

Minnesota

***Campaign Finance and
Public Disclosure Board Meeting***

Wednesday, June 5, 2019
10:30 A.M.
Room 225
Minnesota Judicial Center

REGULAR SESSION AGENDA

1. **Approval of Minutes** (May 1, 2019)
2. **Chair's report**
 - a. Meeting schedule
3. **Executive director report – no written material**
4. **Enforcement report**
5. **Review of Court of Appeals decision, Lewison v. Hutchinson**
6. **Legal report**
7. **Other business**

EXECUTIVE SESSION

Immediately following regular session

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

.....
May 1, 2019
Room G-6
Minnesota Judicial Center
.....

MINUTES

The meeting was called to order by Chair Leppik.

Members present: Flynn, Haugen, Leppik, Moilanen, Rosen (by telephone – joined meeting during waiver request section of enforcement report), Swanson

Others present: Sigurdson, Engelhardt, Olson, Pope, staff; Hartshorn, counsel

MINUTES (April 3, 2019)

After discussion, the following motion was made:

Member Moilanen's motion: To approve the April 3, 2019, minutes as drafted.

Vote on motion: Unanimously passed.

CHAIR'S REPORT

A. Meeting schedule

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, June 5, 2019.

EXECUTIVE DIRECTOR REPORT

Mr. Sigurdson told members that the house omnibus state government finance bill included the Board's budget requests. Mr. Sigurdson said that the house bill also included several election and campaign finance policy provisions but none of the Board's 2019 legislative recommendations. Mr. Sigurdson said that the senate omnibus state government finance bill did not include any additional funds for the Board or any election/campaign finance policy provisions. Mr. Sigurdson said that a conference committee would be appointed to resolve the differences between the house and senate bills.

ENFORCEMENT REPORT

A. Consent Items

1. Administrative termination of lobbyist Ryan Hamilton (2744)

Mr. Olson told members that the MN Assn of Realtors had requested that the registration of Mr. Hamilton be terminated effective June 1, 2018, and had filed a termination statement signed by its designated lobbyist. The principal stated that Mr. Hamilton was aware of the need to file a termination statement but had not done so. Mr. Olson said that Board staff had administratively terminated Mr. Hamilton's lobbyist registration effective June 1, 2018, and that the principal's reporting lobbyist had filed disbursement reports including Mr. Hamilton through 2018.

2. Request to withdraw registration of lobbyist Eric Hyland (2986)

Mr. Olson told members that Mr. Hyland had registered as a lobbyist for the Coalition of Interlock Manufacturers on March 7, 2019. On March 12, 2019, Mr. Hyland submitted a lobbyist termination statement pertaining to the same principal. Mr. Olson said that after discussing the matter with Board staff, Mr. Hyland instead had asked to withdraw his registration because he had never engaged in lobbying on behalf of the Coalition of Interlock Manufacturers.

B. Discussion Items

1. Request for retroactive termination of lobbyist Peter Nelson (2346)

Mr. Olson told members that Mr. Nelson had filed a lobbyist termination statement and was requesting that the termination be retroactive to December 3, 2017, as he was no longer employed by the Center for the American Experiment as of December 4, 2017. Mr. Olson said that the principal's reporting lobbyist had filed disbursement reports including Mr. Nelson through 2018.

2. Request for retroactive termination of lobbyist Leili Fatehi (4195)

Mr. Olson told members that Friends of the Mississippi River had submitted a lobbyist termination statement signed by Ms. Fatehi requesting that the termination be retroactive to June 27, 2017. Mr. Olson said that the principal's reporting lobbyist had filed disbursement reports including Ms. Fatehi through 2018.

After discussion, the following motion was made:

Member Flynn's motion:

To approve consent items A and B and discussion items A and B.

Vote on motion:

Unanimously passed.

C. Waiver requests

<u>Name of Candidate or Committee</u>	<u>Late Fee & Civil Penalty Amount</u>	<u>Reason for Fine</u>	<u>Factors for waiver</u>	<u>Board Member's Motion</u>	<u>Motion</u>	<u>Vote on Motion</u>
IBEW Local 292 Political Education Fund (30119)	\$150 LFF	24-hour notice due 11/2/2018	Treasurer tried to submit 24-hour notice via CFR software but notice was sent to a file on his computer rather than to Board's FTP server. He contacted Board staff after realizing notice was not received and it was filed 11/6/2018.	Member Swanson	To waive the late filing fee	Roll call vote taken. All members voted in the affirmative.
Hockey Modernization Minnesota (7306)	\$375 LFF	2018 principal report	Individual responsible for filing report had surgery with serious medical complications and was recovering in Florida when report came due. Principal did not incur any lobbying expenses in 2018 and its sole lobbyist terminated in May 2018.	Member Swanson	To waive the late filing fee	Roll call vote taken. All members voted in the affirmative.
Jeffrey Waldhalm (Pine SWCD)	\$100 LFF	2018 EIS	We had incorrect address for official and he was traveling near filing deadline. He thought he had submitted EIS to us via email. Official has been busy dealing with family issues including brother's terminal illness.	Member Swanson	To waive the late filing fee	Roll call vote taken. All members voted in the affirmative.
Jerry Tveit (Upper Rum River WMO)	\$100 LFF	2018 EIS	Official did not have access to email address on file as he was no longer a city council member, thus he didn't receive reminder emails and couldn't reset password to log in to online reporting system. He also was busy caring for his wife who underwent major surgery just prior to filing deadline. He has since resigned from WMO. EIS was filed 3/25/2019.	Member Swanson	To waive the late filing fee	Roll call vote taken. All members voted in the affirmative.
Paul DeGree (Clearwater River WD)	\$100 LFF	2018 EIS	Official tried to email EIS in January or February before late fee began to accrue, but email was never transmitted.	Member Swanson	To waive the late filing fee	Roll call vote taken. All members voted in the affirmative.

