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# Fair Campaign Hearing Process

## Overview

Beginning on July 1, 2004, Fair Campaign Practice and Campaign Finance Act complaints are heard at OAH. To initiate a complaint, a completed form must be filed with OAH (in person, by mail, or by facsimile transmission). Each document is available in HTML (for viewing with a browser) and Word (for downloading). Each complaint is subject to prima facie review, meaning that the complaint must, on its face, state a violation of Minn. Stat. Chapters 211A or 211B. Each complaint alleging actionable violations will be assigned for hearing. The time to a hearing will differ, depending on the proximity of the next election. Additional information about the process is included on the complaint form.

Staff Attorneys are available to answer procedural questions and provide necessary forms. OAH staff cannot answer questions regarding specific matters or answer hypothetical questions regarding potential violations. The Secretary of State's office has a Campaign Manual (available online at <http://www.sos.state.mn.us/election/CampaignManual2004.pdf> PDF format) that includes both the relevant statutes and notes on prior decisions applying those statutes. Staff Attorneys cannot provide legal advice or interpretations of legal materials. OAH has developed a [Penalty Matrix \[Word Version\]](#) to provide guidance in arriving at consistent penalties for similar violations.

- [Fair Campaign Practice Complaint Form. \[Word Version\]](#).
- [In Forma Pauperis Application. \[Word Version\]](#). [Income Guidelines](#).

## Statutes

The Fair Campaign Practice process is governed by Minn. Stat. Chapters 211A and 211B. The OAH process was added during the 2004 Legislative session. Both Chapters are provided to assist those persons who are using the process for resolution of alleged violations filed on or after July 1, 2004.

- [Minn. Stat. Chap. 211A. \[Word Version\]](#).
- [Minn. Stat. Chap. 211B. \[Word Version\]](#).

## Decisions

- [Flug Complaint \(Gustafson\) - Prima Facie Order](#)
- [Skelly Complaint \(Gary\) - Dismissal Order](#)
- [Anoka County Complaint \(Ryan\) - Prima Facie Order](#)
- [Ramsey County Complaint \(Jodeit\) - Prima Facie Order](#)
- [Johnson Complaint \(Levitz, Levitz for City Council\) - Prima Facie Order](#)
- [City of Anoka Complaint \(Counter-ACT, Lindberg\) - Prima Facie Order](#)
- [Knight Complaint \(ACT, Greenwald, Orttel\) - Probable Cause Order](#)
- [Knight Complaint \(ACT, Greenwald, Orttel\) - Prima Facie Order](#)

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
100 Washington Avenue South - #1700  
Minneapolis, MN 55401

**COMPLAINT FORM FOR VIOLATION OF THE FAIR  
CAMPAIGN PRACTICES  
AND CAMPAIGN FINANCE ACTS**

**Information about complaint filer (Complainant)**

Name of complaint filer	
Address	
City, state, zip	Daytime telephone no.
Fax no.	E-mail address

**Identify person/entity you are complaining about (Respondent)**

Name of person/entity being complained about	
Address	
City, state, zip	Daytime telephone no.
Fax no.	E-mail address

Give the statutory cite to the part of Minnesota Statutes Chapter 211A or 211B that you believe has been violated. \_\_\_\_\_.

(You will find the complete text of Minn. Stat. Chs. 211A and 211B at the OAH website, [www.oah.state.mn.us](http://www.oah.state.mn.us).)

Date(s) of violation: \_\_\_\_\_.

Date of election or ballot question: \_\_\_\_\_.

Elected office or ballot question involved: \_\_\_\_\_.



Send completed form and check for \$50 filing fee made payable to: Office of Administrative Hearings. If you are financially unable to pay the filing fee, you may submit an *in forma pauperis* affidavit (available on the OAH website) instead.

Complaints may be filed with OAH by personal delivery, U.S. mail or fax (612-349-2665). Faxed complaints must be followed by hard copy and the filing fee within three business days.

If you have questions call an OAH staff attorney at 612-349-2539 or 612-341-7666. OAH staff may also be reached by e-mail at: [electioncomplaints@oah.state.mn.us](mailto:electioncomplaints@oah.state.mn.us).

This document is available in alternative formats to individuals with disabilities by calling 612-341-7610. For TTY/TDD communication contact us at 612-341-7346.

Minn. Stat. § 211B.33, subd. 1 and 2 (prima facie review) provides as follows:

Subdivision 1. (TIME FOR REVIEW.) The chief administrative law judge must randomly assign an administrative law judge to review the complaint. Within one business day after the complaint was filed with the office, when practicable, but never longer than three business days, the administrative law judge must make a preliminary determination for its disposition.

