

COMPLAINANTS'

DOCUMENTS

May 22, 2022

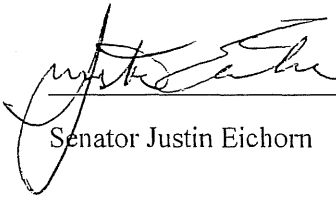
Senator Dave Osmek, Chair
Senate Rules Subcommittee on Ethical Conduct
2107 Minnesota Senate Building
95 University Avenue West
St. Paul, MN 55155

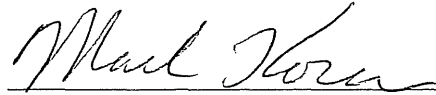
Dear Mr. Chair,


Attached to this letter are two distinct complaints regarding the conduct of Senator Omar Fateh. The complaints are prepared pursuant to the provisions of Senate Permanent Rule 55. By the delivery of this letter and attached complaints, it is hereby filed pursuant to Rule 55. We ask for the Subcommittee on Ethical Conduct to investigate these matters and take action in accordance with this Rule.

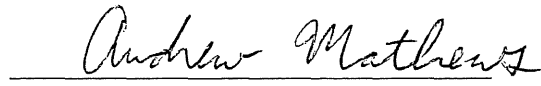
We look forward to the Subcommittee acting on these complaints.

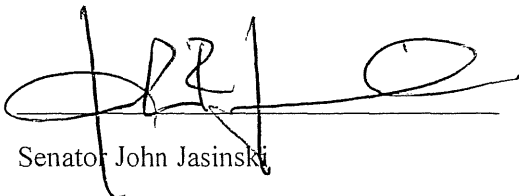
Sincerely,

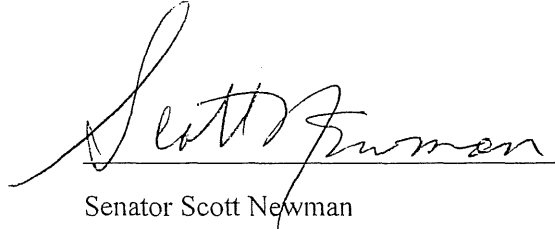


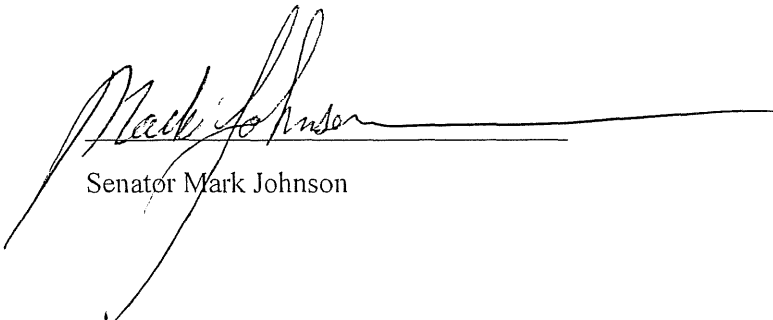
Senator Justin Eichorn

Senator Mark Koran

Senator Mike Goggin

Senator Andrew Mathews

Senator John Jasinski

Senator Scott Newman

Senator Mark Johnson

Sen. Omar Fateh Ethics Complaint

May 22, 2022

Document List

1. Internal Revenue Service letter approving 501(c) (3) status to Somali TV of Minnesota
2. MN Secretary of State limited liability company record for Somali TV Of Minnesota LLC
3. MN Secretary of State nonprofit corporation record for Somali TV of Minnesota
4. Screenshot of Somali TV of Minnesota advertisement supporting Omar Fateh for August 11, 2020 primary
5. Senate File 2238 (2021)
6. MN Office of Administrative Hearings opinion from Lorrie Adams v. Representative Bruce Anderson and Klatt True Value Hardware Electric Co. (12-0320-19974-CV)
7. *A senator was promoted by a nonprofit, then proposed \$500,000 in state funding for it;* Minnesota Reformer; May 2, 2022
8. *Minneapolis man on trial for lying to grand jury has connections to senator, candidate;* Minnesota Reformer; May 6, 2022
9. U.S. Attorney's Office, District of Minnesota; Federal Jury Finds Minneapolis Man Guilty of Lying to a Grand Jury; May 11, 2022
10. *Fateh volunteer convicted of lying to grand jury about his handling of absentee ballots;* Minnesota Reformer; May 10, 2022
11. *State Senator Omar Fateh says he's 'troubled' by the conviction of his brother-in-law and campaign volunteer, Muse Mohamed. Muse lied to a federal grand jury about handling absentee ballots in Omar's 2020 primary campaign;* Sahan Journal; May 10, 2022
12. Omar Fateh Senate Committee campaign finance report showing "Campaign Management" expenses paid to Dawson Kimyon
13. Screenshot of MN Senate website with Senator Omar Fateh's current Legislative Assistant contact information
14. *State Sen. Omar Fateh's brother-in-law convicted of perjury related to 2020 primary;* Minneapolis Star Tribune; May 11, 2022

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **NOV 19 2015**

SOMALI TV OF MINNESOTA
1901 MINNEHAHA AVE S NO 407
MINNEAPOLIS, MN 55404-0000

Employer Identification Number:
47-5209253
DLN:
26053707001165
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
September 21, 2015
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

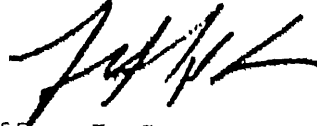
If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

SOMALI TV OF MINNESOTA

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey I. Cooper". The signature is stylized with a large, sweeping "J" and a long horizontal stroke at the end.

Jeffrey I. Cooper
Director, Exempt Organizations
Rulings and Agreements

**COMPLAINT
TO THE
SUBCOMMITTEE ON ETHICAL CONDUCT
REGARDING THE ACTIONS
OF
SENATOR OMAR FATEH**

Senators Justin Eichorn, Mike Goggin, John Jasinski, Mark Johnson, Mark Koran, Andrew Mathews, and Scott Newman, each being first duly sworn, state and allege under oath the following based upon information and belief:

Complaint 1: Sen. Fateh violated Senate Rules 56.3 and 56.4 by failing to disclose a conflict of interest, despite receiving primary election campaign promotion from Somali TV of Minnesota free of charge and subsequently authoring legislation appropriating \$500,000 to the same organization.

1. Somali TV of Minnesota was registered with the U.S. Department of Treasury as an IRC Section 501(c)(3) on November 19, 2015. It is currently registered with the Minnesota Secretary of State as both a Nonprofit Corporation and Limited Liability Company. The organization maintains a YouTube channel with over 171,000 subscribers.
2. According to the IRS website: "For an organization to be tax-exempt under section 501(c)(3) it cannot 'participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office.'"
3. The Somali TV of Minnesota YouTube channel hosts several campaign-related videos featuring Sen. Fateh in both English and Somali languages.
4. Following his DFL endorsement as the Senate District 62 candidate, Sen. Fateh appeared in a video (*Please Vote Omar Fateh MN Senate 62 Aug 11*; June 25, 2020; 1:34) on Somali TV of Minnesota referring viewers to his campaign website (www.omarfateh.org/vote), asking viewers to sign up for volunteer shifts, and explaining how viewers can donate.
5. Despite the campaign-related content, the Somali TV of Minnesota video featuring Senator Fateh did not include any disclaimer, including those required under the Fair Campaign Practices Act (Minn. Stat. § 211B.04).
6. On March 22, 2021, Sen. Fateh introduced SF 2238, a bill appropriating \$500,000 from the Arts and Cultural Heritage Fund to the Somali TV of Minnesota.
7. Senate Rule 56.1 provides that members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.
8. Senate Rule 56.3 provides that "improper conduct includes conduct that violates a rule of the Senate, violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute."
9. Senate Rule 56.4 provides that "members of the Senate shall disclose potential conflicts of interest in the discharge of senatorial duties as provided in Minnesota Statutes, section 10A.07."
10. Minn. Stat. § 10A.07 provides that a legislator who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's

financial interest to prepare a written statement describing the matter involving a potential conflict of interest to the presiding officer of the body.