Stacy Harwell Hoschka (Bassett Creek WMO)	\$100 LFF \$300 CP	2018 EIS	Official relies on WMO administrator to notify her of need to file EIS and she never received notice from administrator. We sent letter regarding need to file EIS before due date, however, no reminder emails were sent. She was traveling and then busy with family obligations and repairing flood damage to her home, which delayed her response to certified letter informing her of civil penalty. EIS was filed 4/15/19.	Member Swanson	To waive the late filing fee and civil penalty	Roll call vote taken. All members voted in the affirmative.
Raymond Gustafson (Watowan County)	\$100 LFF	2018 EIS	Official, who first took office in December 2011, thought that form titled "Disclosure of Economic Interest" that he signed 2/5/2019 and submitted to Watowan County was same as EIS required to be filed with Board.	Member Swanson	To waive the late filing fee	Roll call vote taken. All members voted in the affirmative.
ACLU of MN Political Action Fund (30706)	\$1,000 LFF	24-hour notice due 11/3/2018	Deputy treasurer tried to submit notice via CFR software 11/2/2019. She provided screenshot showing that on her end, software showed contribution was entered. Staff has no record of notice being filed.	Member Swanson	To waive the late filing fee	Roll call vote taken. All members voted in the affirmative.
ACLU of MN Political Action Fund (30706)	\$1,000 LFF	24-hour notice due 10/27/2018	Deputy treasurer tried to submit notice via CFR software 11/1/2019. She provided screenshot showing that on her end, software showed contribution was entered and notice was filed. Staff has no record of notice being filed. If notice had been received 11/1/2019, late fee would have been \$200.	Member Swanson	To reduce the late filing fee to \$200	Roll call vote taken. All members voted in the affirmative.
Amy Bacigalupo (Lac qui Parle SWCD)	\$25 LFF	Original EIS	Newly elected official didn't understand how to complete her EIS. She lost initial letter we mailed and sought assistance from SWCD staff, but did not know how to get in contact with Board staff.	Member Flynn	To waive the late filing fee	Roll call vote taken. All members voted in the affirmative.
Ronald Bunjer (Lincoln SWCD)	\$100 LFF	2018 EIS	Official did not realize he needed to file EIS every year and was traveling in January. He states the first notice he received was certified letter informing him of LFF.	Member Flynn	To reduce the late filing fee to \$50	Roll call vote taken. All members voted in the affirmative.

Ronald Anderson (Kittson SWCD)	\$100 LFF	2018 EIS	Official thinks he contacted us regarding his 2018 EIS via email or phone. He didn't think he was required to file an EIS because he did not seek reelection in 2018.	Member Flynn	To reduce the late filing fee to \$50	Roll call vote taken. All members voted in the affirmative.
Pediatric Home Service PAC (41064)	\$2,000 LFFs	2 24-hour notices due 7/25/2018 and 8/10/2018	Treasurer erred in failing to file 24-hour notices. Going forward, she will use CFR software and enter contributions in timely manner. Board typically reduces 24-hour notice late fees for first-time violations to \$250 per violation.	Member Leppik	To reduce the late filing fees to \$500	Roll call vote taken. All members voted in the affirmative.
UTU PAC-MN (30019)	\$1,000 LFF	24-hour notice due 7/31/2018	Treasurer didn't realize that 24-hour notice was required for transfer of money from supporting association to political fund. Board typically reduces 24-hour notice late fees for first-time violations to \$250.	Member Leppik	To reduce the late filing fee to \$250	Roll call vote taken. All members voted in the affirmative.
Amalgamated Transit Union Local 1005 (30074)	\$1,000 LFF	24-hour notice due 10/31/2018	Treasurer didn't realize that 24-hour notice was required for transfer of money from supporting association to political fund. Board typically reduces 24-hour notice late fees for first-time violations to \$250.	Member Leppik	To reduce the late filing fee to \$250	Roll call vote taken. All members voted in the affirmative.
Iron Workers Local 512 (30092)	\$1,000 LFF	24-hour notice due 10/30/2018	Treasurer thought 24-hour notice was not required for transfer of money from supporting association to political fund. Fund did file a 24-hour notice for separate contribution from its supporting association on 7/31/2018. Board typically reduces 24-hour notice late fees for first-time violations to \$250.	Member Leppik	To reduce the late filing fee to \$250	Roll call vote taken. All members voted in the affirmative.
Flippable - MN Victory Fund (70055)	\$1,000 LFF	24-hour notice due 7/26/2018	Committee didn't make any significant expenditures until after primary and has since retained new outside compliance firm to ensure more accurate and timely reporting. Board typically reduces 24-hour notice late fees for first-time violations to \$250.	Member Leppik	To reduce the late filing fee to \$250	Roll call vote taken. All members voted in the affirmative.

