the Properties.

### **C. The Complaint Is Not Frivolous**

Respondent argues that the Complaint is frivolous because Complainants have not availed themselves of the offered access between 5:30 p.m. and 8:00 p.m. offered by Respondent as of September 12, 2025.<sup>74</sup> Respondent contends that the purpose of Minn. Stat. § 211B.20 is to ensure candidate access for door-knocking and that Complainants have pursued the Complaint not to gain door-knocking access, but to "scor[e] political points at the Respondent's expense."<sup>75</sup> Respondent requests that the Panel dismiss the Complaint as frivolous and order Complainants to pay costs.<sup>76</sup>

Minn. Stat. § 211B.36, subd. 3 states: "If the assigned administrative law judge or panel determines the complaint is frivolous, they may order the complainant to pay the respondent's reasonable attorney fees and to pay the costs of the office in the proceeding in which the complaint was dismissed." "Frivolous" is defined as: (1) "Lacking in high purpose; trifling, trivial, and silly," or (2) "Lacking a legal basis or legal merit; manifestly insufficient as a matter of law."<sup>77</sup>

Here, Respondent has admitted to violating Minn. Stat. § 211B.20 on two separate occasions, and the Panel has found that Respondent violated the statute on a third occasion. The Complaint has a sufficient legal basis, and the Panel concludes that the Complaint alleging these violations is not frivolous. Furthermore, Respondent only attempted to remedy his error and provide the statutorily required access after the Complaint was filed and the Prima Facie Determination was issued. Compliance with the

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<sup>71</sup> Test. of J. Wall.

<sup>72</sup> Test. of J. Wall.

<sup>73</sup> Evidentiary Hearing Digital Recording (Sep. 25, 2025) (on file with the Minn. Court Admin. Hearings).

<sup>74</sup> Respondent's Memorandum of Law at 4 (Oct. 2, 2025).

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Frivolous*, BLACK'S LAW DICTIONARY (12th ed. 2024).

law moving forward does not cure past violations of the law and does not render a Complaint frivolous retroactively. The Complaint is not frivolous as a matter of law.

## II. Penalty Assessment

Pursuant to Minn. Stat. § 211B.35, subd. 2, the Panel may: (1) dismiss the complaint; (2) issue a reprimand; (3) impose a civil penalty of up to \$5,000; (4) or refer the complaint to the appropriate county attorney. The Panel finds that a civil penalty is the proper disposition in this case.

To ensure consistency in the application of administrative penalties across types of violations of the Fair Campaign Practices Act and Campaign Finance Act, the Court of Administrative Hearings uses a “penalty matrix” to guide decision-making. The matrix categorizes violations based upon the willfulness of the misconduct and the impact of the violation upon voters and is set forth as follows:<sup>78</sup>

Willfulness	Gravity of Violation		
	Minimal/no impact on voters, easily countered	Some impact on several voters, difficult to correct/counter	Many voters misled, process corrupted, unfair advantage created
Deliberate, multiple violations in complaint, history of violations, clear statute, unapologetic	\$600 - 1,200	\$1,200 – 2,400 and/or Refer to County Attorney	\$2,400 – 5,000 and/or Refer to County Attorney
Negligent, ill-advised, ill-considered	\$250 - 600	\$600 - 1,200	\$1,200 – 2,400 and/or Refer to County Attorney
Inadvertent, isolated, promptly corrected, vague statute, accepts responsibility	\$0 - 250	\$400-600	\$600 - 1,200

For the August 12 and August 29 violations, the Panel finds that Respondent’s actions were negligent, ill-advised, or ill-considered and had some impact on voters that was difficult to correct. The Panel recognizes that the Revisor’s website did not have the 2025 version of Minn. Stat. § 211B.20 currently in effect readily available for Respondent’s reference. However, Respondent did not thoroughly investigate his legal obligations under the statute – he read in the yellow banner that the statute had been affected by the 2025 legislative session but did not click the “More info...” hyperlink. Additionally, Smithberg’s August 28 and August 30, 2025, emails correctly informed Respondent of his legal obligation, and Respondent’s own due diligence proved inadequate.

Complainants presented evidence regarding Respondent’s political bias against Complainants, particularly Wonsley. The Panel does not give weight to the evidence of

<sup>78</sup> 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. 2007), *review denied* (Minn. 2007). The penalty matrix is informative but not dispositive.

Respondent's participation in a meeting where the requirements of Minn. Stat. § 211B.20 were discussed by Complainant's wife and other third parties or to evidence regarding Respondent's political donations. The record lacks evidence that Respondent, himself, expressed a willful intent, and the circumstantial evidence is insufficient to meet Complainants' burden.

However, the Panel does consider the impact on voters to be significant in this case. Complainants were attempting to reach voters between the hours of 5:30 p.m. and 8:00 p.m., a time when many voters are home after work and candidates who work during the day are available to connect with voters.<sup>79</sup> The August 12 and August 29 denials created a significant delay for Complainants to connect with voters in the summer months before early voting began.<sup>80</sup> The Panel concludes that a penalty of \$600 each for the August 12 and August 29 violations is appropriate.

For the September 1, 2025, violation, the Panel similarly finds that Respondent's actions were negligent, ill-advised, or ill-considered. However, the impact on voters could have been minimized if Complainants had accepted Respondent's offer of expanded access on September 12, 2025. On August 30, 2025, Smithberg proposed four dates and times for door-knocking, including September 15, 2025, from 5:30 p.m. to 8:00 p.m. and two other times on September 21 and September 24.<sup>81</sup> Thirteen days later, on September 12, 2024, Respondent emailed Smithberg granting the requested access on September 15 or offering access on other dates if needed.<sup>82</sup> Neither Smithberg nor Complainants have availed themselves of Respondent's offer as of the date of the evidentiary hearing.<sup>83</sup>

While the delay caused by Respondent's initial denials likely impacted voters, the impact of the September 1 violation was mitigated when Respondent attempted to grant the requested access later. Therefore, the Panel concludes that a penalty of \$250 for the September 1 violation is appropriate.

### **III. Conclusion**

Based upon the above factors, the Panel concludes that Respondent should pay a total penalty of \$1,450 for the three violations of Minn. Stat. § 211B.20.

**C. L. M., T. J. O., A. C. O.**

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<sup>79</sup> Test. of R. Wonsley; Test. of M. Wilson.

<sup>80</sup> Test. of M. Wilson.

<sup>81</sup> Ex. B at WW010.

<sup>82</sup> Ex. 6.