11. There is no evidence that Sen. Fateh disclosed his conflict of interest in Somali TV of Minnesota to the President of the Senate or the public.
12. According to a Minnesota Reformer article dated May 2, 2022 (*A senator was promoted by a nonprofit, then proposed \$500,000 in state funding for it*), "Somali TV President Siyad Salah said in an interview that Somali TV doesn't endorse the candidates but allows them to send in ads, which the channel runs free of charge."
13. Minn. Stat. § 211B.13, subd. 2, prohibits a person from knowingly soliciting, receiving or accepting anything of monetary value that is a disbursement prohibited by section 211B.15.
14. Minn. Stat. § 211B.15, subd. 2, prohibits corporations from making contributions, directly or indirectly, of anything of monetary value to an individual to promote the individual's candidacy or election to political office.
15. Per Minn. Stat. § 211B.01, subd. 5, "Disbursement" means an act through which money, property, or other thing of value is directly or indirectly promised, paid, spent, contributed, or lent.
16. As held in *Adams v. B. Anderson and Klatt True Value Hardware Electric Co.* (MN Office of Administrative Hearings; 12-0320-19974-CV), it is a violation of the prohibition against corporate contributions for a corporation to display signs that support a candidate without fair market remuneration.
17. When interviewed by the Minnesota Reformer, University of Minnesota law professor, David Schultz, stated: "Fateh seeking money for Somali TV after they aired the endorsement of him is – at the very least – a conflict of interest. You have to the potential here for a quid pro quo."
18. Sen. Fateh failed to report to the value of campaign advertising displayed by Somali TV of Minnesota LLC to the Minnesota Campaign Finance and Public Disclosure Board, but authored a bill appropriating \$500,000 to the same organization less than three months after being sworn into office.
19. Sen. Fateh's conduct violates accepted norms of Senate behavior, betrays the public trust, and brings the Senate into dishonor or disrepute.
20. It is your complainants' belief that, based on the above information, Sen. Omar Fateh violated Senate Permanent Rule 56.

Complaint 2: Sen. Fateh violated Senate Rule 56.3 by failing to expressly address his involvement in the unauthorized delivery of 2020 Primary Election absentee ballots and retaining his Senate staffer who reportedly directed the fraudulent election activity.

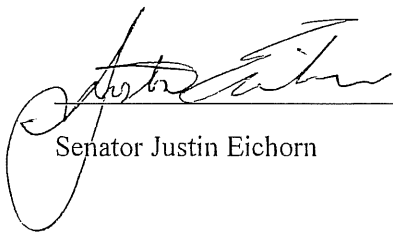
1. Muse Mohamud Mohamed is Sen. Fateh's brother-in-law and previous campaign volunteer. His address matches a previous residence of Sen. Fateh's wife, Kaltum Mohamed, and Zaynab Mohamed, the DFL-endorsed candidate running in the district currently represented by Sen. Patricia Torres Ray. (*Minnesota Reformer; Minneapolis man on trial for lying to grand jury has connections to senator, candidate*; May 6, 2022)
2. On May 10, 2022, Mohamed was convicted in federal court of lying to a grand jury regarding his involvement in delivering absentee ballots during the 2020 Primary Election without the voters' consent.
3. The FBI's investigation into election fraud committed during the 2020 Primary Election included up to 80 witnesses. In the case's closing arguments, Assistant U.S. Attorney Kimberly Svendsen stated: "Simply put, he [Mohamed] didn't want to tell the grand jury where he got those ballots, so he lied." (*Minnesota Reformer; Fateh volunteer convicted of lying to grand jury about his handling of absentee ballots*; May 10, 2022)
4. According to a Sahan Journal article dated May 10, 2022 (*State Senator Omar Fateh says he's 'troubled' by the conviction of his brother-in-law and campaign volunteer, Muse Mohamed. Muse lied to a federal grand jury about handling absentee ballots in Omar's 2020 primary campaign.*), Mohamed stated that "a campaign official named 'Dawson' gave him a list of three voters in question whom he later acted as an agent for."
5. Sen. Fateh's campaign manager and Senate legislative assistant is Dawson Kimyon.
6. Dawson Kimyon was placed on administrative leave from the Senate on May 11, 2022; however, he is still listed on the Senate's website as the legislative assistant for Sen. Fateh.
7. Following the announcement of Mohamed's conviction, Sen. Fateh released this statement: "Our campaign's mission has always been to motivate and organize the people of our district to participate in elections. In doing so, we are committed to upholding our state's election laws and processes. I am troubled by this conviction. I am more committed than ever to organizing and governing to strengthen a fair and free democracy."
8. As elected public officials, all members of the Minnesota Senate must work to ensure the integrity of the state's electoral system.
9. Sen. Fateh's failure to unequivocally refute his personal involvement and/or the involvement of his Senate staff following the federal conviction of Muse Mohamud Mohamed violates accepted norms of Senate behavior, betrays the public trust, and brings the Senate into dishonor and disrepute.

Your complainants ask that the Subcommittee on Ethical Conduct investigate the details of these matters. Specifically, the Subcommittee should investigate whether Sen. Fateh's authorship of a bill appropriating \$500,000 to Somali TV of Minnesota after receiving free campaign advertising from a corporation was a quid pro quo and constitutes a conflict of interest. The Subcommittee should also investigate whether Sen. Fateh was personally involved in election fraud activities in connection with Muse Mohamud Mohamed or has any knowledge into the involvement of his Senate staff.

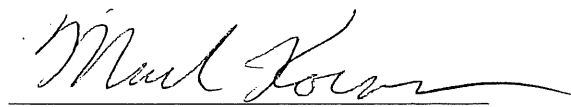
Your complainants respectfully request that all hearings on this matter be open to the public.

Your complainants ask that the Subcommittee on Ethical Conduct find that Sen. Omar Fateh violated Senate Permanent Rule 56 and Minn. Stat. § 10A.07, and that it recommends such disciplinary action as the Subcommittee finds appropriate.

Date: May 22, 2022



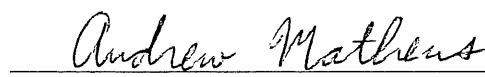
Senator Justin Eichorn



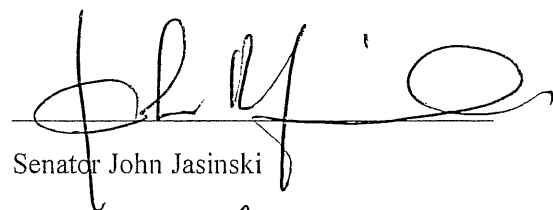
Senator Mark Koran



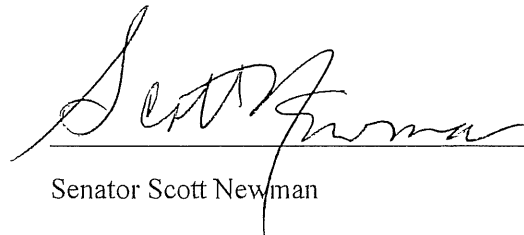
Senator Mike Goggin



Senator Andrew Mathews



Senator John Jasinski

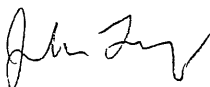


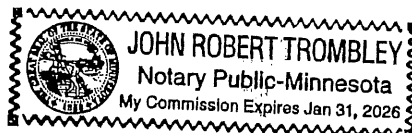
Senator Scott Newman



Senator Mark Johnson

Subscribed to, and sworn before me, a notary public, on May 22, 2022





Business Record Details »

Minnesota Business Name
Somali TV Of Minnesota LLC

Business Type
Limited Liability Company (Domestic)

MN Statute
322C

File Number
1079489200035

Home Jurisdiction
Minnesota

Filing Date
4/8/2019

Status
Active / In Good Standing

Renewal Due Date
12/31/2023

Registered Office Address
2213 Snelling Ave Suite 400
MPIs, MN 55404
USA

Registered Agent(s)
(Optional) Currently No Agent

Principal Executive Office Address
2213 Snelling Ave #400
Mpls, MN 55404
USA

Manager
Siyad S Salah
3980 Ballentrea Rd #308
Eagan, MN 55112
USA

Filing History

Filing History

Select the item(s) you would like to order: Order Selected Copies

<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	4/8/2019	Original Filing - Limited Liability Company (Domestic) (Business Name: Somali TV Of Minnesota LLC)	
<input type="checkbox"/>	2/18/2021	Administrative Termination - Limited Liability Company (Domestic)	
<input type="checkbox"/>	5/5/2022	Annual Reinstatement - Limited Liability Company (Domestic)	
<input type="checkbox"/>	5/5/2022	Registered Office and/or Agent - Limited Liability Company (Domestic)	

Business Record Details »

Minnesota Business Name Somali TV of Minnesota	
Business Type Nonprofit Corporation (Domestic)	MN Statute 317A
File Number 843109500034	Home Jurisdiction Minnesota
Filing Date 9/21/2015	Status Active / In Good Standing
Renewal Due Date 12/31/2022	Registered Office Address 1901 Minnehaha Ave #407 c/o Siyad Salah Mpls, MN 55404 USA
Registered Agent(s) (Optional) Currently No Agent	President SIYAD SALAH 1901 MINNEHAHA AV #407 MPLS, MN 55404 USA