Emily's List - Minn (40847)	\$1,000 LFF	24-hour notice due 7/28/2018	Committee didn't realize contribution in question triggered 24-hour notice requirement. It will train staff about 24-hour notice periods and triggering amounts going forward. Board typically reduces 24-hour notice late fees for first-time violations to \$250. Although this is committee's second violation, it did not request waiver and paid entire LFF of \$1,000 for previous violation in 2016.	Member Leppik	To reduce the late filing fee to \$250	Roll call vote taken. All members voted in the affirmative.
Marcus Harcus (2632)	\$1,200 LFFs	Both 2018 lobbyist reports	Principal's sole lobbyist experienced number of personal issues that caused his lobbyist disbursement reports to be filed late. He drafted principal's report but initially forgot to send email containing report.	No motion		
MN Campaign for Full Legalization (7379)	\$275 LFF	2018 principal report		No motion		
Minneapolis Federation of Teachers-Local 59 (930)	\$25 LFF	2018 principal report	There was change in leadership. Principal thought contact information for new leadership had been updated. New COPE chair was not aware of need to file report until day it was due.	No motion		
Patrick Murray (2945)	\$25 LFF	2nd 2018 lobbyist report	There was change in principal's designated lobbyist. New designated lobbyist was unaware of due date until due date arrived and he was out of town that day. Former designated lobbyist filed termination statement 12/19/2018.	No motion		
MEnd Correctional Care LLC (7142)	\$300 LFF	2018 principal report	Principal did not incur any lobbying expenses in 2018 and its lobbyists terminated in May 2018. Principal wasn't sure whether principal report needed to be filed given that no expenses were incurred.	Member Flynn	To reduce the late filing fee to \$150	Roll call vote taken. All members voted in the affirmative.
28th Senate District DFL (20719)	\$250 LFFs \$250 CPs (reduced from total of \$3,300 in April 2019)	2018 pre-primary; 2018 pre-general	New treasurer said there was considerable confusion when he took office in 2018 and he had difficulty accessing and using CFR software. He states he sent paper pre-primary report, which Board staff has no record of receiving. Pre-general report was filed 12/28/2018 and pre-primary report was filed 1/15/2019. Party unit chair is asking Board to reconsider previous reduction to \$500 total as party unit has less than \$300 and minimal fundraising capacity.	No motion		

MN State Bldg & Construction Trades Cncl Pol Fund (30608)	\$1,000 LFF	24-hour notice due 10/31/2018	Treasurer states that they did not realize that contribution from supporting association would trigger 24-hour notice requirement. Fund has filed four 24-hour notices triggered by contributions from supporting association over last seven years and paid reduced LFF in 2017 for failure to file 24-hour notice required for contribution from supporting association in 2016.	No motion		
Scott Bruns (Cass County)	\$100 LFF	2018 EIS	Official, who first took office in 2015, didn't update his email address and thus didn't receive emails reminding him of filing deadline and had difficulty logging in to online reporting system. EIS was filed 3/27/2019.	No motion		
Steven Connelly (Olmsted SWCD)	\$100 LFF	2018 EIS	Official has limited internet access and thought he satisfied EIS requirement by calling and speaking with Board staff by phone. EIS was filed 3/26/2019. Official still owes LFFs of \$20 and \$5 from his 2017 and 2016 EISs, respectively.	No motion		
LeRoy Carriere (Roseau River WD)	\$100 LFF	2018 EIS	Official notes that he was appointed, not elected, to his position. EIS was filed 3/26/2019.	No motion		
Alkermes, Inc (7162)	\$50 LFF	2018 principal report	Principal was confused as to who was supposed to file report.	No motion		
Intl Council of Shopping Centers (3868)	\$50 LFF	2018 principal report	Principal terminated relationship with lobbyists as of 9/30/2018 and thought all reporting obligations had been fulfilled for 2018.	No motion		

D. Informational Items

1. Payment of late filing fee for EIS

Dan Barka, \$100
 Alicia Belton, \$100
 Jason Beyer, \$100
 Clifford Peterson, \$100
 Kathryn Sieben, \$20

2. Payment of late filing fee for lobbyist disbursement report due 1/15/19

William Haas Jr., \$75
 John Kaul, \$25

3. Payment of late filing fee for lobbyist principal report due 3/15/19

All Terrain Vehicle Assn of MN, \$125
Citizens League, \$25
Perham Area Family & Wellness Center, \$25
Woodbury Capital LLC, \$150

4. Payment of late filing fee for 2018 year-end report of receipts and expenditures

60th Senate District DFL, \$400
Mark Bartusek, \$550
Tori Hill, \$125
Elizabeth Paulson, \$25

5. Payment of civil penalty for 2018 year-end report of receipts and expenditures

60th Senate District DFL, \$200

6. Return of public subsidy to the extent it exceeded expenditures

Matt Christensen, \$627.03

7. Return of public subsidy due to exceeding carryforward limit

Kelly Moller, \$6,743.64

8. Payment of late filing fee for 24-hour notice

Coalition of MN Business IEPC, \$50
Planned Parenthood MN PAC, \$150

PRIMA FACIE DETERMINATION FINDING NO VIOLATION

Ms. Pope presented member with a memorandum regarding this matter that is attached to and made a part of these minutes. Ms. Pope said that when the chair dismisses a complaint at the prima facie stage, the dismissal must be reported to the full Board at its next meeting. Ms. Pope said that since the last meeting, the chair had dismissed the complaint listed in the memorandum because it concerned a local candidate and therefore did not state a prima facie violation of a statute under the Board's jurisdiction.

LEGAL COUNSEL'S REPORT

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn told members about recent developments in the Brown, Meyer, Schoen, and Thao matters.

OTHER BUSINESS

There was no other business to report.

There being no other business, the meeting was adjourned by the chair.

Respectfully submitted,

Jeff Sigurdson
Executive Director

Attachments:
Memorandum regarding prima facie determination finding no violation
Legal report

DRAFT



MINNESOTA

CAMPAIGN FINANCE BOARD

Board Meeting Dates for Calendar Year 2019

Meetings are at **10:30 A.M.** unless otherwise noted.

2019

Wednesday, June 26

Wednesday, August 7

Wednesday, September 4

Wednesday, October 2

Wednesday, November 6

Wednesday, December 4



MINNESOTA CAMPAIGN FINANCE BOARD

Date: May 29, 2019

To: Board members
Counsel Hartshorn

From: Andrew Olson, Legal/Management Analyst

Subject: Enforcement report for consideration at the June 5, 2019, Board meeting

A. Consent Items

1. Request to withdraw registration of lobbyist Jennifer Breitinger (9098)

Ms. Breitinger registered as a lobbyist for Self Esteem Brands on April 11, 2019. On May 1, 2019, Ms. Breitinger contacted Board staff and requested to withdraw her registration as she has not and will not be lobbying on behalf of Self Esteem Brands. Ms. Breitinger will remain registered as a lobbyist for a subsidiary of Self Esteem Brands, Lifetime Fitness, Inc.