Subd. 2. (RECOMMENDATION.) (a) If the administrative law judge determines that the complaint does not set forth a prima facie violation of chapter 211A or 211B, the administrative law judge must dismiss the complaint.

- (b) If the administrative law judge determines that the complaint sets forth a prima facie violation of section 211B.06 and was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge must conduct an expedited probable cause hearing under section 211B.34.
- (c) If the administrative law judge determines that the complaint sets forth a prima facie violation of a provision of chapter 211A or 211B, other than section 211B.06, and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge, on request of any party, must conduct an expedited probable cause hearing under section 211B.34.
- (d) If the administrative law judge determines that the complaint sets forth a prima facie violation of chapter 211A or 211B, and was filed more than 60 days before the primary or special election or more than 90 days before the general election to which the complaint relates, the administrative law judge must schedule an evidentiary hearing under section 211B.35.



## FAIR CAMPAIGN COMPLAINT PROCESS REPORT

As of July 1, 2004, the Office of Administrative Hearings has been charged with the responsibility of adjudicating complaints alleging violations of the Campaign Practices and Finance Acts (Minnesota Statutes Chapters 211A and 211B). Prior to 2004, complaints were investigated and prosecuted by county attorneys through the criminal justice system. Now complaints are handled in an expedited administrative process with only the most serious complaints being sent on to county attorneys for their review. The law requires that a complaint be filed first with the Office of Administrative Hearings and that the Office finally dispose of the matter before a county attorney may prosecute. Campaign complaints involve everything from distributing false campaign material to failing to file financial reporting documents. The fast timelines built into the process ensure swift action on complaints. The goal is to hold persons who violate the law accountable for their actions prior to the election if possible and to identify and dispose of frivolous complaints quickly.

### How the Process Works

To initiate a complaint, a notarized completed complaint form must be filed with the Office along with a \$50 filing fee. The complaint is immediately assigned to an Administrative Law Judge to conduct a prima facie review. Within **one business day** (if possible but always within three business days), that Administrative Law Judge must determine if the complaint sets forth a prima facie violation of Chapters 211A or 211B.

Of the 43 complaints filed with the Office, 13 were dismissed within one day of filing for failure to state a prima facie violation of 211A or 211B.

Complaints filed 90 days before the general election or 60 days before the primary or special election, are treated on an expedited basis. For these complaints, if the Administrative Law Judge determines that the complaint sets forth a prima facie violation of 211A or 211B, he or she will conduct a probable cause hearing within **3 business days** of receiving the complaint assignment. If the ALJ determines that there is probable cause to believe a violation occurred, the Chief Administrative Law Judge assigns the matter to a panel of three Administrative Law Judges for an evidentiary hearing. The hearing must be held **10 days** after the complaint is assigned to the panel.

For non-expedited complaints, those filed more than 90 days before the general election or on or after the election, there is no probable cause hearing and the Chief Administrative Law Judge simply assigns the matter to a three-judge panel to be heard within 90 days of the filing of the complaint.

Of the 43 complaints filed, 20 were filed on or after the election. The Office has scheduled the hearings in these matters within 60 days of their filing.

After an evidentiary hearing, if the panel determines that there was a violation of 211A or 211B, the panel may issue a reprimand, impose a civil penalty of up to \$5,000, and/or refer the complaint to the appropriate county attorney for criminal charges.

As of December 31, 2004, the Office processed and closed 33 campaign complaints. In eight of the 32 cases, a violation was found. Civil penalties were assessed in amounts ranging from \$100 to \$4,000.

## Statistics

- As of 12/31/04, there were 43 complaints filed with OAH. Of the 43, there were 16 allegations regarding false campaign material, 15 allegations regarding lack of disclaimer, 7 allegations regarding financial reporting, 6 allegations regarding improper influence, 2 regarding improper corporate contributions, 2 regarding bribery, and 2 regarding false claims of support or endorsements. (Complaints often contained more than one allegation.)
- Of the 43 complaints, 13 were dismissed within one day of filing for failure to state a prima facie violation of Chapters 211A or 211B. Of the remaining 30, three were dismissed within a week of filing for lack of probable cause.
- As of December 31, 2004, 32 of the 43 cases were closed with 11 cases still pending. In eight of the 32 closed cases, a violation was found. Civil penalties were assessed in amounts ranging from \$100 (lack of disclaimer on lawn sign) to \$4,000 (false campaign material). In addition, one complainant was assessed costs of \$768.10 for filing a frivolous complaint.
- In all but four of the complaints, the Office met the statutory timelines for the probable cause and evidentiary hearings. In each of the four cases, the deadlines were extended at the request and convenience of the parties.
- Of the 43 complaints, 22 were filed between October 25 and November 9, 2004.
- No cases were referred to county attorneys for criminal prosecution.
- The average cost per complaint filed is approximately **\$2,000**.