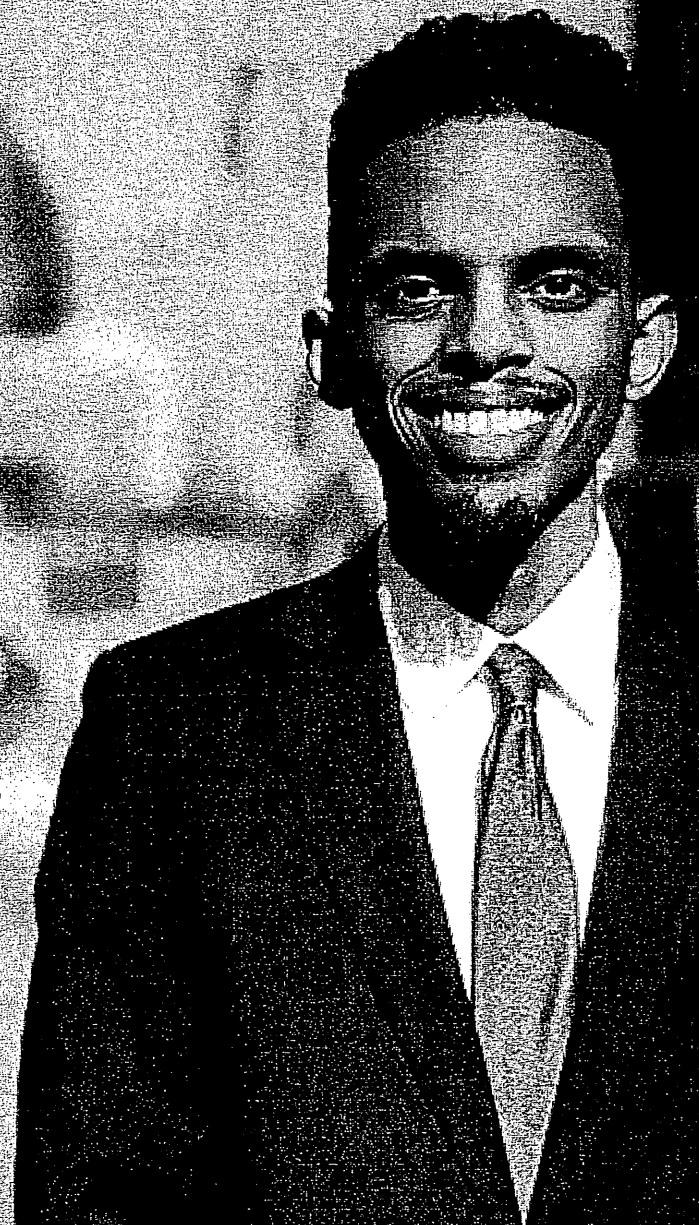
Filing History

Filing History			
Select the item(s) you would like to order: Order Selected Copies			
<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	9/21/2015	Original Filing - Nonprofit Corporation (Domestic) (Business Name: Somali TV of Minnesota)	
<input type="checkbox"/>	10/12/2015	Amendment - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	2/22/2017	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	3/31/2017	Annual Reinstatement - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	3/13/2019	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	4/8/2019	Annual Reinstatement - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	2/11/2021	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	3/1/2021	Annual Reinstatement - Nonprofit Corporation (Domestic)	



ENDORSED CANDIDATE

LA E
VO E!
AUG 11 2020



SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2238

(SENATE AUTHORS: FATEH, Hoffman and Dziedzic)		
DATE	D-PG	OFFICIAL STATUS
03/22/2021	1116	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
04/06/2021	1219	Author added Dziedzic

1.1A bill for an act

1.2relating to legacy; appropriating money for Somali TV of Minnesota.

1.3BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.4Section 1. APPROPRIATION; SOMALI TV OF MINNESOTA.

1.5\$250,000 in fiscal year 2022 and \$250,000 in fiscal year 2023 are appropriated from the

1.6arts and cultural heritage fund to the commissioner of administration for a grant to Somali

1.7TV of Minnesota to create programming and expand coverage of Minnesota Somalis' cultural

1.8heritage and history.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Lorrie Adams,

Complainants,

vs.

Representative Bruce Anderson and
Klatt True Value Hardware Electric Co.,

Respondents.

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

The above-entitled matter came on for an evidentiary hearing on November 17, 2008, before a panel of three Administrative Law Judges: Steve M. Mihalchick (Presiding Judge), Richard C. Luis, and Carol A. Eckersen.¹ Pursuant to an agreement of the parties, the panel made its determination based on the record created at the October 17, 2008 probable cause hearing.² No additional appearance by the parties was made. The record was held open until November 13, 2008, to allow the parties the opportunity to file further submissions and written argument. The Complainant filed an affidavit and copies of advertising bids and rate sheets on November 13, 2008. The Respondents filed no additional submissions. The record closed on November 13, 2008.

Lorrie Adams participated at the probable cause hearing on her own behalf. Representative Bruce Anderson participated at the probable cause hearing on his own behalf. Korey Klatt participated at the probable cause hearing on behalf of Klatt True Value Hardware Electric Co.

NOTICE

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

STATEMENT OF ISSUES

¹ Judge Eckersen was assigned to the panel to replace Judge Gary Hall who had a scheduling conflict.

² The probable cause hearing record includes the digital recording of the hearing, the Complaints, the attachments to the Complaints, and copies of four rental contracts between Representative Anderson and various businesses where his signs were posted.

1. Did Respondent Bruce Anderson violate Minnesota Statutes § 211B.13, subd. 2, by knowingly accepting from Klatt True Value Hardware Electric Co. a campaign contribution that was a prohibited corporate contribution in the form of a campaign sign posted on corporate property?

2. Did Respondent Klatt True Value Hardware Electric Co. violate Minn. Stat. § 211B.15, subd. 2, by making a prohibited corporate contribution to Representative Bruce Anderson in the form a campaign sign posted on its corporate property?

The panel concludes that the Complainant has established that Respondent Bruce Anderson violated Minn. Stat. § 211B.13, subd. 2, by knowingly accepting a campaign contribution that was a prohibited corporate contribution from Klatt True Value Hardware Electric Co., and that Klatt True Value Hardware Electric Co. violated Minn. Stat. § 211B.15, subd. 2 by making a prohibited corporate contribution to Representative Bruce Anderson.

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

FINDINGS OF FACT

1. Respondent Bruce Anderson was the incumbent candidate for Minnesota House of Representatives District 19A³ in the November 2008 election. His DFL-endorsed opponent in that race was Jim Bakula. Mr. Anderson won re-election by approximately 53 percent of the vote.⁴

2. Complainant Lorrie Adams is the Chair of Senate District 19 DFL. Senate District 19 DFL works to elect Democratic Party candidates to the Minnesota legislature. Senate District 19 includes Minnesota House Districts 19A and 19B.⁵

3. Respondent Klatt True Value Hardware Electric Co. (Klatt True Value) is a corporation located on Highway 25 North in Buffalo, Minnesota.⁶

4. According to the Minnesota Department of Transportation, the average annual daily traffic volume in 2006 on Highway 25 in Buffalo was 20,400 vehicles per day.⁷

³ House District 19A is located in Wright County and includes the cities of Monticello, Buffalo, Maple Lake and Clearwater, plus the surrounding townships of Silver Creek, Chatham, Marysville and Albion.

⁴ According to the Minnesota Secretary of State's website, Mr. Anderson received 52.52% of the vote and Mr. Bakula received 47.35% of the vote.

⁵ Website of Senate District 19 http://www.dfl.org/index.asp?Type=B_BASIC&SEC=%7BB5C9FB8F-94DF-482E-81CD-075DD35D27E1%7D

⁶ Minnesota Secretary of State filings attached to Complaint.

⁷ http://www.dot.state.mn.us/d3/graphics2/factsheets/Hwy25buffalo_monticello.pdf

5. Sometime in September or October of 2008, Respondent Anderson asked permission of several businesses in the Buffalo area to post signs on their property promoting his campaign. Klatt True Value was one of several businesses that allowed Representative Anderson to post his sign on its property.

6. Representative Anderson has posted campaign signs at the same business locations for the past seven election cycles.⁸

7. After the complaint in this matter was filed, Representative Anderson entered into rental agreements with some of the owners of the businesses that posted his signs. Pursuant to the terms of the agreement, Representative Anderson was to pay \$5.00 a month for three months for the right to post his sign on their premises.⁹

8. At the October 17, 2008 probable cause hearing, Representative Anderson indicated that he would take down the campaign signs identified in the Complaint that same day.

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

CONCLUSIONS

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

2. The burden of proving the allegations in the complaint is on the Complainants. The standard of proof of a violation of Minn. Stat. §§ 211B.13 and 211B.15 is a preponderance of the evidence.¹⁰

3. Minn. Stat. § 211B.13, subd. 2, prohibits a person from knowingly soliciting, receiving or accepting anything of monetary value that is a disbursement prohibited by section 211B.15.

4. Minn. Stat. § 211B.15, subd. 2, prohibits corporations from making contributions, directly or indirectly, of anything of monetary value to an individual to promote the individual's candidacy or election to political office.

5. "Disbursement" means an act through which money, property, or other thing of value is directly or indirectly promised, paid, spent, contributed, or lent.¹¹

⁸ Testimony of Anderson at probable cause hearing. Anderson was first elected to the Minnesota House in 1994.

⁹ Respondent Anderson's submission.

¹⁰ Minn. Stat. § 211B.32, subd. 4.

¹¹ Minn. Stat. § 211B.01, subd. 5.