B. Waiver Requests

#	Committee/ Entity	Late Fee/ Civil Penalty	Report Due	Factors	Most Recent Balance	Previous Waivers
1	Bradley Refsland (Pelican River WD)	\$100 LFF	Original/2018 EIS	Official was appointed in May 2017, but Board staff were not aware of the appointment until late 2018. Official states the first notice he had of the EIS requirement was a letter we mailed in March that he received in April. EIS was filed 4/22/2019.		No
2	Reva Chamblis (Met Council)	\$50 LFF	Original EIS	Newly appointed official completed her EIS electronically. She thought she submitted it in a timely manner but actually just saved her progress.		No
3	Robert Cary (Attorney General's Office)	\$100 LFF	2018 EIS	Official left the position that made him a public official in May 2018 and did not receive communications from Board staff regarding the EIS. After being reached by phone in May 2019 he promptly filed his 2018 EIS.		No
4	John Linc Stine (MPCA)	\$100 LFF	2018 EIS	Official left the position that made him a public official in January 2019 and states he did not receive communications from Board staff regarding the EIS. After being reached by mail in May 2019 he promptly filed his 2018 EIS.		No

5	Ali (Ali) for Minnesota (18099)	\$675 LFF	2018 Year-End	Candidate thought a no-change statement was filed in a timely manner and his treasurer did not inform him that the no-change statement was not filed. Candidate states he cannot afford to pay the late filing fee.	\$3,380.64 (outstanding loan of \$3,500 owed to candidate)	\$1,000 LFF for 24-hour notice reduced to \$250 in June 2017
6	Marcus Harcus (2632)	\$1,200 LFFs	Both 2018 Lobbyist Reports	Principal's sole lobbyist experienced health and personal issues that caused his lobbyist disbursement reports to be filed late. He drafted the principal's report on time but initially forgot to send the email containing the report. He is currently unable to pay the total amount owed.		No. This request was previously considered in May and there was no motion.
7	MN Campaign for Full Legalization (7379)	\$275 LFF	2018 Principal's Report			
8	Bill Miller (Watsonwan County)	\$100 LFF	Original EIS	Official thought he had complied with the EIS requirement when he took office in January 2019. He later had difficulty filing his EIS electronically because he doesn't have broadband internet service at his home. EIS was filed 5/9/2019.		No
9	Samantha Vang for House (18341)	\$2,000 LFFs	24-Hour Notices Due 10/30/2018 & 11/5/2018	First-time candidate. Candidate and treasurer did not understand the 24-hour notice requirement. The Board typically reduces 24-hour notice late fees for first-time violations to \$250 per violation.	\$2,839	No
10	Minnesotans for Bold Reform (41201)	\$2,000 LFFs	Two 24-Hour Notices Due 8/7/2018	Treasurer filed 24-hour notices for two \$100,000 contributions dated 7/27/2019 and 8/7/2019 but forgot to file 24-hour notices for two \$2,000 contributions dated 8/6/2019. The Board typically reduces 24-hour notice late fees for first-time violations to \$250 per violation.	\$3,418 (treasurer states the balance is now zero)	No
11	Edward Smith (Hubbard County)	\$100 LFF \$100 CP	2018 EIS	Former official who took office in 2015 forgot to file his EIS and was traveling in early 2019 when letters were sent informing him the EIS was not filed. He is no longer a public official.		No
12	Energy Storage Association, Inc. (7410)	\$325 LFF	2018 Principal's Report	This is the first year for which the principal was required to file a report, the principal misunderstood the requirement, and its address changed in 2019 resulting in a delay in the receipt of mailed notices. Because the principal's sole lobbyist terminated his lobbyist registration in 2018, the principal was mailed a letter in July 2018 advising it to file the 2018 principal's report immediately to avoid the risk of the matter being overlooked when the report came due in March 2019. The report was filed 4/3/2019.		No

C. Informational Items

1. Payment of civil penalty for late EIS

Brian Shekleton, \$100

2. Payment of late filing fee for EIS

Ronald Anderson, \$50

Ronald Bunjer, \$50

LeRoy Carriere, \$100
Kevin Chamberlain, \$40
John Glynn, \$100
Pat Pehrson, \$5
Chester Raguse, \$100
Brian Shekleton, \$100

3. Payment of late filing fee for lobbyist principal report due 3/15/19

Advanced Disposal Services, \$25
Alkermes, Inc., \$50
Int'l Council of Shopping Centers, \$50
MEnD Correctional Care LLC, \$150
MN Nurses Assoc., \$275
MN Wine & Spirits Group, \$250
Minneapolis Federation of Teachers-Local 59, \$25
Thomas Garrett, \$25

4. Payment of late filing fee for 2018 year-end report of receipts and expenditures

56th Senate District RPM, \$25
Ashley Kohls, \$125
MN AFL-CIO, \$25
Paul Perovich, \$25
Sean White, \$1000

5. Payment of late filing fee for pre-primary 24-hour notice(s)

Emily's List - Minn, \$250
Pediatric Home Service PAC, \$500
Scott Flaherty, \$250
Shaun Hainey, \$250
UTU PAC-MN, \$250

6. Payment of late filing fee for pre-general 24-hour notice(s)

ACLU of MN Political Action Fund, \$200
Amalgamated Transit Union Local 1005, \$250
Iron Workers Local 512, \$250
Joint Council 32 DRIVE, \$3000
MN Assoc. of Professional Employees Political Fund, \$350
MN State Bldg & Construction Trades Cncl Pol Fund, \$1000