## Penalty Matrix

Under Minn. Stat. § 211B.35, subd. 2, the panel may impose a civil penalty if it determines that a violation of chapters 211A or 211B has occurred. The Office of Administrative Hearings has developed a penalty matrix as guidance for determining the appropriate civil penalty and to ensure consistency from one case to the next. The matrix sets forth factors that will affect the penalties, as well as presumptive penalties. In extraordinary circumstances, a panel may depart from the presumptive penalty, and it will explain the reasons for the departure.

### Penalty Matrix

Gravity of Violation → villfulness ↓	Minimal/no impact on voters, easily countered	Some impact on several voters, difficult to correct/counter	Many voters misled, process corrupted, unfair advantage created
Deliberate, multiple violations in complaint, history of violations, clear statute, unapologetic	\$600 - 1200	\$1200 – 2400 and/or Refer to County Attorney	\$2400 - 5000 and/or Refer to County Attorney
Negligent, ill-advised, ill-considered	\$250 - 600	\$600 - 1200	\$1200 - 2400 and/or Refer to County Attorney
Inadvertent, isolated, promptly corrected, vague statute, accepts responsibility	\$0 - 250	\$250 - 600	\$600 - 1200

### Outstanding Issues

The majority of the complaints alleged violations of Minn. Stat. § 211B.04 and Minn. Stat. § 211B.06. Minn. Stat. § 211B.04 governs disclaimer requirements and Minn. Stat. § 211B.06 prohibits false campaign material. Several complaints raised interesting issues with respect to these provisions.

#### 1. Minn. Stat. § 211B.04 (disclaimer requirement)

Two complaint cases challenged the constitutionality of Minn. Stat. § 211B.04. In a recent federal court decision, Judge Richard Kyle declared the disclaimer requirements of Minn. Stat. § 211B.04 (2003) to be a facial violation of the First Amendment and enjoined the state from enforcing the statute.<sup>1</sup> In that case, *Minnesota Citizens Concerned for Life, Inc. v. Kelley*,<sup>2</sup> the federal court focused on Minn. Stat. § 211B.04(f) as it relates to anonymous pamphleteering and found that the disclaimer requirement directly attacks core political speech “unsupported by an interest in avoiding the appearance of corruption.”<sup>3</sup> The court reasoned that, unlike disclosure requirements related to lobbyists who have direct access to elected representatives and thus “may well present the appearance of corruption” if their activities are not disclosed, Minnesota’s disclaimer requirement “rests on different and less powerful state

<sup>1</sup> *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 291 F. Supp. 2d 1052 (D. Minn. 2003).

<sup>2</sup> *Id.*

<sup>3</sup> 291 F. Supp. 2d at 1069, quoting, *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 131 L. Ed. 2d 426, 115 S. Ct. 1511 (1995) (US Supreme Court decision striking down Ohio statute that made it a crime to distribute anonymous campaign material.).

interests,” such as ensuring responsible campaigning.<sup>4</sup> With no overriding interest supporting the statute, the court found that Minn. Stat. § 211B.04 was unconstitutional under the First Amendment.

The state did not appeal that decision. However, the legislature amended section 211B.04(f) during the 2004 session in a direct effort to cure the constitutional defects found by the federal court.<sup>5</sup> Specifically, the legislature added the phrase “or association” to the exemption provided in subsection (f) and raised the monetary limit from \$300 to \$500. Presumably these changes will permit organizations, such as MCCL, and not just individuals, to engage in anonymous political speech, provided they spend less than \$500.<sup>6</sup>

Neither of the two campaign complaint cases concerned subsection (f). Instead, the issue in both was whether the Respondents, who were candidates or committees in local elections, could be required to put disclaimers on campaign material. The federal court’s decision in *MCCL v. Kelley* did not address whether requiring candidates to be accountable for the materials they distribute violates the First Amendment. Since the constitutional concerns addressed in *MCCL v. Kelley* have no clear application to candidates themselves, and given the legislature’s amendments to the statute in direct response to the decision, the panels in both cases found the disclaimer requirements of Minn. Stat. § 211B.04(a) and (b) were valid as applied to the Respondents.<sup>7</sup>

## 2. Minn. Stat. § 211B.06 (false campaign material)

Minn. Stat. § 211B.06 prohibits the preparation or dissemination of campaign material “that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.”

