

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

McDonald 2005 Committee,

Complainant,  
vs.

Neighbors for Hodges,

Respondent.

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

**TO: Timothy J. Keane, Attorney at Law, Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402; and Alan W. Weinblatt, Weinblatt & Gaylord PLC, Suite 300 Kellogg Square, 111 East Kellogg Boulevard, St. Paul, MN 55101.**

On October 25, 2005, the McDonald 2005 Committee filed a complaint with the Office of Administrative Hearings alleging the Respondent violated Minn. Stat. § 211A.12 by accepting a contribution from the RT Rybak for Mayor Committee that exceeded the contribution limits. After reviewing the Complaint and attached documents, the undersigned Administrative Law Judge has determined that the complaint sets forth a prima facie violation of § 211A.12.

**THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that this matter is scheduled for a probable cause hearing to be held by telephone before the undersigned Administrative Law Judge at **2:00 p.m. on Friday, October 28, 2005**. The hearing will be held by call-in telephone conference. You must call: 651-284-3547 at that time. Follow the directions and enter the code **“6929”** when asked for the meeting number. 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](http://www.oah.state.mn.us) and [www.revisor.leg.state.mn.us](http://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 Heydinger 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 26, 2005

/s/Beverly Jones Heydinger  
BEVERLY JONES HEYDINGER  
Administrative Law Judge

### MEMORANDUM

Lisa McDonald and Betsy Hodges are candidates for the Minneapolis City Council's 13<sup>th</sup> Ward seat. The McDonald 2005 Committee has filed a complaint alleging that on June 24, 2005, the Neighbors for Hodges committee ("Respondent") received a contribution of goods or services from the RT Rybak for Mayor committee valued at \$1,638, which the Respondent did not report as a contribution and which violates the contribution limits of Minn. Stat. § 211B.12. Respondent did disclose in its pre-primary report a June 19, 2005, payment of \$616.78 to the RT Rybak for Mayor Committee. The Complaint alleges, however, that even if this payment of \$616.78 was intended to reimburse the RT Rybak for Mayor Committee for a portion of the June 24, 2005 contribution, the remaining contribution would still exceed the \$300 limit provided for in Minn. Stat. § 211A.12.

Minn. Stat. § 211A.12 provides in relevant part as follows:

#### **211A.12 Contribution limits.**

A candidate or a candidate's committee may not accept aggregate contributions made or delivered by an individual or committee in excess of \$300 in an election year for the office sought and \$100 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 \$500 in an election year for the office sought and \$100 in other years.

Minn. Stat. § 211A.01, subd. 5, defines “contribution” to mean anything of monetary value that is given or loaned to a candidate or committee for a political purpose.” The Administrative Law Judge concludes that the allegations in the complaint support a prima facie violation of Minn. Stat. § 211A.12. This matter will proceed to a probable cause hearing.

B.J.H.