7. Payment of civil penalty for excess party unit contributions

Murray Smart, \$115

8. Payment of civil penalty for excess special source contributions

Mark Johnson, \$205

Carla Nelson, \$135

9. Payment for late filing fee for 2016 pre-primary report of receipts and expenditures

Edwin Hahn, \$8.40

10. Payment of late filing fee for 2017 year-end report of receipts and expenditures

Sean White, \$25

Waller, Marcia (CFB)

From: Jennifer Wirick Breitinger <jwbreitinger@yahoo.com>
Sent: Wednesday, May 01, 2019 4:05 PM
To: Waller, Marcia (CFB)
Subject: Re: Any Time Fitness/ Esteemed Brands registration - revised request

Dear Campaign Practices Board members -I am writing today to request a withdrawal of a client I was told to register for by another entity other than Esteem Brands(commonly known as Any Time Fitness). As it turns out and after many emails back and forth - we are all working on similar issues but Esteem does not direct my activity, will not be paying me for my work, etc. They may in fact have a registered lobbyist already. Another client LifeTime who I registered for at the same time will be doing both of those activities on the issue (directing me, paying me) as well as serving as Principal. I am hoping because the mistake was not their own that you would consider allowing me to withdraw from Esteem Brands (the holding company for Any Time) . I could also do a Termination but they will still have to do a principal's report, etc. I have in fact just signed a contract with LifeTime so until then it was not clear what the right approach was so I apologize in advance for any confusion. What I did not want was to not be registered and lobbying on issues for any or all of the aforementioned.

Jennifer Breitinger

JWB Associates
1725 Emerson Avenue South
Minneapolis, MN 55403-2907

612.850.3306
jwbreitinger@yahoo.com

Registration Number 9098

Reg: 4-11-19
Self Esteem Brands # 7575

10 APR 22 AM 8:19
CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

April 19, 2019

Minnesota Campaign and Finance Board
Suite 190, Centennial Office Bldg
658 Cedar Street
St. Paul, MN 55155-1603

Dear Sir/Ms:

I would like to request a waiver of all penalties and late fees for submitting this form.

I was appointed to the Pelican River Watershed District Board of Managers in the summer of 2017. In March of this year I received 2 letters requesting that I fill out this form and informing me of the penalties. That was the first time that I was informed and made aware that I had to fill out this form. My wife and I spent most of the winter in Florida and returned back to Detroit Lakes, MN, on April 9. We picked up our mail on April 10 and that was my first knowledge of your request. I have enclosed the requested form.

If you need more information, please contact me by telephone or email.

Sincerely,

Bradley Refsland
2062 Elmwood Drive
Detroit lakes, MN 56501-8030



Home telephone (218-847-3864)
Email refsland@arvig.net

Reva Chamblis (Metropolitan Council)

From: Chamblis, Reva <Reva.Chamblis@metc.state.mn.us>
Sent: Friday, May 24, 2019 10:29 AM
To: Lochner, Kevin (CFB) <kevin.lochner@state.mn.us>
Subject: Re: Statement of economic interest

Hello CFB board member,

I thought my submission to file my statement of economic interest by the deadline was successful, however after saving my report it didn't submit (this was verified by Kevin Lochner). I ask therefore that you waive my late status/fee accordingly. Thank you.

Reva Chamblis,
Metropolitan Council Member,
District 2
612-403-4951

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From: Cary, Robert (DNR) <robert.cary@state.mn.us>
Sent: Friday, May 24, 2019 12:02 PM
To: Lochner, Kevin (CFB) <kevin.lochner@state.mn.us>
Subject: RE: Statement of economic interest

Mr. Lochner,

Thank you for bringing this matter to my attention. I am requesting that the Board waive the late filing fee. I ended my time at the Attorney General's office in May 2018 and began working at my current position at the Department of Natural Resources. My current position does require filing a state of economic interest. I did, however, fail to file a statement covering the 4.5 months in 2018 that I was still at the AGO. Having moved to the DNR, I was not receiving any communications from your office about that statement. Once I received those communications via your recent phone call, I immediately filed. Had I been receiving your previous communications and known that the 2018 statement was required and outstanding, I would have certainly filed the matter on time.

Thank you for your consideration,

Rob Cary

Robert Cary

Senior Staff Attorney | Office of General Counsel

Minnesota Department of Natural Resources

500 Lafayette Road

Saint Paul, MN, 55155

Phone: 651-259-5013

Email: robert.cary@state.mn.us



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John Linc Stine (MPCA)

From: Gmail <jlincstine@gmail.com>

Sent: Friday, May 24, 2019 2:57 PM

To: Lochner, Kevin (CFB) <kevin.lochner@state.mn.us>

Subject: Annual Statement of Economic Interest - Waiver of Late Filing Fee Request

Dear Mr. Lochner.

I received your May22, 2019 letter today (photo attached). I'm writing to request a waiver from the late filing fee of \$100.

My term as a public official (Commissioner of the MN Pollution Control Agency) ended on January 7, 2019. I retired from state of MN employment immediately thereafter. I did not receive notification (electronic or US Mail) of the requirement to provide the annual statement of economic interest for my service as a public official in 2018 until your letter arrived today. Now that I am aware of the requirement, I will immediately complete the statement and return to your office. I would appreciate consideration of waiving the late filing fee.

Thank you.

John Linc Stine
1398 Myrtle St N
Maplewood, MN 55119
(651) 468-7075

Minnesota Campaign Finance Board
Megan Engelhardt
Assistant Executive Director
Report of Receipts and Expenditures
Due January 31, 2019
Reg. No.: 18099
2019-05-27

RE: Waiver Request

Dear Megan Engelhardt,

I am writing you regarding your May 14, 2019 letter and am respectfully requesting a full waiver of the amount of \$675.00 for my 2016 election campaign.