In a complaint filed against the House Republican Campaign Committee, the issue was raised whether Minn. Stat. § 211B.06 prohibits “intentionally misleading” statements in addition to patently untrue statements. In that case, the complaint alleged that campaign material prepared and disseminated by the HRCC was false. In the material, the HRCC attributed statements made by a candidate’s husband to the candidate. The majority of the panel found the attribution of those statements to the candidate to be patently untrue and not merely intentionally misleading and imposed a civil penalty of \$4,000. The dissenting Administrative Law Judge, however, found the attribution to be “intentionally misleading” but not a violation of Minn. Stat. § 211B.06.

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<sup>4</sup> *Id.*, quoting *McIntyre*, 514 U.S. at 354 and 356.

<sup>5</sup> Recording of May 15, 2004, legislative floor discussion regarding proposed amendments to §211B.04, House Television Archives 2003-2004, House Floor Session – part 5 of 5 (discussion beginning at 52:00) (<http://www.house.leg.state.mn.us>). Tape recordings of committee meetings and floor debates may be considered as a factor in determining the intent of the legislature when a statute, or its application, is ambiguous. *First Nat. Bank of Deerwood v. Gregg*, 556 N.W. 2d 214, 217 (Minn. 1996); *Handle With Care, Inc. v. Department of Human Services*, 406 N.W. 2d 518, 522 (Minn. 1987).

<sup>6</sup> The legislature also amended the definition of “campaign material” during the 2004 session to address concerns raised by the court in the *MCCL* decision.

<sup>7</sup> In addition, Administrative Law Judges lack jurisdiction to declare a statute facially unconstitutional. See, *Neeland v. Clearwater Memorial Hospital*, 257 N.W. 2d 366, 369 (Minn. 1977); *In re Rochester Ambulance Service*, 500 N.W. 2d 495, 499-500 (Minn. App. 1993).

Legislative attention to this distinction would be helpful to clarify whether intentionally misleading statements are within the ambit of the statute.

Another issue raised under this statute concerns the meaning of the phrase "knows is false." What does it mean that a person intentionally prepares and distributes campaign material that the person *knows is false*? In *Bauman v. HRCC*, a volunteer with the HRCC prepared a campaign brochure from a computer template with the word "Re-elect" in front of the names of four candidates who were not incumbents. The resulting campaign material falsely implied that the candidates were incumbents. The staff person knew that the four candidates were not incumbents but, in preparing the brochure, she simply inserted the names into the template and overlooked the word "Re-elect".

To establish a violation of Minn. Stat. § 211B.06, a complainant must show that a person intentionally participated in the preparation of campaign material that is false. There was no question in this case that HRCC participated in preparing material that was false – all the parties agreed on that. But under the statute, the complainant must further show that the person either knew that the material was false or operated with reckless disregard of whether it was false. The panel had to determine whether it is sufficient for establishing a violation of Minn. Stat. § 211B.06 that a person knew that candidate "X" was not an incumbent and that the word "Re-elect" can only be applied to an incumbent, or whether the person had to be aware *at the time they prepared and mailed the material* that the material contained a false statement. The panel concluded that false statements, even though the result of oversight rather than intent to deceive, were intended to be covered by the law. The HRCC staff person was reckless in failing to thoroughly proofread the brochures before they were printed and disseminated. The panel imposed a civil penalty of \$1,600 (\$400 per violation).

### Suggested Legislative Changes

1. In section **211B.35**, authorize the decision of the ALJ panel to be based upon the tape-recorded record and exhibits of the probable cause hearing *if requested by both parties*. Parties have requested this several times in order to avoid the expense and time devoted to an evidentiary hearing. Such an option makes sense, particularly in cases involving relatively simple complaints, such as a failure to have a disclaimer on a lawn sign. The parties should be allowed to have a quick and inexpensive determination if that is what they both want.
2. Put the "gross misdemeanor" language in **section 211B.06** in a separate subdivision so that it is clear that violation of this statute can be adjudicated in the civil administrative process and that the OAH will not be deciding misdemeanor charges. Quoting this statute in an order is confusing to unrepresented parties.
3. Section **211B.35, subd. 1**, governs evidentiary hearings. This subdivision states: "When required by section 211B.34, subdivision 2 or 3, the chief administrative law judge must assign the complaint to a panel ..." Section

211B.34, subdivisions 2 and 3, govern probable cause hearings. Under these subdivisions, evidentiary hearings are required if probable cause is found. However, evidentiary hearings are also required under section 211B.33, subd. 2(d). This section governs non-expedited complaints filed more than 60 days before the primary or 90 days before the general election, and these complaints bypass the probable cause hearing and go directly to an evidentiary hearing if a prima facie violation is found. Therefore, Minn. Stat. § 211B.35, subd. 1, should be amended to read as follows: "When required by section 211B.33, subdivision 2(d) or section 211B.34, subdivision 2 or 3, ..."