6. It is not a violation of Section 211B.15 for a corporation to post messages on its premises that promote participation in voter registration or elections, if the messages are not controlled by or operated for the advantage of a candidate, political party, or committee.¹²

7. It is a violation of the prohibition against corporate contributions for a corporation to post signs on its premises that are controlled by or operated for the advantage of a candidate.¹³

8. The sign posted on Klatt True Value's corporate premises was controlled by and operated for the advantage of Representative Bruce Anderson.

9. Respondent Bruce Anderson violated Minnesota Statute § 211B.13, subd. 2, by knowingly accepting from Klatt True Value Hardware Electric Co. a campaign contribution that was a prohibited corporate contribution, in the form of a campaign sign promoting his candidacy posted on Klatt True Value's corporate property.

10. Respondent Klatt True Value Hardware Electric Co. violated Minn. Stat. § 211B.15, subd. 2, by making a prohibited corporate contribution to Representative Bruce Anderson in the form posting a campaign sign on its corporate property promoting Representative Anderson's candidacy.

11. Pursuant to Minn. Stat. § 211B.35, subd. 2, the panel of Administrative Law Judges may impose a civil penalty of up to \$5,000 for any violation of chapter 211A or 211B.

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

¹² Minn. Stat. § 211B.15, subd. 11.

¹³ Minn. Stat. § 211B.15, subds. 2 and 11.

ORDER

IT IS ORDERED:

1. That Respondent Bruce Anderson pay a civil penalty of \$400 by December 31, 2008, for violating Minn. Stat. § 211B.13, subd. 2.¹⁴

2. That Respondent Klatt True Value Hardware Electric Co. pay a civil penalty of \$100 by December 31, 2008, for violating Minn. Stat. § 211B.15, subd. 2.¹⁵

Dated: November 19, 2008

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

/s/ Richard C. Luis
RICHARD C. LUIS
Administrative Law Judge

/s/ Carol Eckersen
CAROL A. ECKERSEN
Administrative Law Judge

¹⁴ The check should be made payable to "Treasurer, State of Minnesota" and sent to the Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55101.

¹⁵ The check should be made payable to "Treasurer, State of Minnesota" and sent to the Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55101.

MEMORANDUM

The facts in this matter are not in dispute. Klatt True Value Hardware Electric Co. agreed to post campaign signs on its corporate property promoting Respondent Bruce Anderson's candidacy in the November 2008 election. By doing so, Klatt True Value violated Minn. Stat. § 211B.15, which prohibits corporations from making contributions to individuals to promote their candidacy. By knowingly accepting the contribution, Representative Anderson violated Minn. Stat. § 211B.13, subd. 2, which prohibits a person from accepting or receiving a corporate contribution, which is a disbursement prohibited under Section 211B.15.

At the probable cause hearing, Representative Anderson admitted that he posted his campaign signs at various business locations in and around the Buffalo area. Respondent Anderson testified that he obtained each business owner's permission, and that he assumed the sign locations were on private property and that no laws were violated. Korey Klatt stated at the probable cause hearing that he believed that because his parents owned the company and the property, that they could grant permission to post the sign.

Representative Anderson has held his seat since 1994. During each election cycle he has posted his campaign signs in front of various businesses in the Buffalo area. Some of these businesses are organized as corporations. As a long-term member of the Minnesota legislature, Representative Anderson should be aware of the law prohibiting corporate contributions to candidates.

The Complainant urges the panel to view the advertising value of Respondent Anderson's signs as comparable to either a billboard or long-running newspaper advertisement. The Complainant has submitted three bids that were solicited from Franklin Outdoor Advertising on October 16, 2008, as evidence of the value of billboards placed in similar locations in and around the Buffalo area. The bid for one billboard located east of State Highway 55 and County Road 33, for example, was \$1195 a month. The Complainant has also submitted the rate sheet for advertising in the local Wright County Journal Press newspaper. According to this document, the rate for a full page advertisement is \$2459.60 for one week. Based on these figures, the Complainant asks the panel to assess the maximum civil penalty against the Respondents.

Having found that the Respondents violated Minn. Stat. §§ 211B.13 and 211B.15, the panel may make one of several dispositions.¹⁶ The panel may issue a reprimand, may impose a civil penalty of up to \$5,000, and may refer the complaint to the appropriate county attorney for criminal prosecution. In this case, the panel has decided to impose civil penalties of \$100 against Respondent Klatt True Value Hardware Electric, and \$400 against Respondent Bruce Anderson. The panel rejects the Complainant's claim that the advertising value of Representative Anderson's relatively small, self-produced campaign signs is comparable to the rental value of a billboard or the weekly rate for a full-

¹⁶ Minn. Stat. § 211B.35, subd. 2.

page newspaper advertisement. And while the Complainant listed six corporate locations where Respondent Anderson's signs were alleged to be posted, the record established that only one sign, the one posted at Klatt True Value Hardware Electric, was on corporate premises.¹⁷ The panel further notes that Respondent Anderson represented at the probable cause hearing that he would remove his signs as of October 17, 2008.

The panel finds Representative Anderson's violation was negligent and ill-advised and concludes that \$400 is an appropriate penalty. As for Respondent Klatt True Value, the panel finds its violation to be inadvertent and unintentional. The panel concludes that \$100 is an appropriate civil penalty. It is possible that the legislature intended the prohibition against corporate contributions to be directed against larger companies as opposed to "mom and pop" businesses, but no such exception exists and the law must be enforced.

S.M.M., R.C.L., C.A.E.

¹⁷ The panel notes that Culver's of Buffalo, which was identified in the Complaint as one of the corporate locations that permitted the posting of Representative Anderson's campaign sign, appears to be a franchise and not a corporation that does business in Minnesota. In any event it was not established that Respondent Anderson's signs at locations other than Klatt True Value were posted on corporate property.

A senator was promoted by a nonprofit, then proposed \$500,000 in state funding for it

Expert: Somali TV ads for candidates violate law banning political activity, endorsements

By: Deena Winter - May 2, 2022 6:01 am



Please Vote Omar Fateh MN Senate 62 Aug 11

852 views • Jun 25, 2020

👍 20 🗨️ 11 ➦ SHARE 📌 SAVE ...



SOMALI TV OF MINNESOTA
150K subscribers

SUBSCRIBE

Somali TV runs ads such as this during campaign season, which legal experts say are a possible violation of IRS laws. YouTube screen shot

Four months after a nonprofit called Somali TV of Minnesota — a [YouTube channel](#) with 170,000 subscribers — endorsed his campaign, Sen. Omar Fateh introduced a bill that would give the nonprofit half a million dollars in state funding to provide arts and cultural programming.

[Somali TV](#) is a 501(c)(3) organization, a type of nonprofit that risks losing its tax-exempt status if it engages in political activity or endorses candidates.

In June and August 2020, Somali TV ran multiple ads encouraging viewers to vote for Fateh, including one with a website where people could volunteer to work on his campaign. Fateh was an upstart Democratic-Socialist running to unseat influential former DFL Sen. Jeff Hayden.

The station also provided free advertising for other candidates — most, but not all, with Somali backgrounds — including Minneapolis City Council candidate Abdi Warsame in 2013; state House candidate Mohamed Barre in 2019; and city council candidate Jamal Osman in 2021.

Somali TV President Siyad Salah said in an interview that Somali TV doesn't endorse the candidates but allows them to send in ads, which the channel runs free of charge.

He said Somali TV changed from a nonprofit to a limited liability corporation a few years ago, but secretary of state documents show the group has always been registered as a nonprofit. When asked about that discrepancy in a followup interview, Salah declined comment.

The [IRS](#) says 501(c)(3) nonprofits are “absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office.” They cannot contribute to political campaigns or make public statements for or against candidates, and violations can mean revocation of tax-exempt status.

Richard Schmalbeck, a Duke University law professor who specializes in nonprofits, said the law clearly prohibits nonprofits from encouraging people to vote for candidates, whether on websites or in pastoral letters.

The reason for the law is to prevent political groups from abusing the tax-free status afforded to churches, charities and other nonprofits.

IRS enforcement, however, “is not particularly strong in this area,” Schmalbeck said.

Emmett Robertson, a nonprofit attorney at Rubric Legal in Minneapolis, said this type of nonprofit can run advertising, but they must make it available to all candidates on the same terms and not show favoritism toward candidates.

“The facts really matter here,” he said. “A lot of organizations don’t really understand these rules, and, frankly, neither do most attorneys.”

As for Fateh’s bill, Salah said Somali TV has been doing this work in the community for free for 22 years, and Fateh approached him to see if the funding was something he’d be interested in. With state funding, Salah said, the channel could continue to distribute important information about things like COVID-19.

Minneapolis is home to the largest Somali population in North America, and the Minnesota Department of Health turned to Somali TV and other media in diverse communities to try to help overcome vaccine hesitancy. Between 2020 and 2022, Somali TV received nearly \$241,000 to do pandemic outreach in a culturally appropriate way, according to MDH spokesperson Garry Bowman.