The expense of the campaign exceeded my ability to raise enough money; as a result, I had to pay more than \$3,000 dollars out of my own pocket. Currently, I am struggling to make up this money. Additionally, I thought that I had filed on time, unfortunately upon receiving your letter I realize I hadn't. Apologetically, I don't remember receiving your letter from March. So, please from this time onward send all correspondence to:

Ali Ali
2043 Winterberry Lane
Shakopee, MN. 55379

In addition, this was the first campaign for me and my staff. My Campaign Treasurer Abdulkadir neglected to inform me of your letter. For this reason, there was a breakdown in the campaign staff chain. I am very sorry for the delay. I am respectfully requesting a full waiver of the amount of \$675.00. My wife and I have six children and currently care for my mother-in law. I simply don't have the money or foresee having this amount in the future. Right now, I must work overtime to make ends meet.

Thank you for considering this request.

Sincerely,

Ali Ali

Ali For Minnesota

RECEIVED APR 01 2019

Dear members of the MN Campaign Finance Board and staff,

My name is Marcus Harcus (2632), and I am the founder, president and lobbyist for the Minnesota Campaign for Full Legalization (7379) (MN CFL). The MN CFL is a nonprofit 501c(4) Cannabis legalization advocacy organization with a mission to organize a statewide grassroots movement to demand full legalization from the state legislature. I am writing to apologize for the late submissions of the lobbyist disbursement report covering the second half of 2018, and the annual report due on March 15, 2019.

I have no good excuses, but I do want to explain that I am suffering on multiple fronts in my personal life, namely a failed marriage, familial separation, and the inability as a low-income, working class father to afford two households. My life has collapsed on me and I am currently experiencing a personal economic crisis that has caused me depression and consequently the failure to submit these reports on time. I did attempt to complete the annual report on time, but I asininely left it in the draft folder of my email account. This advocacy effort has been a voluntary, i.e. unpaid, labor of love that has not paid me, and in fact has cost me money due to insufficient fundraising, but it has given me life during the most harrowing period of my life, and fortunately a year and a half later it is growing at least in terms of our having several dozen volunteers, but we're grassroots and struggle the most at fundraising. I remain the board chair, but have recently appointed a new executive director, Jessica Hansen, to succeed me, but I take full responsibility for my failures and want to know what I must do to redeem myself with the Campaign Finance Board. I am aware that there is no grace period, but I am asking for your forgiveness of the fines accrued due to my late report submissions.

Thanks for your attention and consideration. Please advise.

Sincerely,

Marcus Harcus

2632

marcus@legalizeitmn.com

763.760.2695



Bill Miller (Watonwan County)

SUNDE, OLSON, KIRCHER AND ZENDER, P.L.C.

Attorneys at Law

108 Armstrong Blvd. So.
P.O. Box 506

ST. JAMES, MINNESOTA 56081-0506

Phone (507) 375-3352

FAX (507) 375-4483

www.sundeolson.com

MAY 10 AM 9:33
CAMPAIN FINANCE &
PUBLIC DISCLOSURE

Madella Office:
5 West Main Street
Madella, MN 56062
(507) 642-3156

*STEVEN R. SUNDE
MICHAEL P. KIRCHER
PAMELA D. STEINLE
ZACHARY R. STROM
JAN M. ZENDER (1956-2018)
SUZANN M. OLSON, OF COUNSEL

May 9, 2019

FAX
651-539-1196

Minnesota Campaign Finance Board
Suite 190
Centennial Office Building
658 Cedar Street
St. Paul, MN 55155-1603

RE: Bill Miller, Watonwan County Commissioner

Gentlemen:

I represent Bill Miller, who is a Commissioner for District 2, Watonwan County, Minnesota. I am enclosing herewith his Campaign Finance & Public Disclosure Board Original Statement of Economic Interest for Elected Officials signed.

Mr. Miller requests that he be excused from having to pay any penalty in regard to submitting this document in a timely fashion.

Mr. Miller understood that he had complied with the disclosure requirements when he took office on January 7, 2019.

Subsequent to that, he was sent correspondence, including a password to his home address. He received it on his iPad, but lives at a rural address that does not have broadband. By the time he was able to get to a location to respond, the 24-hour password had expired.

Minnesota Campaign Finance Board
Page 2
May 9, 2019

Thank you in advance for your professional courtesies in regard to this matter.

Very truly yours,



Steven R. Sunde
ssunde@sundeolson.com

SRS/yms

Enclosure

CC: Mr. Bill Miller

From: Olson, Andrew (CFB)
Sent: Friday, May 17, 2019 2:13 PM
To: ssunde@sundeolson.com
Subject: Late Filing Fee Waiver Request Re Bill Miller

Hello Mr. Sunde,

Thank you for sending us a request to waive the late filing fee for the original statement of economic interest of Bill Miller. That request will be considered by the Board at its next meeting on June 5, 2019. We will be in contact with you shortly after the meeting to inform you of the Board's decision.

If you could supplement the request by responding to two questions we would appreciate it. Your letter explains that Mr. Miller understood that he had complied with the disclosure requirements when he took office. What was the basis of that understanding? Also, your letter notes that Mr. Miller experienced some difficulty in trying to file the statement electronically. While that is understandable, can you explain in more detail why the statement was not filed until May 9?

If you have any questions or concerns, please let me know.

Respectfully,

Andrew Olson
Legal/Management Analyst
Minnesota Campaign Finance and Public Disclosure Board
651-539-1190

From: Steven Sunde <ssunde@sundeolson.com>
Sent: Monday, May 20, 2019 1:16 PM
To: Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us>
Subject: Bill Miller

Andrew: I forwarded your email to Bill. His only response was that he misunderstood the form her completed was the disclosure. The delay was caused by Bill not having access to the internet at his home and not opening the mail in a timely manner.