4. For clarification, section **211B.35, subd. 1(1)**, should read that the three-judge panel has 10 days after the complaint was assigned to the panel, to hold the evidentiary hearing. Right now this section says only that the evidentiary hearing must be held within 10 days after the complaint was assigned. This section should be amended to read: "(1) ten days after the complaint was assigned to the panel, if an expedited probable cause hearing was requested or required under section 211B.33."
5. Section **211B.33, subd. 2(c)**, allows for an expedited probable cause hearing "on request of any party", if the complaint is filed within 60 days of the primary or 90 days of the general election and sets forth a prima facie violation. The OAH complaint form has a box for the complainant to check if the complainant wants the complaint treated on an expedited basis. In most cases the complainant did check this box. But it is unclear under the statute how soon the respondent would have to request an expedited probable cause hearing. The office is required to notify the respondent of the complaint filed against him or her "immediately." The following sentence should be added to the end of section 211B.33, subd. 2(c): "Requests for an expedited probable cause hearing must be made within two business days after the complaint is filed with the office."
6. Clarify in section **211B.33, subd. 2(d)** that complaints filed *after* the general election are also treated on a non-expedited basis. The end of this provision should read: "... or more than 90 days before the general election *or after the general election* to which the complaint relates, the administrative law judge must schedule an evidentiary hearing under section 211B.35."
7. An appropriation to cover the non-billable time spent by staff attorneys answering calls and letters from the public is needed.

## Lessons Learned

The Office received a few complaints from county auditors who were unaware that the process had changed and that their county would be assessed the costs of handling complaints relating to non-statewide elections held in their counties. (See, Minn. Stat. § 211B.37.) The first notice county auditors have that a complaint has been filed is when they received a bill from the OAH for costs incurred. In order to provide a

"heads up" to county auditors, the Office will begin notifying county auditors when complaints are filed relating to their local elections. Such notice would at least give county auditors some time to prepare and plan for the eventual assessment of costs.

Given the extremely quick deadlines mandated for expedited campaign complaints, the OAH has learned that during election years it must keep its Administrative Law Judges' schedules fairly clear between mid-October to mid-December to allow them time to handle the influx of campaign complaints.

### **Web Site**

The Office of Administrative Hearings maintains a website with a section devoted to the Fair Campaign Hearing Process. Campaign Complaint forms, in forma pauperis applications, the penalty matrix, and Minnesota Statutes Chapters 211A and 211B may all be downloaded from this site. In addition, the Office posts all of its Campaign Complaint decisions on this website and has a link to the Secretary of State's Campaign Manual.