The Fateh bill ([SF2238](#)) would give Somali TV a \$250,000 grant in 2022 and \$250,000 grant in 2023 from the state’s Arts and Cultural Heritage Fund to create programming and expand coverage of Somali cultural heritage and history. The program uses sales tax revenue to promote the arts and preserve Minnesota’s history and cultural heritage. No action has been taken on the bill since it was referred to a committee last year.

David Schultz, a law professor at the University of Minnesota and political science professor at Hamline University, said Fateh seeking money for Somali TV after they aired the endorsement of him is — at the very least — a conflict of interest.

“You have the potential here for a quid pro quo,” he said.

Ads urging people to vote for candidates are a violation of federal tax law unless there are “a million disclaimers” on them, he said.

Fateh did not respond to multiple requests for comment.

Fateh grew up in Virginia, where he ran unsuccessfully for the school board in 2015, according to [MinnPost](#), and moved to Minnesota later that year.

After an unsuccessful 2018 House race, the outspoken progressive won the DFL endorsement and primary election over Hayden in District 62, which comprises south Minneapolis.

Salah said he has a staff of four and was self-funded prior to the pandemic, when Somali TV began receiving state money through the Department of Health.

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Minneapolis man on trial for lying to grand jury has connections to senator, candidate

The case is part of a larger federal investigation into absentee ballots in the 2020 primary

By: [Deena Winter](#) - May 6, 2022 6:00 am



Photos courtesy of Omar Fatch for MN Senate and Zaynab Mohamed for Senate.

A Minneapolis man goes on trial Monday, accused of lying to a federal grand jury about how he handled absentee ballots during the August 2020 primary election.

Muse Mohamud Mohamed has shared an address with members of a newly prominent political network, including the wife of a state senator and another DFL-endorsed state Senate candidate who is likely to win her election this fall if she becomes the nominee.

The south Minneapolis address listed on Muse Mohamed's current voter registration matches that listed on traffic tickets and March 2021 business registration documents for Kaltum Mohamed. She is married to state Sen. Omar Fatch. The couple now lives elsewhere in the district Fatch represents, District 62.

The same address is listed on the current voter registration of Zaynab Mohamed, the DFL-endorsed candidate running for the Senate in the heavily Democratic District 63.

The single family home is owned by Mohamud Mohamed Nur, according to Hennepin County records. Zaynab Mohamed's [campaign finance report](#) shows she received five donations from people who listed the same address.

It's unclear whether everyone living in the home is related.

Fatch and Zaynab Mohamed did not reply to repeated requests for comment over the course of weeks.

Federal prosecutors' trial brief says the charges against Muse Mohamed stem from the state Senate primary election in August 2020. The trial exhibit list includes a map of Senate District 62, where Fatch scored an upset victory running as a democratic-socialist, promising to upend business-as-usual at the state Capitol, defeating DFL state Sen. Jeff Hayden.

Tasha Zerna, public affairs officer for the Minnesota District of the U.S. Attorney's Office, declined to say whose campaign those absentee ballots benefited.

The case revolves around what's called "agent delivery" of absentee votes and is part of a wider federal investigation, according to the government's court filing.

Under state law, voters with incapacitating health problems or disabilities can have someone deliver their absentee ballot to the election office. Each person can deliver absentee ballots for three voters per election. Election offices track the ballots and who delivered them.

Minneapolis elections office records show Muse Mohamed delivered three ballots during the August primary, according to the trial brief.

“The three voters, however, do not know Mohamed and did not ask him to pick up and deliver absentee ballots for them,” prosecutors wrote in the brief.

One of the ballots Muse Mohamed attempted to return to the city was rejected because the voter had voted in person at her polling place, the brief says.

Muse Mohamed is charged with two counts of falsely testifying to a grand jury that he got absentee ballots from the election office, took them to voters to fill out and returned them to the election office. The feds allege he didn’t take any ballots to the voters named on the absentee ballot envelopes.

While appearing before the grand jury on Oct. 14, Muse Mohamed was asked “dozens of times” how and from whom he obtained the absentee ballots for the three voters, prosecutors say.

“Many of Mohamed’s answers to the questions were simply non-responsive,” prosecutors wrote. “He gave long and detailed explanations for the process and procedures by which a non-specific voter could obtain an absentee ballot.”

Muse Mohamed said he received the three absentee ballots from the voters, but when told the voters each gave statements that they don’t know him and didn’t ask anyone to deliver their ballots, he stood by his answer, the trial brief says.

Reached by phone, Muse Mohamed’s attorney, Charles Clippert, said he didn’t have time to talk about the case. Muse Mohamed could not be reached for comment.

Prosecutors say on Sept. 30, Muse Mohamed also lied to the grand jury when he said he went to voters’ homes “either because he was sent there by a campaign or because he spontaneously found voters who happened to need assistance” delivering their ballots.

Prosecutors said Muse Mohamed was given a second chance to return to the grand jury on Oct. 14 and “correct his false testimony, but chose not to do so.”

Prosecutors said Muse Mohamed was a “witness” to three additional absentee ballots submitted to election officials, according to court documents.

Muse Mohamed was arrested on Nov. 22 by the FBI and released later that day. He pleaded not guilty two days later.

Federal prosecutors convinced the judge to bar the defense from talking about their opinions of the FBI’s treatment of the Somali community, or allegations that the underlying investigation targeted the Somali community, saying it’s not relevant or reliable.

The defense had sought to call one witness on the subject: The executive director of the Council on American-Islamic Relations in Minnesota, Jaylani Hussein. Hussein did not reply to interview requests. Zaynab Mohamed is community advocacy manager for CAIR-MN.

Last year, Fateh led an effort opposing Andrew Luger’s appointment as U.S. attorney for Minnesota, saying in a letter to fellow lawmakers that he was concerned about Luger’s past involvement in a program that sought to counter violent extremism. Fateh called the effort Islamophobic. The program, Fateh charged, “vilifies young Muslims and subjects them to overreaching surveillance and entrapment by the national security state.”

When he was previously U.S. attorney for Minnesota during the Obama administration, Luger prosecuted nine men who planned to travel to Syria to join the Islamic State group. He championed the Countering Violent Extremism program, which aimed to intervene with Somali youth susceptible to extremism. Critics said it targeted Muslim youth.

Luger has since been confirmed as U.S. attorney, and his signature is now at the bottom of filings in Muse Mohamed’s case.

After prosecutors moved to bar Hussein of CAIR from testifying about law enforcement interactions with the Somali and Muslim communities, Muse Mohamed’s attorney responded in a court filing that he needs Hussein’s testimony to show the conflict between federal agents and the Somali community.

Fateh defeated Hayden by 1,969 votes. Hayden previously questioned the residency of delegates who voted in the DFL Senate district convention, before losing to Fateh in the primary. Hayden said in a *Reformer* interview that he “kinda moved on” after the election. He’s currently a lobbyist.

He’s interested in knowing more, Hayden said, “If it comes out that they basically stole an election from me.”

This story was updated to reflect the presiding judge’s ruling.

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District of Minnesota

FOR IMMEDIATE RELEASE

Wednesday, May 11, 2022

Federal Jury Finds Minneapolis Man Guilty of Lying to a Grand Jury

MINNEAPOLIS – A federal jury convicted a Minneapolis man of lying to a grand jury, announced U.S. Attorney Andrew M. Luger.

Following a two-day trial before U.S. District Judge Nancy E. Brasel, Muse Mohamud Mohamed, 30, was convicted yesterday on two counts of false declarations before a grand jury. A sentencing hearing will be scheduled at a later time.

Mohamed was served with a subpoena to provide testimony before a grand jury seated in the District of Minnesota regarding the use of the agent delivery process during Minnesota's August 11, 2020, primary election. The City of Minneapolis' election records document that Mohamed delivered ballots as an agent for three voters during that election. The voters, however, testified that they do not know Mohamed and did not ask him to pick up and deliver absentee ballots for them.

As proven at trial, on October 14, 2021, Mohamed provided testimony to the grand jury that he received the absentee ballots from the voters themselves. When Mohamed was confronted with the fact that the voters each gave statements that they do not know him and that they did not ask him or anyone for agent delivery of their ballots for the August 2020 election, Mohamed testified that he received the ballots from the voters.

This case was the result of an investigation conducted by the FBI.

This case was tried by Assistant U.S. Attorneys Kimberly A. Svendsen, Angela M. Munoz, and Allison K. Ethen.

Component(s):

USAO - Minnesota

Updated May 11, 2022

An FBI agent testified Tuesday that a grand jury subpoenaed Mohamed last fall because it was trying to determine where he got absentee ballots that he returned for voters without their knowledge.

Two of those voters testified that they never authorized Mohamed to deliver absentee ballots for them. And a friend of Mohamed's, Mustafa Hassan, testified that when he volunteered for the campaign on Election Day, he was told to deliver three envelopes to the Minneapolis elections office for people he didn't know, unwittingly in violation of the law.