Regards,

Steve

From: Samantha Vang <vangsamantha40b@gmail.com>
Sent: Friday, May 17, 2019 8:14 AM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: waiver request for late filing fee

Hello Megan,

Thank you for your notice regarding late filing fees. This was quite unexpected as we have thought we did the filing correctly. I am writing to request a waiver. As a first-time candidate, we are still learning the rules of campaign finance and can be forgetful of when and what we needed to report, especially during the hectic election time of the campaign season.

As part of this learning process, we now know not to mistake that again and will work more diligently to ensure we get all the necessary contributions in.

If there are any questions regarding this issue, please don't hesitate to contact me. Thank you so much for your consideration.

Kind regards,

--

Samantha Vang

From: Samantha Vang <vangsamantha40b@gmail.com>
Sent: Sunday, May 26, 2019 11:43 AM
To: Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us>
Subject: Re: waiver request for late filing fee

Thank you Andrew.

I just want to elaborate on my waiver request. The past couple of weeks made it hard for me to find time to fill out my waiver and upon requesting it, I thought I needed to fill out an additional application thus did not provide much information in the first email.

Here is more information and the board may choose to consider it in the process. The first contribution regarding the PAC, I believe is the Joint Council of Teamsters. I remembered asking my treasurer if we needed to report it because it was such a large amount. He reassured me that since it was after a certain date, we can report it in the next filing date. I took his word and did not consider double checking with campaign finance.

The second contribution was regarding a supporter who donated over \$500. This was during GOTV, a hectic time for us and must've slipped our minds. I believe we also thought it was okay since it passed a certain date to allow for it to be in the next report.

Now we know that any amount more than \$500, must be reported within 24 hours regardless of whether contributions were given on or before a certain date. As a first time candidate with half of my staff who are first time staffers on campaigns including my treasurer this has been a learning process. Knowing that we are first time grassroots campaign, we have made sure to thoroughly cross our Ts and dot our Is because we cannot afford a single mistake and I place the utmost highest expectations on my staff to make sure they do a good job that will carry them forward. Unfortunately, upon seeing the campaign finance notice on late fees, we have made a few mistakes and have been able to identify why and learned from it. My team and I have reflected on our process and will continue to improve so we do not make these kinds of mistakes again.

Thank you for your consideration and please feel free to contact me for any other questions or concerns.

Samantha Vang

Minnesotans for Bold Reform (41201)

From: John Swanson <johnlswanson@gmail.com>
Sent: Friday, May 17, 2019 3:52 PM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Request for Waiver of CFB Late Filing Fees

Dear Megan,

Thank you for your recent notification regarding the late fees for the Minnesotans for Bold Reform's (Registration # 41201) failure to report two \$2000 checks during the 24 hour reporting period last August.

I am not sure why I failed to report these two contributions, but believe it was because I was too focused on the \$100,000 contribution for which I did file the required notice in August. That large contribution was one I picked up at the contributors office and rushed to the bank so we could do some quick TV ads. In the rush to do all of this I overlooked the two smaller contributions that should also have been reported.

As your records show, I did file the required 24 notice for two \$100,000 contributions one in July and one in August, so I was clearly trying to follow the rules and did so in those cases.

Also, I reported the two \$2000 contributions on the September report so that the information was public then.

As the my CFB end of year report shows, we had a closing balance of \$3,418.18 so we didn't even spend most of the \$4000 contributed in August.

On January 29, 2019, I wrote the check from our US Bank account to donate all remaining funds in the account and then closed the bank account. I can send you a copy of the last bank statement showing the balance after this check cleared if that would be helpful. My next step was to close our account with the CFB, but I've been slow to do that given other higher personal priorities. As you know I did close our PO Box to stop the cost of that.

Thanks again for all the help you and your office have provided throughout the past campaign year. Everyone has always been very responsive and helpful in answering my questions and helping me follow all the rules which I tried to do.

Since the campaign checking account has been closed, and I'm responsible for the mistakes, then I will need to pay any fine from my personal funds. So, I would especially appreciate the Board's consideration to waiver the \$2000 fee.

Warm regards, John Swanson
Treasurer, Minnesotans for Bold Reform
515 Cottonwood Ln, Plymouth, MN 55441
612 202 7336

12 APR 12 AM 9:45
CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

4/9/2019

To: Campaign Finance & Public Disclosure Board
St. Paul, MN

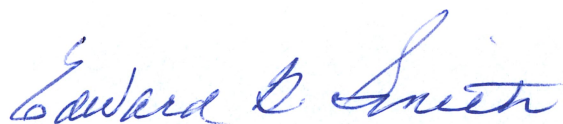
From: Edward G. Smith
Park Rapids, MN

Subject: Letter of Appeal

I, Edward G. Smith, wish to request that the board consider to waive or reduce the late filing fees that may be assessed against me. Due to travel and other life events I was unable to file my Annual Statement of Economic Interest for Public Officials. My mail was being held in Park Rapids, MN while I was traveling in Arizona and Florida. The certified letter that I received I believe was signed for by my daughter and not forwarded to me, as we were in route from Arizona to Minnesota. I received the certified letter on Friday April 5, 2019. I contacted Kevin Lochner, Management Analyst, on Monday April 8, 2019 for direction in responding to the mentioned letter. The filing of the annual statement was an oversight on my part and I apologize for that. I hope that the board will consider my geographic location at the critical times involved.

Thank you for your consideration in this matter.

Respectfully yours,



Edward G. Smith
egsmith9@yahoo.com
10099 130th St



May 9, 2019

Megan Engelhardt
Assistant Executive Director
Minnesota Campaign Finance Board
190 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155-1603

Dear Ms. Engelhardt,

I am writing to respectfully submit this one-time request for a waiver of late filing fees accrued by the Energy storage Association for a late filing of our Lobbyist Principal Report for 2018.

