CAH 82-0325-41180

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

Alexander Ivanov,

Complainant,

v.

Taunya Kolbinger,

Respondent.

PROBABLE CAUSE ORDER

This matter came before Administrative Law Judge Barbara J. Case for a probable cause hearing held by telephone on October 7, 2025. The hearing addressed a Fair Campaign Practices Complaint (Complaint) filed by Alexander Ivanov (Complainant) on September 18, 2025, under the Fair Campaign Practices Act.[1] The hearing record closed at the conclusion of the hearing.

Complainant appeared on his own behalf, without legal counsel. Kellen Fish, KTF Law Firm, PLLC, appeared on behalf of Taunya Kolbinger (Respondent).

Based upon the record and proceedings in this matter, and for the reasons explained in the accompanying Memorandum incorporated herein, the Administrative Law Judge makes the following:

ORDER

1. There is no probable cause to believe Respondent violated Minn. Stat. § 211B.02 (2024) by knowingly distributing material claiming she was endorsed by the Minnetonka Public Schools. This claim is **DISMISSED**.

2. There is probable cause to believe Respondent violated Minn. Stat. § 211B.04 (2024) by failing to include her address on her candidate website.

3. This matter will be referred to the Chief Administrative Law Judge for assignment to a panel of three administrative law judges, pursuant to Minn. Stat. § 211B.35.

4. Based on the parties' agreement during the October 7, 2025 hearing, this matter shall be submitted to the assigned panel without an evidentiary hearing, based on the record established at the probable cause hearing and submitted written closings.

[1] Minn. Stat. §§ 211B.01-.37 (2024).

5. By **12:00 p.m.** on **October 14, 2025,** Respondent shall serve and file written argument, if any, as to the violation of Minn. Stat. § 211B.04 and any appropriate penalty,[2] should the panel determine that Respondent violated Minn. Stat. § 211B.04**.**

6. By **4:30 p.m.** on **October 15, 2025,** Complainant shall serve and file written argument, if any, as to the violation of Minn. Stat. § 211B.04 and any appropriate penalty, should the panel determine that Respondent violated Minn. Stat. § 211B.04.

Dated: October 10, 2025

Barbara J. Case
Administrative Law Judge

MEMORANDUM

I. Factual and Procedural Background

Respondent is a candidate for a seat on the Minnetonka School Board for the general election scheduled on November 4, 2025.[3] Respondent used the logo for the Minnetonka Public School District (logo) as the picture for the main Facebook banner at the top of Respondent's Facebook page for her candidacy.[4]

Complainant asserts that Respondent's use of the logo on the Facebook banner on her candidacy page is a false claim of support from the Minnetonka Public School District.[5] Complainant provides screenshots of Respondent's Facebook page (screenshots) dated September 1, 2025, that show Respondent is a school board candidate and the banner with the logo.[6] The screenshots contain information indicating Respondent updated her Facebook banner to be the logo on July 31, 2025.[7] Respondent states her intent "was to indicate that I was running for Minnetonka School Board, no [sic] to allege any endorsement."[8] On September 9, 2025, Respondent changed the banner on her candidacy Facebook page, removing the Minnetonka Public School District logo.[9]

Complainant also alleges that Respondent failed to provide an address on her website, taunyakolbinger.com (website) as required by law.[10] Respondent admits that "for a short period of time, I did not have a physical address on [the] webpage."[11] The

[2] *See* https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp for more information about penalty assessments.
[3] Complaint (Compl.) at 2 (Sept. 18, 2025).
[4] Affidavit of Taunya Kolbinger ¶ 3 (Aff. Kolbinger) (Oct. 2, 2025).
[5] Compl. at 2.
[6] Compl., attached screenshots of Respondent's Facebook page.
[7] Compl., attached screenshots of Respondent's Facebook page.
[8] Aff. Kolbinger ¶ 3.
[9] Aff. Kolbinger ¶ 3b, Ex. A.
[10] Compl. at 2.
[11] Aff. Kolbinger ¶ 4.