Attachments:  
Campaign Log  
Complaint form  
Web page

## CAMPAIGN COMPLAINT LOG

	Case Name and OAH Docket Number	Date Filed ALJ Assigned	Violation Alleged	Prima Facie Determination	Probable Cause hearing	Probable Cause Determination	Evidentiary Hearing	Date Closed ALJ(s) Assigned	Costs Assessed
1.	Bram v. Hilstrom 15-0320-16010 (MN House)	7/1/04 Heydinger	No Disclaimer – § 211B.04.	7/2/04 Yes Heydinger	N/A	Not applicable Non-expedited (no pc hearing)	N/A	7/26/04 Dismissed – lack of jurisdiction (Beck, Johnson, Neilson)	State
2.	Citizens for Quality Education v. Seifert 6-6306-16051 (school board)	7/14/04 Klein	No Disclaimer – § 211B.04.	7/14/04 No Klein	None (no pf)	None (no pf)	None	7/14/04 Dismissed – lack of jurisdiction (Klein)	
3.	Allen v. Ehlenz 12-0320-16056 (presidential)	7/20/04 Mihalchick	Bribery – § 211B.13.	7/21/04 No Mihalchick	None (no pf)	None (no pf)	None	7/21/04 Dismissed – no prima facie violation (Mihalchick)	State
4.	Kalil v. Knutson 3-6302-16119 (Becker County Commission)	8/25/04 Sheehy	Bribery – § 211B.13; No Disclaimer – § 211B.04.	8/26/04 Yes Sheehy	8/27/04	8/31/04 Bribery – No; Disclaimer- Yes	None (used pc hearing record)	9/10/04 Violation - \$100 fine (Luis, Neilson, Heydinger)	Becker County
5.	Fuller v. Justice Alan Page and Re- election Committee 1-0320-16155-CV (judicial)	9/13/04 Beck	False Campaign Material – § 211B.06.	9/14/04 No –frivolous	None (no pf)	None (no pf)	None	9/14/04 Frivolous. \$768.10 in costs assessed.	State
6.	Mastrud v. Rep. Ellison 12-0320- 16153-CV (MN House)	9/13/04 Mihalchick	No Disclaimer – § 211B.04	9/14/04 Yes Mihalchick	9/20/04 (continued at parties' request)	9/21/04 No probable cause	None	9/21/04 Dismissed – no probable cause	State
7.	Wagner v. Rep. Heidgerken 15- 0320-16176-CV (MN House)	9/28/04 Heydinger	No Disclaimer – § 211B.04	9/29/04 YES Heydinger	10/01/04	10/5/04 No probable cause	None	10/5/04 Dismissed – no probable cause	State

	Case Name and OAH Docket Number	Date Filed ALJ Assigned	Violation Alleged	Prima Facie Determination	Probable Cause hearing	Probable Cause Determination	Evidentiary Hearing	Date Closed ALJ(s) Assigned	Costs Assessed
8.	Lemke v. Rochester Area Builders, Inc. 1-6354-16181 (corporate contrib.)	10/1/04 Beck	Corporate contributions – § 211B.15	10/01/04 YES Beck	10/6/04	10/11/04 Yes probable cause	10/18/04	10/21/04 Violation - \$500 civil penalty (Sheehy, Neilson, Sommer)	Olmsted County
9.	Tilley v. Swift 4-6318-16185 (Eagan City Council)	10/4/04 Johnson	False Campaign Material – § 211B.06	10/5/04 YES Johnson	10/7/04	10/12/04 Yes probable cause	10/18/04	10/21/04 Dismissed – no violation found (Beck, Heydinger, Mihalchick)	Dakota County
10	McDonough v. Cox 6-0320-16190 (corporate contrib.)	10/5/04 Klein	Corporate contributions – § 211B.15	10/6/04 NO Klein		None (no pf)	None	10/6/04 Dismissed – no prima facie violation	State
11	Koalska v. Juneau 7-6312-16225 (Wyoming City Council)	10/19/04 Luis	False Campaign Material – § 211B.06	10/20/04 NO Luis		None (no pf)	None	10/20/04 Dismissed – no prima facie violation	Chisago County
12	Brunner v. HRCC 3-0320-16229 (MN House 52B)	10/20/04 Sheehy	False Campaign Material – § 211B.06	10/21/04 YES Sheehy	10/22/04	10/25/04 YES	10/27/04	10/29/04 Violation - \$4,000 civil penalty (Klein, Beck, Johnson)	State
13	Weinblatt v. Bataglia 11-0320-16234 (US Rep.)	10/25/04 Neilson	False Campaign Material – § 211B.06	10/25/04 YES Neilson	10/28/04	11/1/04 YES Neilson	11/5/04	11/10/04 Violation - \$700 civil penalty (Mihalchick, Luis, Ellefson)	State