The grand jury has spent more than a year investigating whether absentee ballots were being turned in without voters' knowledge in the August 2020 primary election, hearing from "probably 80 witnesses," FBI special agent Blake Hostetter testified Tuesday. He is assigned to civil rights and public corruption in Minneapolis.

It's not clear whether the grand jury's work is done, and federal prosecutors declined to comment.

Mohamed was convicted of two counts of lying to the grand jury, which prosecutors said made it difficult for their investigation to proceed.

"Simply put, he didn't want to tell the grand jury where he got those ballots, so he lied," Assistant U.S. Attorney Kimberly Svendsen told the jury during closing arguments.

Mohamed's attorney, Charles Clippert, told the *Reformer* he got the impression the grand jury had finished its work, but he didn't know if any other charges have or will come of it.

Hostetter said federal investigators were trying to determine who was filling out and directing people picking up and delivering absentee ballots.

Grand jury testimony

Although Mohamed opted not to testify during his trial, jurors on Tuesday saw portions of a transcript of his previous grand jury testimony.

The transcript showed Mohamed told the grand jury last fall he was a volunteer for Fateh, who unseated a DFL incumbent by nearly 2,000 votes in the August 2020 primary.

Mohamed told the grand jury some volunteers would drive voters to polling stations. Others would knock on doors and pick up envelopes with absentee ballots and take them to the elections center for people who asked them to.

The grand jury subpoenaed Mohamed in September and October — the second time to give him an opportunity to "set the record straight" and tell the truth, according to Svendsen.

When told the three voters did not ask Mohamed to return ballots for them, Mohamed said they may not have known him since he did hundreds of door knocks. It's illegal to act as an agent for someone who doesn't know you.

Prosecutors and grand jury members tried to get Mohamed to say where he got the three absentee ballots at issue, but instead he repeatedly explained how the agent delivery process works.

According to the partial grand jury transcript shown at the trial this week, a prosecutor asked Mohamed if someone from the Fateh campaign gave him the ballots. But Mohamed stuck to his contention that the voters gave them to him, even though the voters said otherwise.

Mohamed did mention at one point to the grand jury that someone named Dawson told him where to pick up ballots, in a likely reference to Fateh's campaign manager, Dawson Kimyon. Kimyon has not responded to past requests for comment on the case, and wasn't immediately available for comment.

One of the jurors on the grand jury noted that Mohamed appeared nervous because he was shaking and sweating, but Mohamed said that was because he had a hernia.

Mohamed told the grand jury he comes from an affluent, law-abiding family. The juror asked if he's the kind of person with a clean record who could have been taken advantage of, and he replied: "It's possible."

Another juror on the grand jury asked if the Fateh campaign was afraid of losing, and Mohamed said no. Mohamed told the grand jury that he was a college student at that point, and wasn't really involved in the campaign, although he'd knocked on thousands of doors for Fateh.

Mohamed denied to the grand jury that he was paid to be an absentee ballot delivery agent for the Fateh campaign. He was asked during the grand jury investigation if he used a cash app, but it wasn't clear why since the entire transcript wasn't shown during the trial this week, and portions were redacted.

The jury was composed of 10 women and two men; all but one appeared to be white. Mohamed will be sentenced after a pre-sentence report; he remains free on bond. He faces a maximum of five years in prison for each count, according to [FindLaw.com](https://www.findlaw.com).

Senate DFL calls on Fateh to 'address the matter'

Fateh is not the only prominent political figure with familial ties to Mohamed. Zaynab Mohamed — the DFL-endorsed candidate running for the Senate in the heavily Democratic District 63 — is his sister, but has said she wasn't a subject of the investigation. She was a full-time volunteer for Fateh during his 2020 campaign.

Zaynab Mohamed released a statement late Tuesday saying she loves this country, loves her brother, and believes the right to cast a vote in free and unfettered elections must be protected. She said the case has been an ordeal for her family.

"The jury's decision was hard to hear, and I appreciate that they made the best decision they could with the evidence and defense presented. I also recognize justice is not always served equally, and I will continue to advocate for a system that truly reflects the promise of equal justice under the law," Zaynab Mohamed wrote.

This story was updated at 8:25 a.m. Wednesday to include additional reporting.

Fateh volunteer convicted of lying to grand jury about his handling of absentee ballots

Federal prosecutors said his refusal to disclose where he got absentee ballots stymied grand jury investigation

By: [Deena Winter](#) - May 10, 2022 3:55 pm



Getty Images.

Minneapolis DFL Sen. Omar Fateh's brother-in-law and campaign volunteer was convicted by a federal jury Tuesday of lying to a grand jury when he said he returned three absentee ballots for voters, upon their request, during the 2020 primary election.

Muse Mohamud Mohamed, 30, was charged in connection with a wider federal investigation into misuse of the absentee ballot "agent delivery" process, which is when voters with health problems or disabilities can have someone deliver their ballot to an election office.

Fateh's Senate DFL colleagues called on him to address the matter, given his close relationship with a man now convicted of perjury in a case involving a federal voter fraud investigation.

"The (Senate DFL caucus) stands for transparency and fair elections without exception," said Senate DFL Minority Leader Melisa López Franzen and other leaders, in a statement to the *Reformer*. "We look forward to Sen. Fateh addressing this matter firsthand for the sake of his constituents and the public at large."

Fateh, a first-term senator from a south Minneapolis district, then released a statement Tuesday saying Mohamed is his brother-in-law, and that his campaign has always been committed to upholding election laws and processes.

"I am troubled by this conviction. I am more committed than ever to organizing and governing to strengthen a fair and free democracy," Fateh said.

Fateh explained his previous silence on the case, despite [weeks of inquiries from the Reformer](#): "I believe Muse deserved a fair trial, free from any pressure that my comments could have created."

What the grand jury was looking for

JOURNAL

POLICING & JUSTICE

State Senator Omar Fateh says he's 'troubled' by the conviction of his brother-in-law and campaign volunteer, Muse Mohamed. Muse lied to a federal grand jury about handling absentee ballots in Omar's 2020 primary campaign.

State Senator Omar Fateh released a statement late Tuesday evening confirming for the first time publicly that Muse Mohamud Mohamed is his brother-in-law. Muse was convicted earlier in the day of two counts of perjury. "I am troubled by this conviction," said Omar, who did not directly address allegations of voter fraud that arose in his 2020 primary campaign.



By JOEY PETERS

MAY 10, 2022



Muse Mohamed is seen entering the U.S. courthouse in downtown Minneapolis for a pretrial hearing on May 5, 2022. Credit: Ben Hovland | Sahan Journal

A federal jury on Tuesday convicted a campaign volunteer for state Senator Omar Fateh of lying about how he handled three absentee ballots in the August 2020 primary election. Hours later, the senator broke his silence about the case for the first time, confirming that the volunteer is his brother-in-law.

Muse Mohamed, 33, was found guilty of two counts of lying to a federal grand jury for testimony he gave in October 2021. The jury of 10 women and two men deliberated for 45 minutes before returning their verdict.

“Our campaign’s mission has always been to motivate and organize the people of our district to participate in elections,” Omar said in a written statement supplied to Sahan Journal. “In doing so, we are committed to upholding our state’s election laws and processes. I am troubled by this conviction. I am more committed than ever to organizing and governing to strengthen a fair and free democracy.”

Omar’s statement came about three hours after Senate DFL leaders released their own remarks about the case and called on him to publicly address the matter “firsthand for the sake of his constituents and the public at large.”

Omar did not address allegations of voter fraud that arose in Muse’s perjury trial. Muse was not charged with violating election law.

After prosecutors finished with their witnesses on Tuesday, Muse made a brief statement. Muse appeared confused about waiving his right to testify in his own defense, and briefly left the courtroom to discuss the situation with his attorney, Charlie Clippert.

“I testified before, and I told the truth,” Muse said quietly, as he declined to take the stand and answer questions in front of the court.

Clippert gave a minute-long opening statement Monday, and rested his case Tuesday without calling any witnesses.

Muse and Clippert declined to comment on the guilty verdict as they exited the courtroom Tuesday. Muse will remain free on bond until U.S. District Judge Nancy Brasel decides on his sentence in the coming weeks. A sentencing date has not yet been set.

Tuesday's testimony suggested a deeper federal investigation into the "agent delivery process" of casting ballots in the August 2020 primary election in Minneapolis. Five people told Sahan in February that they were interviewed by the FBI. The grand jury investigation has been going on for at least one year and has involved at least 80 witnesses, according to testimony from an FBI agent.

No one else has been charged in relation to the investigation.

An account of Muse's grand jury testimony from last fall showed that the grand jury was investigating whether people filled out and cast ballots for voters without those voters' knowledge. **Previous reporting from Sahan Journal** suggests the investigation appears to be centered around a state senate district and city ward currently represented by DFL politicians in south Minneapolis with large Somali populations.

Where did the absentee ballots come from?

Muse's trial began Monday with jury selection. Testimony began that afternoon and wrapped up before noon Tuesday. The prosecution spoke for 25 minutes in closing arguments, while Clippert's final statements defending Muse lasted for 10 minutes.