Complaint includes a screenshot from Respondent's website.[12] The screenshot includes information about Respondent and states at the bottom "prepared and paid for by The Campaign Fund for Taunya Kolbinger."[13] No address appears.[14]

Respondent explains that she initially did not think she needed her address on the website.[15] Respondent maintains that during the time she did not have her address on the website, she received harassing communications.[16] Respondent states she has now corrected her website so that it includes her physical address.[17] Respondent provides a screenshot of the website dated October 1, 2025, which includes "prepared and paid for by The Campaign Fund for Taunya Kolbinger" and an address.[18] Respondent states that on September 22, 2025, she received permission to use a P.O. Box address for her campaign.[19]

By Order dated September 23, 2025, the Administrative Law Judge found that the Complaint alleged prima facie violations of Minn. Stat. §§ 211B.02 and 211B.04.[20] The Administrative Law Judge ordered this matter be set on for a probable cause hearing conducted by telephone conference call on October 7, 2025.[21]

II. Legal Standard

The purpose of a probable cause hearing is to determine whether, given the facts submitted by the parties, sufficient facts exist in the record to believe that a violation of law has occurred as alleged in the Complaint.[22] Probable cause "requires no more than a reasonable belief that there is a chance that a claim may be held valid upon adjudication."[23]

The prima facie determination assumed that all the allegations in the Complaint were true, as required by law.[24] At the probable cause hearing, the administrative law judge's task is to perform a cautious review of the facts available without that assumption, and to determine whether sufficient facts exist in the record to believe the law has been violated.[25] As in criminal cases, the probable cause hearing does not call for an

[12] Compl., attached screenshot from tauyakolbinger.com.
[13] Compl., attached screenshot from tauyakolbinger.com.
[14] Compl., attached screenshot from tauyakolbinger.com.
[15] Aff. Kolbinger ¶ 4a.
[16] Aff. Kolbinger ¶ 4b. Respondent provided undated communications she received on her Facebook page. Aff. Kolbinger, Ex. B.
[17] Aff. Kolbinger ¶ 4c.
[18] Aff. Kolbinger, Ex. C.
[19] Aff. Kolbinger ¶ 4d, Ex. D.
[20] Notice of Determination of Prima Facie Violation and Notice of and Order for Probable Cause Hearing (Prima Facie Order) (Sept. 23, 2025).
[21] *Id*.
[22] *Weinberger v. Maplewood Review*, 668 N.W.2d 667, 664 (Minn. 2003) ("[I]n civil cases probable cause constitutes a bona fide belief in the existence of the facts essential under the law for the action and such as would warrant a person of ordinary caution, prudence and judgment, under the circumstances, in entertaining it") (internal quotation marks omitted).
[23] *Pro. Real Est. Invs., Inc. v. Columbia Pictures Indus., Inc.*, 508 U.S. 49, 62–63 (1993) (citation modified).
[24] Minn. Stat. § 211B.32, subd. 3.
[25] Minn. Stat. § 211B.34, subd. 2.

assessment of the relative credibility of conflicting testimony.[26] A probable cause hearing in a civil matter is neither a preview nor a hearing on the merits; its function is simply to determine whether the facts available establish a reasonable belief that a respondent has committed a violation.[27]

III. Analysis

A. False Claim of Support – Section 211B.02

Minn. Stat. § 211B.02 states, in relevant part, "[a] person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization." According to the Complaint, the logo on Respondent's Facebook banner where she lists herself as a school board candidate is the logo for the Minnetonka Public School District.[28]

In her Affidavit, Respondent explains that her intent "was to indicate that I was running for Minnetonka School Board, no [sic] to allege any endorsement."[29] On September 9, 2025, Respondent changed the banner picture.[30]

Based upon the evidence presented in the Complaint and at the probable cause hearing, the Administrative Law Judge concludes that there are insufficient facts in the record to believe that a violation of law has occurred, as alleged in the Complaint. Complainant has not provided any evidence that Respondent knowingly made a false claim of support by the Minnetonka Public School District. In addition, Respondent indicates an endorsement was not her intent by using the logo.