	Case Name and OAH Docket Number	Date Filed ALJ Assigned	Violation Alleged	Prima Facie Determination	Probable Cause hearing	Probable Cause Determination	Evidentiary Hearing	Date Closed ALJ(s) Assigned	Costs Assessed
14	Torres v. Lindner 15-0320-16235 (MN House 32A)	10/25/04 Heydinger	False Campaign Material – § 211B.06	10/26/04 YES Heydinger	10/28/04	10/29/04 NO Heydinger	None	10/29/04 Dismissed – no pc	State
15	Winning v. Lillie 3-0320-16236 (MN House 55A)	10/25/04 Sheehy	Official Influence - § 211B.09	10/26/04 NO Sheehy				10/26/04 Dismissed – no pc	State
16	Fitzsimmons v. Nesheim 4-6317-16239 (Brainerd City Council)	10/26/04 Johnson	False Campaign Material – § 211B.06	10/27/04 NO Johnson				10/27/04 Dismissed – no prima facie violation	Crow Wing County
17	Tast v. Phillips 21-6379-16251 (presidential?)	10/28/04 Sommer	Improper Influence – §211B.09	10/29/04 NO Sommer				10/29/04 Dismissed – no prima facie violation	Wadena Todd Otter Tail
18	Trepanier v. Audette 3-6326-16253 (Brooklyn Park City Council)	10/28/04 Sheehy	False Campaign Material – § 211B.06	10/29/04 YES Sheehy	11/1/04	11/3/04 YES Sheehy	11/18/04 (continued at parties' request)	11/24/04 Violation - \$300 civil penalty (Luis, Johnson, Ellefson)	Hennepin County
19	Lindsay v. Peppin 12-0320-16254 (MN House 32A)	10/29/04 Mihalchick	No Disclaimer – § 211B.04 False Campaign Material – § 211B.06	11/1/04 YES Mihalchick	11/3/04	11/12/04 YES Mihalchick	12/3/04	<b>PENDING</b> (waiting on transcript and briefs) (Beck, Neilson, Cannon)	State
20	Sviggum v. MN DFL 6-0320-16263 (MN House races)	10/29/04 Klein	False Claim of Support – § 211B.02	11/1/04 YES Klein	11/8/04 (continued at parties' request)	11/4/04 YES Klein	11/22/04	11/24/04 Violation - \$800 civil penalty (Sheehy, Cannon, Mihalchick)	State

	Case Name and OAH Docket Number	Date Filed ALJ Assigned	Violation Alleged	Prima Facie Determination	Probable Cause hearing	Probable Cause Determination	Evidentiary Hearing	Date Closed ALJ(s) Assigned	Costs Assessed
21	Bauman v. HRCC 7-0320-16264 (MN House races)	11/1/04 Luis	False Campaign Material – § 211B.06	11/2/04 YES Luis	11/5/04	11/10/04 YES Luis	11/16/04	11-19-04 Violation - \$1,600 civil penalty (Klein, Heydinger, Ellefson)	State
22	Kleppen v. Corriveau 4-6301-16265 (Anoka mayor)	11/1/04 Johnson	Improper Influence – § 211B.09					11/2/04 WITHDRAWN	Anoka County
23	Knight v. Andover Citizens Together 12-6301-16266 (Andover City Council)	11/1/04 Mihalchick	No Certification – § 211A.02 No Disclaimer – § 211B.04 False Campaign Material – § 211B.06	11/2/04 YES Mihalchick	11/22/04 (continued at parties' request)	12/1/04 YES Mihalchick	1-6-05	PENDING	Anoka County
24	Johnson v. Grant Residents 6-6381-16267 (Grant City positions)	11/2/04 Klein	No Disclaimer – § 211B.04 False Campaign Material – § 211B.06	11/3/04 YES Klein	N/A	N/A (non-expedited)	1/18/05	PENDING	Washington County
25	Lewis v. Think Twice Coalition 1-6318-16268 (Lakeville School Board)	11/2/04 Beck	False Campaign Material – § 211B.06 Disclaimer – § 211B.04	11/3/04 NO Beck	N/A	N/A		11/3/04 Dismissed – no prima facie violation	Dakota County
26	Kranke v. Pierce, Gunlach, et al 3-6301-16278 12-6301-16279 (lawn signs placed w/o permission)	11/4/04 Sheehy	False Claim of Support – § 211B.02	11/4/04 NO Sheehy	N/A	N/A		11/4/04 Dismissed – no prima facie violation	Anoka County

