

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Chester C. Graham,

Complainant,

vs.

Sartec Corporation,

Respondent.

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

TO: Chester C. Graham, 23162 Butterfield Dr. NW, St. Francis, MN 55070; David H. Gregerson, Gregerson, Rosow, Johnson, 650 Third Ave S. Suite 1600, Minneapolis, MN 55402; and Larry McNeff, President, Sartec Corporation, 617 Pierce Street, Anoka, MN 55303.

On October 10, 2006, Chester Graham filed a Complaint with the Office of Administrative Hearings alleging the Sartec Corporation violated Minn. Stat. § 211B.15 by posting signs promoting the candidacy of individuals for election to a public office. After reviewing the Complaint and attached documents, the undersigned Administrative Law Judge has determined that the complaint sets forth a prima facie violation of § 211B.15.

THEREFORE, IT IS ORDERED AND NOTICE IS GIVEN that this matter is scheduled for a probable cause hearing to be held by telephone before the undersigned Administrative Law Judge at **3:30 p.m. on Monday, October 16, 2006**. The hearing will be held by call-in telephone conference. **A staff attorney will notify you of the number to call and the code to enter in order to participate in the telephone conference.** The probable cause hearing will be conducted pursuant to Minn. Stat. § 211B.34. Information about the probable cause proceedings and copies of state statutes may be found online at www.oah.state.mn.us and www.revisor.leg.state.mn.us.

At the probable cause hearing all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if 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 provide to the Administrative Law Judge all evidence bearing on the case, with copies to the opposing party, before the telephone conference takes place. Documents may be faxed to Judge Richard C. Luis at 612-349-2665.

At the conclusion of the probable cause hearing, the Administrative Law 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 of law alleged in the complaint has occurred; or (2) determine that there is probable cause to believe that the violation of law alleged in the complaint has occurred and refer the case to the Chief Administrative Law Judge for the scheduling of an evidentiary hearing. Evidentiary hearings are conducted pursuant to Minn. Stat. § 211B.35. If the Administrative Law Judge dismisses the complaint, the complainant has the right to seek reconsideration of the decision on the record by the Chief Administrative Law Judge pursuant to Minn. Stat. § 211B.34, subd. 3.

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 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401, or call 612/341-7610 (voice) or 612/341-7346 (TTY).

Dated: October 11, 2006

/s/ Richard C. Luis
RICHARD C. LUIS
Administrative Law Judge

MEMORANDUM

Chester Graham has filed a complaint alleging that signs promoting the campaigns of individuals seeking elective office have been posted on the property of Sartec Corporation in violation of Minn. Stat. § 211B.15. Mr. Graham summarizes a conversation with Sartec personnel that implies that they did not deny responsibility for the signage, and alleges further that more signs were added after he put Sartec on written notice of his concerns. This is sufficient to state a prima facie complaint. A photograph of the signs first observed by Mr. Graham was attached to the complaint. Although the photograph appears to show the signs in proximity to a structure, it is not possible to determine from the photograph whether the signs are in fact located on property owned by Sartec Corporation. This will be an issue at the probable cause hearing.

The Administrative Law Judge finds that the Complainant has made a prima facie showing that Respondent violated the prohibition against corporate contributions found at Minn. Stat. § 211B.15. This matter will proceed to a probable cause hearing.

R.C.L.