According to evidence at trial: Muse told a grand jury multiple times last fall that he met three voters in 2020 and collected their absentee ballots from them in person. In all cases, Muse said at the time, the campaign

“always checked to see if they hadn’t voted already” before turning in their ballots.

Muse’s statements contradict accounts from the three voters. Each told investigators that they never met Muse and never requested that someone hand-deliver their ballots for them.

Assistant U.S. Attorney Kimberly Svendsen, who prosecuted the case, emphasized that Muse lied about information that “goes to the heart” of an ongoing federal grand jury investigation into possible voter irregularities during the August 2020 primary election.

By lying about where he obtained three absentee ballots, Muse withheld key information that would have allowed the grand jury to make progress in its investigation, she told jurors.

“Muse Mohamed didn’t want the grand jurors to know where he actually got those ballots,” Svendsen said.

Clippert told jurors in his closing argument that Muse gave a consistent answer to a federal grand jury last fall about how he obtained and submitted absentee ballots on behalf of three voters.

“Did Muse Mohamed actually lie, or, did he just not tell the government what they wanted to hear?” Clippert asked.

One witness testified Monday that at the time, Muse was volunteering for Omar Fateh’s campaign, which won the August 2020 DFL primary against incumbent Jeff Hayden by nearly 2,000 votes.

One ballot Muse picked up was never returned to the elections office, and the office rejected another ballot because the voter had already cast a ballot in person, a Minneapolis elections supervisor testified Monday. The elections office only accepted one of the three ballots.

EDITOR'S NOTE

Editor's note: Why Sahan Journal published an article about criminal charges involving absentee ballots.

Sahan Journal doesn't run a lot of stories about crime. On our news site, we concentrate on how public safety and the policies that surround it affect immigrants and communities of color in Minnesota. So why report a story about two counts of alleged false testimony in a grand jury hearing from three months ago?...

Prosecutors spent the bulk of Tuesday recapping the two testimonies Muse gave to a grand jury last fall. Prosecutors called FBI Special Agent Blake Hostetter to the stand, who, with Svendsen, reenacted key parts of Muse's accounts. Transcripts of the testimonies were also displayed on screens around the courtroom for jurors to read.

Hostetter testified that Muse's appearance before the grand jury was part of a broader grand jury investigation into alleged mishandling of the "agent delivery process" during the 2020 primary election in Minneapolis. The investigation has been going on for a year and involves 80 witnesses, Hostetter said under cross-examination from Clippert.

At one point Tuesday, Muse appeared confused about deciding whether or not to testify.

"If they ask me, I can do it," Muse first told Judge Brasel. Brasel then explained to Muse that the decision to take the witness stand was his and his alone.

"I will stay silent," Muse then told Brasel.

Clippert pulled Muse into a private conference room. They returned several minutes later to the courtroom where Muse officially declined to testify.

Later, Clippert asked to call Jaylani Hussein, executive director of the Minnesota chapter of the Council on American-Islamic Relations, to testify about tense relations between some in the Somali community and the FBI. Hussein would likely have supported Clippert's argument that some community members' fear and distrust of federal authorities can cause witnesses to give answers favorable to the government's case.

Clippert argued that Monday's testimony from Nasro Jama, one of the three voters, opened the door for Jaylani's testimony.

"I know she said she wasn't scared, but she was harassed and clearly not happy to be here," Clippert said.

Brasel ultimately barred Jaylani from testifying, stating that Nasro "was clearly not intimidated by anyone" during Monday's testimony, "based on her words and body language."

Jaylani wasn't in court during trial and did not respond to Sahan Journal's requests to comment Tuesday.

Contesting the 'agent delivery process' and the handling of absentee ballots

Prosecutors told jurors at trial that the "agent delivery process" allows people to vote via absentee ballot because of a disability or incapacitating health problems. Voters must fill out a form requesting that an agent—someone of their choice—pick up a blank absentee ballot for them to fill out, and then deliver the completed ballot in a sealed envelope to their local elections office.

The voter must also certify that they have a "preexisting relationship" with that agent, meaning they know each other, prosecutors said.

The grand jury investigation last fall probed whether people's ballots were being filled out without their knowledge using the agent delivery

process, Hostetter said. If voters didn't fill out the ballot, the investigation sought to learn who filled out their ballots for them, he added.

Muse testified before a grand jury on September 30 and on October 14, 2021. In both cases, he said several times that he collected one ballot each from three voters and hand-delivered them to the elections office to cast as an early vote.

Muse told the grand jury that his main job for Omar, then a primary candidate, involved knocking on "thousands" of doors for the campaign. Muse said he volunteered on the side while he was a full-time student.

"My job was to pick up sealed envelopes," Muse stated in September 2021, according to a transcript shown in court on Tuesday. "It's part of the door knocking. If you have someone who has a sealed envelope, you pick it up."

Prosecutors at last fall's grand jury inquiry asked Muse multiple times whether Omar's campaign or anyone else instructed him to pick up and deliver ballots. He answered that this was a widespread practice in campaigning.

"No one told me to do those specific things, but as part of volunteering, it's to go out and speak to the community," he responded in his grand jury testimony.

Muse said anyone who acted as a ballot agent could only take up to three ballots to the elections center, and that he saw people from other campaigns doing the same thing.

In the reenactment and transcripts of last fall's inquiry, Muse also stated that frail and elderly voters would call Omar campaign's office asking for help with their ballots. Muse added that a campaign official named "Dawson" gave him a list of the three voters in question whom he later acted as an agent for.

While evidence presented in court Tuesday did not specify who Dawson is, Muse's remarks likely refer to Dawson Kimyon, Omar's campaign manager and current legislative assistant at the state Capitol.

Kimyon has not responded to repeated requests from Sahan Journal for comment.

Witnesses say they never met Muse and did not ask him to deliver ballots

Two of the voters in Muse's case testified Monday that they did not know Muse and had not signed the forms he delivered to the city's elections office in their names. Neither was frail or elderly; one was 22 and said he'd been healthy all his life.

After his September testimony, the grand jury called back Muse to testify again: The grand jury believed he had more information that was useful to their case, said Hostetter, the FBI agent. Svendsen, the prosecutor, emphasized throughout her questioning Tuesday that this second grand jury appearance was an opportunity for Muse "to set the record straight."

Two statements Muse made during his October 2021 testimony led to both counts of his perjury charges and conviction.

In the first statement, Muse explained that he got three ballots from the elections office, brought the ballots to the voters to fill out, and returned the ballots to the office. In the second statement, Muse told the grand jury that he took a ballot to Nasro Jama, who filled it out, "sealed it up, and then told me to drop it off for her."

"That is not possible," a prosecutor told Muse in October in response to his testimony.

The prosecutor informed Muse that FBI agents had spoken with the three voters, who all stated that they didn't know Muse and never requested

that he deliver their ballots.

Muse responded that it's possible the voters didn't remember him. The prosecutor then stated that Nasro specifically told investigators that she never gave her ballot to Muse. She had voted in person earlier, and the absentee ballot Muse submitted in her name was rejected, according to court documents.

Muse stuck to his story.

The grand jury questioned Muse directly and noted he seemed nervous

At some point during his October testimony, members of the grand jury asked Muse their own questions. One noted Muse's body language, stating that he seemed nervous and was shaking and sweating throughout his testimony.

The prosecutor told Muse multiple times last October that he was under oath, and that lying could lead to criminal penalties. Muse said he understood.

The grand juror told Muse that they believed he was "a good person" and that "sometimes good people get taken advantage of" and "caught up in bad things." Now was a prime opportunity to make a clear decision and decide where his future was going, the grand juror told Muse.

Muse thanked the juror for the advice and told him that he wakes up every morning at 4 a.m. to pray.

"I ask my God to give me strength," Muse said in October.

"You're still going to tell us that it's possible that you still met with the three voters?" the juror then asked.

“Yes,” Muse said, “that is my decision.”

Another juror asked Muse whether Omar’s campaign ever seemed worried that he would lose the election. No, Muse replied.

A third juror asked Muse if he ever received a monetary award from the campaign to act as an agent for ballots. No, he replied.

Political reverberations

The verdict, and the case’s connections to a state senator, reverberated through Democratic party politics.

Muse is also the brother of Zaynab Mohamed, a DFL-endorsed candidate running for a neighboring state Senate district in Minneapolis. Zaynab spoke publicly about the case for the first time Monday, telling Sahan Journal that she is not subject to the investigation into her brother.

Late Monday night, Zaynab released a prepared statement about the verdict, stating that the case has been “an extremely difficult ordeal for my family.” “The jury’s decision was hard to hear, and I appreciate that they made the best decision they could with the evidence and defense presented,” she said. “I also recognize justice is not always served equally, and I will continue to advocate for a system that truly reflects the promise of equal justice under the law.” She added: “I remain hopeful my brother will not be defined by this difficult episode.”

Ken Martin, the DFL chairman, said that crimes like Muse’s are quite rare but must be taken seriously.