	Case Name and OAH Docket Number	Date Filed ALJ Assigned	Violation Alleged	Prima Facie Determination	Probable Cause hearing	Probable Cause Determination	Evidentiary Hearing	Date Closed ALJ(s) Assigned	Costs Assessed
27	Orttel v. Knight 1-6301-16280 (Andover City Council)	11/4/04 Beck	No Disclaimer § 211B.04	11/5/04 YES Beck	N/A	N/A (non-expedited)		1/4/05 WITHDRAWN	Anoka County
28	Orttel v. Andover High Road 11-6301-16281 (Andover City Council)	11/4/04 Neilson	No Disclaimer – § 211B.04	11/5/04 NO Neilson	N/A	N/A		11/5/04 Dismissed – no prima facie violation	Anoka County
29	Orttel v. Knight and Jacobsen 1-6301-16283 (Andover City Council)	11/4/04 Beck	Disclaimer – § 211B.04	11/5/04 YES Beck	N/A	N/A (non-expedited)		1/4/05 WITHDRAWN	Anoka County
30	Halvorson v. Nelson 4-6344-16282 (Warren mayoral race)	11/4/04 Johnson	Improper Influence – § 211B.09 § 211B.07	11/5/04 YES (211B.09) Johnson	N/A	N/A (non-expedited)		11/22/04 WITHDRAWN 12/3/04 REOPENED 12/28/04 atty fees denied	Marshall County
31	Lilyquist v. Bjernhelm 7-6310-16288 (Northland School Bd, Remer, MN)	11/9/04 Luis	No Disclaimer – § 211B.04 Improper Influence – § 211B.07; .09	11/10/04 YES Mihalchick for Luis	N/A	N/A (non-expedited)	12/17/04	12/29/04 Reprimand re §211B.04 Dismissed - §211B.07, .09	Cass County
32	Ryan v. Sivarajah 4-6301-16290 (signs rt-of-way)	11/9/04 Johnson	Improper Influence – § 211B.07 § 211B.14	11/10/04 NO Johnson	N/A	N/A		11/10/04 Dismissed - no prima facie violation of 211B	Anoka County

	Case Name and OAH Docket Number	Date Filed ALJ Assigned	Violation Alleged	Prima Facie Determination	Probable Cause hearing	Probable Cause Determination	Evidentiary Hearing	Date Closed ALJ(s) Assigned	Costs Assessed
33	Hansen v. White 12-6381-16291 (Newport City Council)	11/9/04 Mihalchick	No Disclaimer – § 211B.04	11/10/04 YES Mihalchick	N/A	N/A (non-expedited)	1/7/05	PENDING	Washington County
34	Adams, et al v. Springer 22-6378-16295 (Wabasha Cty Commissioner)	11/9/04 Sommer	No Disclaimer – § 211B.04 False Campaign Material – § 211B.06	11/10/04 YES Sommer	N/A	N/A (non-expedited)	12/30/04	PENDING	Wabasha County
35	Johnson v. Levitz 22-6381-16304 (Grant City Council)	11/18/04 Sommer	False Campaign Material – § 211B.06	11/22/04 YES (on some) Sommer	N/A	N/A (non-expedited)	1/19/05	PENDING	Washington County
36	City of Anoka v. Schmidt 1-6301-16316 (financial report)	11/29/04 Beck	Financial Report Filing - § 211A.05	12/1/04 YES Beck	N/A	N/A		12/6/04 WITHDRAWN	Anoka County
37	City of Anoka v. Huspek 6-6301-16317 (financial report)	11/29/04 Klein	Financial Report Filing - § 211A.05	12/1/04 YES Klein	N/A	N/A		12/6/04 WITHDRAWN	Anoka County
38	City of Anoka v. Anoka Citizens Together 7-6301-16318 (financial report)	11/29/04 Luis	Financial Report Filing - § 211A.05	12/1/04 YES Luis	N/A	N/A		12/6/04 WITHDRAWN	Anoka County
39	City of Anoka v. Counter-ACT 12-6301-16319 (financial report)	11/29/04 Mihalchick	Financial Report Filing - § 211A.05	12/1/04 YES Mihalchick	N/A	N/A		12/6/04 WITHDRAWN	Anoka County

	Case Name and OAH Docket Number	Date Filed ALJ Assigned	Violation Alleged	Prima Facie Determination	Probable Cause hearing	Probable Cause Determination	Evidentiary Hearing	Date Closed ALJ(s) Assigned	Costs Assessed
40	Ramsey County v. Jodeit 15-6361-16340 (financial report)	12/7/04 Heydinger	Financial Report Filing - § 211A.05	12/8/04 YES Heydinger	N/A	N/A		12/14/04 WITHDRAWN	Ramsey County
41	Flug v. Gustafson 4-6312-16361 (Chisago County Commissioner)	12/15/04 Johnson	False Campaign Material - §211B.06	12/17/04 YES Johnson	N/A	N/A (non-expedited)	1/25/05	PENDING	Chisago County
42	Skelly v. Gary 11-6378-16371 (Hammond City Clerk election)	12/21/04	Disqualified individual - § 211A.10	12/22/04 NO Neilson	N/A	N/A		12/22/04 Dismissed – no prima facie violation (Neilson)	Wabasha County
43	Anoka County v. Ryan 11-6301-16374 (financial report)	12/22/04 Neilson	Financial Report - §211A.02	12/23/04 YES Neilson	N/A	N/A (non-expedited)	2/9/05	PENDING	Anoka County