Without evidence that Respondent acted knowingly, the Administrative Law Judge finds that Complainant has failed to establish probable cause to believe Respondent violated Minn. Stat. § 211B.02 by knowingly making a false claim of endorsement. Accordingly, this claim is **DISMISSED**.

B. Minn. Stat. § 211B.04 Disclaimer Requirement

Campaign material must feature a disclaimer that meets the requirements of Minn. Stat. § 211B.04.[31] Under Minn. Stat. § 211B.04, subd. 1(a), a person who "participates in the preparation or dissemination of campaign material" must ensure that it prominently includes "the name and address of the person or committee causing the material to be prepared or disseminated."[32] Disclaimer requirements under Minn. Stat.

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[26] *See State v. Florence*, 239 N.W.2d 892, 903-04 (Minn. 1976) (explaining probable cause standard in criminal context). *See also State v. Hegstrom*, 543 N.W.2d 698, 702 (Minn. Ct. App. 1996), *review denied* (Minn. Apr. 16, 1996). The criminal probable cause standard is informative but not controlling in a civil case.
[27] *See* Minn. Stat. §§ 211B.34, subd. 2(b), 211B.35. *See also Florence*, 239 N.W.2d at 903.
[28] Compl. at 2, attached screenshots of Respondent's Facebook page.
[29] Aff. Kolbinger ¶ 3.
[30] Aff. Kolbinger ¶ 3b, Ex. A.
[31] Minn. Stat. § 211B.04, Subd. 1.
[32] Minn. Stat. § 211B.04, Subd. 1.

§ 211B.04, subd. 2, do not apply where an individual or association "is not required to register or report under chapter 10A or 211A."[33] Respondent submitted an email from the Hennepin County elections office stating, among other things, that Respondent had filed a campaign finance report for her school board candidacy.[34] Nothing in the record suggests that Respondent was not required to report under Minn. Stat. ch. 211A.

"Campaign material" is defined, in relevant part, as "any literature, publication, or material disseminated for the purpose of influencing voting at a primary or other election."[35] The purpose of the disclaimer requirement is to inform the electorate about election-related spending[36] by identifying "who or what committee prepared, disseminated and paid for the campaign material."[37]

Respondent's website qualifies as campaign material because it seeks to influence the election by encouraging a vote for Respondent. As such, Respondent's website was required to include a disclaimer substantially in the form provided in Minn. Stat. § 211B.04, including an address.

Respondent admits that "for a short period of time, I did not have a physical address on [the] webpage."[38] Respondent explains that she initially did not think she needed her address on the website,[39] but that her website now includes an address.[40]

The screenshots dated September 1, 2025, provided by Complainant and Respondent's admission establish probable cause to believe Respondent violated Minn. Stat. § 211B.04. This claim shall proceed to a panel for final determination.

IV. Conclusion

No probable cause exists to find that Respondent violated. Minn. Stat. § 211B.02. However, there is probable cause to conclude that Respondent violated Minn. Stat. § 211B.04 by displaying her website while it lacked the required disclaimer because it did not include an address. The parties waived an evidentiary hearing and agreed to present this matter to the Panel based on the record established at the probable cause hearing. The parties will also have an opportunity to submit written argument regarding the surviving violation and any penalty that they believe should be imposed if the Panel determines that a violation occurred. Following the Panel's deliberations, the Panel will issue a final order on the merits.

B. J. C.

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[33] *Id.* subd. 3(b).
[34] Aff. Kolbinger, Ex. D.
[35] Minn. Stat. § 211B.01, subd. 2.
[36] *See Lewison v. Hutchinson*, 929 N.W.2d 444, 448-49 (Minn. Ct. App. 2019).
[37] *Hansen v. Stone*, OAH Docket No. 4-6326-16911, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER at 4 (Minn. Office Admin. Hearings Oct. 28, 2005).
[38] Aff. Kolbinger ¶ 4.
[39] Aff. Kolbinger ¶ 4a.
[40] Aff. Kolbinger ¶ 4c.