This is the first year the Energy Storage Association has had to file such a report and our late filing was due to a misunderstanding about the process. In addition, earlier this year the Energy Storage Association relocated to a new address, and as a result, there was a lag in our receipt of mail correspondence from the Minnesota Campaign Finance Board.

I would be grateful if the Board would consider waiving our late filing fee given these circumstances. I would be pleased to provide any additional information that may be requested by the Board to make a determination on this request.

I thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'Nitzan Goldberger', is written over the typed name and title below.

Nitzan Goldberger
State Policy Director
Energy Storage Association



MINNESOTA CAMPAIGN FINANCE BOARD

Date: May 29, 2019

To: Board members

From: Andrew Olson, Legal/Management Analyst

Telephone: 651-539-1190

Re: Lewison v. Hutchinson – Constitutional challenge to § 211B.04

With some exceptions, Minnesota Statutes section 211B.04 requires the inclusion of a disclaimer on campaign material, which must contain the name of the campaign committee and its address or website URL. Section 211B.01 defines “campaign material” to mean “any literature, publication, or material that is disseminated for the purpose of influencing voting at a primary or other election, except for news items or editorial comments by the news media.”

In March 2017, a candidate for Hennepin County Sheriff paid for the production of four prototype lawn signs and gave two of those signs to individuals who then displayed them on their lawn for several months. The signs stated “Elect Hutch for Hennepin County Sheriff” and lacked a disclaimer. A complaint was filed with the Office of Administrative Hearings in August 2018. An OAH panel ultimately found that David Hutchinson and his candidate committee violated section 211B.04 and imposed a penalty of \$200.¹ Mr. Hutchinson and his committee appealed the decision to the Minnesota Court of Appeals.

Mr. Hutchinson challenged the constitutionality of section 211B.04 on First Amendment grounds, argued that the complaint was barred by the statute of limitations, and challenged two additional legal conclusions reached by the OAH panel. On May 13, 2019, the Court of Appeals rendered its decision, affirming the OAH panel. Because there is no equivalent statute of limitations within chapter 10A, that aspect of the decision is not reviewed below.

Constitutionality of § 211B.04

Mr. Hutchinson argued that section 211B.04 violates the First Amendment while citing to *Riley v. Jankowski*² and *McIntyre v. Ohio Elections Comm'n*.³ The court noted that those cases concerned the right of individuals to speak, and to speak anonymously, while the case before the court involved the speech of a political candidate and his committee. Because section 211B.04 only applies to those required to register or report under chapters 10A or 211A, the court found the disclaimer requirement to be constitutional based on longstanding United States Supreme Court precedent. Mr. Hutchinson also asserted that section 211B.04 “unfairly burdens a first-time candidate such as himself.” The court disagreed, stating that “[d]ifficulty learning the applicable laws does not make compliance with the laws themselves unfairly onerous.”

¹ [Lewison v. Hutchinson, OAH No. 68-0325-35511 \(Sept. 25, 2018\), at 4.](#)

² [Riley v. Jankowski, 713 N.W.2d 379 \(Minn. Ct. App. 2006\).](#)

³ [McIntyre v. Ohio Elections Comm'n, 514 U.S. 334 \(1995\).](#)

Definition of Campaign Material

Mr. Hutchinson argued that the signs were not campaign material because they were prototypes, thus they were not disseminated with the intent to influence voting. The court disagreed, noting that the signs remained displayed for at least eight months and no action was taken to add a disclaimer or replace those signs with other signs containing a disclaimer.

Exemption Under § 211B.04, subd. 3 (a)

Mr. Hutchinson argued that the signs did not need to contain a disclaimer because they were “fund-raising tickets, business cards, personal letters, or similar items that are clearly being distributed by the candidate.” The court rejected that argument, stating:

A lawn sign urging readers to vote for a political candidate is not connected to the candidate’s person in any way; anyone could independently declare support for a candidate by placing a sign in public view. In this way, a lawn sign is unlike those items listed as examples in Minn. Stat. § 211B.04, subd. 3(a), which, by their nature, identify their origin—“fund-raising tickets, business cards, [and] personal letters.” The record supports the OAH’s determination that Hutchinson’s lawn signs were not clearly distributed by him.

**CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
June 2019**

ACTIVE FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Chilah Brown Michele Berger	Brown (Chilah) for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures Unpaid late filing fee on 10/31/16 Pre- General Election Report	\$1,000 LF \$1,000 CP \$50 LF	3/6/18	8/10/18			Board is working on the matter. Placed on hold.
Brenden Ellingboe	Ellingboe (Brenden) for House	Unfiled 2015 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	11/29/16	5/26/17			Placed on hold by Board
Richard Hamer		2017 Annual Statement of Economic Interest	\$100 LF \$1,000 CP	1/28/19	3/27/19			Returned the Acknowledgment of Receipt
Katy Humphrey, Kelli Latuska	Duluth DFL	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	3/6/18	8/10/18			Board is working on the matter. Placed on hold. 3/5/19
Christopher John Meyer	Meyer for Minnesota	2016 Year-End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/28/17	9/6/17			

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Dan Schoen		2017 Annual Statement of Economic Interest	\$100 LF \$1,000 CP	1/28/19	3/27/19			
Kaying Thao	Friends of Kaying	2017 Year-End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/10/18	8/10/18			Personal Service was effected on April 4

CLOSED FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Jamal Abdulahi	Resilient PAC	2018 pre-primary; 2018 pre-general; Amended 2018 report	\$1,000 LF \$1,000 CP \$1,000 LF \$1,000 CP Accruing LF Accruing CP	2/19/19	3/27/19			Committee has filed required report. Closed.
Bryan Klabunde	Klabunde for MN House	Unfiled 2017 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	9/4/18	11/2/18			Committee has filed required report. Closed.