“The conduct of Muse Mohamud Mohamed was completely unacceptable and he deserves to be held accountable for breaking the law,” he said. “Though actions like his are exceedingly rare, they still deserve our strongest and most unequivocal condemnation. I am grateful to the

prosecutors who caught Mohamed's illegal conduct and brought him to justice. The vigilance of our law enforcement agents in spotting and tackling the rare instances of election-related misconduct only serves to underscore the security of our elections."

In a statement released hours before Omar broke his silence, Senate DFL leaders emphasized the importance of free and fair elections and called on Omar to publicly address the issue.

"The ability to cast a vote freely, with the assurance it will be counted accurately, is a cornerstone of our democracy. Every allegation of voter irregularity is a serious matter," said Senate DFL Leader Melisa López Franzen and Assistant Senate Leaders Mary Kunesh, Foung Hawj, and Nick Frentz in a joint statement to Sahan Journal.

"The Caucus stands for transparency and fair elections without exception. We look forward to Senator Fateh addressing this matter firsthand for the sake of his constituents and the public at large."

Additional reporting by Becky Dernbach.

Updated May 11, 11:00am, with a statement from Zaynab Mohamed.

RELATED STORIES

Vendor: Kimyon, Dawson S

1146 Windmill Creek N
Waconia, MN 55387

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
01/01/20	Internet Access and Web Hosting: Reimb to Dawson Web Hosting (Dreamhost)	47.40	0.00	0.00	47.40
01/08/20	Other Services: Campaign Management Services 1/1-1/15 (Contractor)	1,500.00	0.00	0.00	1,500.00
01/13/20	Other Services: Campaign Management Services (1/16-1/31 Contracted)	1,700.00	0.00	0.00	1,700.00
01/17/20	Other Services: Campaign Management Services (2/1-2/15)	1,300.00	0.00	0.00	1,300.00
01/23/20	Miscellaneous: Reimb. for paying MN DFL Central Committee for VAN Access	600.00	0.00	0.00	600.00
01/31/20	Other Services: Stipend for Campaign Services Rendered (Contracted)	1,500.00	0.00	0.00	1,500.00
02/20/20	Other Services: Campaign Preparation Stipend	2,100.00	0.00	0.00	2,100.00
03/02/20	Other Services: Campaign Management Services (2/15-2/29 as contractor)	1,500.00	0.00	0.00	1,500.00
03/24/20	Other Services: Campaign Management Services (3/1-3/15 as contractor)	1,500.00	0.00	0.00	1,500.00
03/26/20	Other Services: Campaign Management Services (3/15/3/30 as contractor)	1,500.00	0.00	0.00	1,500.00
03/28/20	Other Services: Adv Campaign Management Services (4/1-4/15 as contractor)	1,500.00	0.00	0.00	1,500.00
04/19/20	Other Services: Campaign Management Services (4/15-4/30 as contractor)	1,500.00	0.00	0.00	1,500.00
05/19/20	Other Services: Campaign Management Services (5/1-5/15 as contractor)	2,385.00	0.00	0.00	2,385.00
06/01/20	Other Services: Campaign Management Services (5/16-5/30 as contractor)	2,385.00	0.00	0.00	2,385.00
06/11/20	Other Services: Campaign Management thru end of June, final payment as contractor	4,770.00	0.00	0.00	4,770.00
06/13/20	Advertising - Print: Reimb. for Ad Buy (Southside Pride, 3200 Chicago Ave, Minneapolis MN 55407)	482.00	0.00	0.00	482.00
06/27/20	Internet Access and Web Hosting: Reimb. For Domain Registration (Dreamhost 417 Associated Road Brea, CA 92821)	13.95	0.00	0.00	13.95
Vendor Total: Kimyon, Dawson S		26,283.35	0.00	0.00	26,283.35

Vendor: NGP VAN

1445 New York Ave NW
#200
Washington, DC 20005

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
02/04/20	Subscriptions: Email Blast Plan	50.00	0.00	0.00	50.00
03/02/20	Subscriptions: Email Blast	50.00	0.00	0.00	50.00
04/02/20	Subscriptions: Email Blast	50.00	0.00	0.00	50.00
05/04/20	Subscriptions: Email Blast	50.00	0.00	0.00	50.00
06/02/20	Subscriptions: Email Blast	50.00	0.00	0.00	50.00
Vendor Total: NGP VAN		250.00	0.00	0.00	250.00

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Senator Omar Fateh (62, DFL)



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POLITICS

State Sen. Omar Fateh's brother-in-law convicted of perjury related to 2020 primary



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Muse Mohamed is also the brother of a DFL-endorsed Senate candidate.

By Stephen Montemayor (<https://www.startribune.com/stephen-montemayor/6370444/>) Star Tribune

MAY 11, 2022 — 5:38PM

This week's federal perjury conviction of a Minneapolis man for lying during an investigation into 2020 absentee ballot delivery is drawing attention to his relation to a sitting state senator and another candidate for that body.

Muse Mohamud Mohamed was found guilty by a federal jury on Tuesday on two counts of making false declarations before a grand jury, as reported by the [Minnesota Reformer](https://minnesotareformer.com/2022/05/10/fateh-volunteer-convicted-of-lying-to-grand-jury-about-his-handling-of-absentee-ballots/) (<https://minnesotareformer.com/2022/05/10/fateh-volunteer-convicted-of-lying-to-grand-jury-about-his-handling-of-absentee-ballots/>) and Sahan Journal. His brother-in-law is Sen. Omar Fateh, DFL-Minneapolis, and his sister is DFL-endorsed Senate candidate Zaynab Mohamed, who is running to represent a neighboring district in the same city.

Mohamed also served as a campaign volunteer for Fateh, who later [told Sahan Journal](https://sahanjournal.com/policing-justice/muse-mohamud-mohamed-guilty-federal-perjury-trial-minnesota-senator-omar-fateh/) (<https://sahanjournal.com/policing-justice/muse-mohamud-mohamed-guilty-federal-perjury-trial-minnesota-senator-omar-fateh/>) that he was "troubled" by Tuesday's verdict, which arrived after a two-day trial and only 40 minutes of deliberation.

"Our campaign's mission has always been to motivate and organize the people of our district to participate in elections," Fateh said in a written statement to the publication. "In doing so, we are committed to upholding our state's election laws and processes. I am troubled by this conviction. I am more committed than ever to organizing and governing to strengthen a fair and free democracy."

Fateh did not respond to a request for comment from the Star Tribune and voted remotely at the Capitol on Wednesday.

Zaynab Mohamed meanwhile released a statement of her own, writing that the jury verdict "was hard to hear, and I appreciate that they made the best decision they could with the evidence and defense presented."



GLEN STUBBE, STAR TRIBUNE FILE

State Sen. Omar Fateh said he is "troubled by the conviction" of his brother-in-law.

"I also recognize justice is not always served equally, and I will continue to advocate for a system that truly reflects the promise of equal justice under the law," she said.

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Mohamed's attorney, Charles Clippert, said Wednesday that "we are not commenting to anybody on the case."

The investigation concentrated on the use of "agent delivery" in the absentee voting process in Minnesota. Voters who intend to vote in person but are unable to for health reasons or disabilities can request absentee ballots after the normal deadline and can designate someone to serve as an agent on their behalf.

An agent can receive and deliver ballots for up to three voters, but no more, in any given election.

According to a prosecution filing, city election documents show that Mohamed delivered three ballots as an agent for three voters in the Aug. 11, 2020, primary election. But prosecutors allege the three voters did not know Mohamed and did not ask him to pick up or deliver absentee ballots for them. One ballot he allegedly attempted to return was rejected because the voter had voted in person.

Mohamed was later subpoenaed and testified twice before a federal grand jury investigating the agent delivery process for the 2020 primary, the filing said.

He is the only person known to have been indicted as a result of the grand jury investigation, which is a secret proceeding. Charges against Mohamed stem from an FBI criminal probe.

Sahan Journal reported that an FBI agent testified at trial that the grand jury investigation into the agent delivery process has been ongoing for at least a year and has involved at least 80 witnesses.

DFL Party Chair Ken Martin called Mohamed's conduct "completely unacceptable" and added that "he deserves to be held accountable for breaking the law."

"Though actions like his are exceedingly rare, they still deserve our strongest and most unequivocal condemnation," Martin said in a statement after the verdict. "I am grateful to the prosecutors who caught Mohamed's illegal conduct and brought him to justice. The vigilance of our law enforcement agents in spotting and tackling the rare instances of election-related misconduct only serves to underscore the security of our elections."

Before Fateh commented Tuesday, Senate DFL leadership called on him to address the case "for the sake of his constituents and the public at large."

In a joint statement, Senate DFL Leader Melisa López Franzen and Assistant Senate Leaders Mary Kunesch, Founq Hawj, and Nick Frentz said, "The ability to cast a vote freely, with the assurance it will be counted accurately, is a cornerstone of our democracy. Every allegation of voter irregularity is a serious matter."

The Associated Press contributed to this report.