

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Eva Young and Laura Lehmann, M.D.,  
Complainants,

vs.

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

Mark Stenglein, Hennepin County  
Commissioner, and Mark Stenglein  
Volunteer Committee

Respondents.

The above-entitled matter came on for an evidentiary hearing on October 6, 2006, before a panel of three Administrative Law Judges: Steve M. Mihalchick (Presiding Judge), Barbara L. Neilson, and Kathleen D. Sheehy. The hearing record closed at the conclusion of the hearing that day.

Eva Young, 1308 Boardwalk Avenue, Minneapolis, MN 55411, and Laura J. Lehmann, M.D., 6828 Wooddale Avenue South, Edina, MN 55435-1635, appeared for themselves without counsel (Complainants). Brian Rice, Attorney at Law, Rice, Michels & Walther, LLP, 206 East Bridge – Riverplace, 10 Second Street NE, Minneapolis, MN 55413, appeared on behalf of Hennepin County Commissioner Mark Stenglein and the Mark Stenglein Volunteer Committee (Respondents).

**NOTICE**

This is the final decision in this case, as provided in Minn. Stat. § 211B.36, subd. 5. A party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63 to 14.69.

**STATEMENT OF ISSUES**

Did Respondents violate Minn. Stat. § 211B.12(6) by contributing \$100 to Eastside Neighborhood Services on September 9, 2005?

The panel concludes that the Complainants failed to establish that Respondents violated Minn. Stat. § 211B.12(6), and therefore the Complaint against them is dismissed.

Based upon the entire record, the panel makes the following:

## FINDINGS OF FACT

1. The Respondent Mark Stenglein is a Hennepin County Commissioner and is running for re-election on November 7, 2006.

2. On January 31, 2006, Respondent Stenglein Volunteer Committee filed its 2005 Annual Campaign Finance Report with Hennepin County. The Report listed a \$100 "donation" made by the Committee on September 9, 2005, to East Side Neighborhood Services.<sup>1</sup>

3. East Side Neighborhood Services (ESNS) is a nonprofit social services agency that serves immigrant, refugee, and low-income communities primarily in Northeast Minneapolis. As part of its fundraising efforts, ESNS conducts an annual charitable golf tournament called the Mill City Charity Golf Tournament. Proceeds from the golf tournament benefit ESNS.<sup>2</sup>

4. On September 9, 2005, ESNS held its 10<sup>th</sup> Annual Mill City Charity Golf Tournament. The individual fee for attending the event was \$100. This fee included 18 holes of golf, golf cart, lunch, and post-round appetizers.<sup>3</sup>

5. Majestic Oaks Golf Club charged ESNS \$75 per person for green fees and meal costs associated with the fundraising event. The remaining \$25 of each individual fee went to ESNS as a charitable contribution.<sup>4</sup>

6. Mike Sable, an assistant to Respondent Mark Stenglein, attended the 10<sup>th</sup> Annual Mill City Charity Golf Tournament. Respondent Stenglein had planned on attending the golf tournament himself, but had to attend the funeral of a friend. He sent Mr. Sable in his place. The Mark Stenglein Volunteer Committee paid the \$100 fee for Mr. Sable to attend the golf tournament.<sup>5</sup>

7. Lynette Wittsack is the Treasurer of the Mark Stenglein Volunteer Committee. Ms. Wittsack is responsible for filling out the Committee's campaign finance reports. At the time that she filled out the Committee's 2005 Annual Campaign Finance Report, Ms. Wittsack was not aware that something of value had been received in exchange for the \$100 "donation" to ESNS. As a result, Ms. Wittsack wrote down the full \$100 amount as a donation to ESNS.<sup>6</sup>

8. ESNS receives some of its funding from Hennepin County.<sup>7</sup>

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<sup>1</sup> Ex. 1.

<sup>2</sup> Testimony of Weiss.

<sup>3</sup> Ex. 2.

<sup>4</sup> Ex. 3; Testimony of Weiss.

<sup>5</sup> Affidavit of Mark Stenglein; Ex. 4. The check was written on the account of "Friends of Mark Stenglein."

<sup>6</sup> Testimony of Wittsack.

<sup>7</sup> Testimony of Weiss.

Based upon the foregoing Findings of Fact, the panel makes the following:

## **CONCLUSIONS**

1. Minn. Stat. § 211B.35 authorizes the panel of Administrative Law Judges to consider this matter.

2. Minn. Stat. § 211B.12 provides as follows:

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;
- (6) charitable contributions of not more than \$50 to any charity annually; 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.

3. The burden of proving the allegations in the complaint is on the Complainants. The standard of proof of a violation of Minn. Stat. § 211B.12, is a preponderance of the evidence.<sup>8</sup>

4. The Complainants have failed to demonstrate by a preponderance of the evidence that Respondents violated Minn. Stat. § 211B.12(6).

Based upon the record herein, and for the reasons stated in the following Memorandum, the panel of Administrative Law Judges makes the following:

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<sup>8</sup> Minn. Stat. § 211B.32, subd. 4.

**ORDER**

IT IS ORDERED:

That the Complaint in this matter is DISMISSED.

Dated: October 10, 2006

/s/ Steve M. Mihalchick  
STEVE M. MIHALCHICK  
Presiding Administrative Law Judge

/s/ Barbara L. Neilson  
BARBARA L. NEILSON  
Administrative Law Judge

/s/ Kathleen D. Sheehy  
KATHLEEN D. SHEEHY  
Administrative Law Judge

**MEMORANDUM**

Minn. Stat. § 211B.12 governs legal expenditures by campaign committees and candidates of money collected for political purposes. Under this section, a candidate or campaign committee may contribute no more than \$50 to any charity annually. Although the Respondents reported a \$100 donation to East Side Neighborhood Services based on the individual fee for attending the charity golf tournament event, the record established that the Respondents contributed only \$25 to ESNS. The remaining \$75 went to cover the costs associated with the golf tournament. Because Respondents' actual charitable contribution to ESNS was not more than \$50, the Complainants have failed to show that the Respondents violated Minn. Stat. § 211B.12. The record reflects that the Respondents simply made a reporting error and mischaracterized the expenditure as a \$100 donation (as opposed to a \$25 donation and a \$75 expense). The Respondents should amend their 2005 Annual Campaign Finance Report to correctly reflect the expenditure. The Complaint is dismissed.

S.M.M., B.L.N., K.D.S.