



COMPLAINT FOR VIOLATION OF THE CAMPAIGN FINANCE AND PUBLIC DISCLOSURE ACT

All information on this form is private and confidential until a finding is issued by the Board.

CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD
12 OCT 18 PM 3:03

Information about complaint filer

Name of complaint filer Pat Shortridge	
Address 525 Park St.	
City, state, zip St Paul, MN 55103	Daytime telephone no. 651 222-0022

Identify person/entity you are complaining about

Name of person/entity being complained about Alan Carlson
Address 74 W Shore Dr.
City, state, zip Worthington, MN 56187
Title of respondent (if applicable) Senate Candidate
Board/Department/Agency/District # (if legislator) District 22

Pat SR
Signature of person filing complaint

10/18/12
Date

Send completed form to: Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building
658 Cedar Street
St. Paul, MN 55155

If you have questions call: 651/296-1721; 800/657-3889; or
for TTY/TDD communication contact us through the Minn. Relay Service at 800/627-3529
Board staff may also be reached by e-mail at: cf.board@state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651/296-5148; 800/657-3889; or through the Minnesota Relay Service at 800/627-3529.

Give the statute cite of the portion of Chapter 10A, or Minn. Rules you believe has been violated.

10A.01

You will find the complete text of Minn. Stat. §10A and Minn. Rules Chapters 4501 - 4525 on the Board's website at www.cfboard.state.mn.us .

Nature of complaint

Explain in detail why you believe the respondent has violated Chapter 10A, the Campaign Finance and Public Disclosure Act. Attach an extra sheet of paper if necessary. Attach any documents, materials, minutes, resolutions or other evidence to support your allegations.

See attached memo and exhibits.

Minn. Stat. 10A.02, subd 11 - Violations; enforcement.

The board shall investigate any alleged violation filed in writing with the board. For an alleged violation of sections 10A.25 (expenditure limits) or 10A.27 (additional limits) the board shall either enter into a conciliation agreement or make a public finding of whether or not there is probable cause, within 60 days of the filing of the complaint. For alleged violations of all other sections, the board shall within 30 days after the filing of the complaint make a public finding of whether or not there is probable cause to believe a violation has occurred.

The deadline for action may be extended by a majority vote of the board. Within a reasonable time after beginning an investigation of an individual or association, the board shall notify that individual or association of the fact of the investigation. The board shall make no finding without notifying the individual or association of the nature of the allegations and affording an opportunity to answer those allegations.

Any hearing or action of the board concerning a complaint or investigation shall be confidential until the board makes a public finding concerning probable cause or enters into a conciliation agreement.

Except as provided in section 10A.28, after the board makes a public finding of probable cause the board shall report that finding to the appropriate law enforcement authorities.

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

COMPLAINT FOR VIOLATION OF THE CAMPAIGN FINANCE
AND PUBLIC DISCLOSURE ACT

Introduction

This complaint alleges a violation of Minnesota Statutes §10A.01 subdivision 18 by the Minnesota DFL Party, DFL Senate Caucus, DFL endorsed Minnesota Senate District 22 candidate Alan Oberloh, and the Committee to Elect Oberloh and/or its agents (collectively referred to as Respondents). On or about October 10, 2012, the Minnesota DFL Party disseminated campaign materials in support of the Alan Oberloh campaign. The purported independent expenditure was made with the express or implied consent, authorization, or cooperation of, or in concert with or at the request or suggestion of the DFL endorsed Senate District 22 candidate Alan Oberloh, his principal campaign committee Committee to Elect Oberloh, and/or its agents (collectively referred to as Oberloh). Respondent's have violated Chapter 10A, the Campaign Finance and Public Disclosure Act by disseminating campaign materials as independent expenditures that were, in fact, not independent of Oberloh.

Facts

Alan Oberloh is the DFL endorsed candidate for the Minnesota Senate in Senate District 22. On or about October 10, 2012, the Minnesota DFL Party disseminated literature by U.S. Mail to influence voters to support the Alan Oberloh campaign for Minnesota Senate District 22. See, Exhibit A. Photographs of Alan Oberloh appear on the literature. See, Id. The disclaimer identifies the literature as an independent expenditure prepared and paid for by the Minnesota DFL Party. See, Id.

Argument

An independent expenditure requires that the expenditure be made "without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent." Minnesota Statutes, §10A.01, subd. 18. The Board has emphasized that there must be a high wall of separation between the party unit and its candidates if the party unit's expenditures are to qualify as independent expenditures. See, Findings and Order in the Matter of the Complaint of Bob Murray regarding House District 54A Republican Party of Minnesota and Citizens for (Mark) Fotsch.

It is apparent that all of the photographs in which Alan Oberloh is a subject in the literature were taken with the active participation of Mr. Oberloh. See, Exhibit A. Searches for photographs of Alan Oberloh, including his official campaign website, facebook, flickr, and google images, reveal that photographs used in the purported independent expenditure are not publicly available. See, Exhibit B, C, D, and E. The Minnesota DFL Party's use of photographs that are unavailable to the general public is strong evidence that the photos were taken and the expenditures were

made with the express or implied consent, authorization, or cooperation of, or in concert with or at the request or suggestion of Oberloh. The Minnesota DFL Party did not maintain the necessary high wall of separation from Oberloh. As a result, the expenditures do not qualify as an independent expenditure and should be found to be in violation of Minnesota Statutes, §10A.01.

The criteria for independence cannot be maintained even if the photographs are remotely available. The Board has found that it does not require active approval of the expenditure by a candidate or agent to defeat the independence requirement. See, Findings and Order in the matter of the complaint of Arvid Dixen regarding Philip Krinkie. Even implied consent, resulting from action or inaction, can change the character of the expenditure to an approved expenditure. See, Id. In the case of the photographs of Alan Oberloh, if the photographs are publicly available they are in an obscure location, and it would require the Minnesota DFL to get implied consent, authorization, or cooperation of, or action in concert with or at the request or suggestion of Oberloh to locate them. Therefore, even if the photographs are available in some form, approval or acquiescence, defeating independence would still be required from Oberloh for the photographs to be placed in the possession of the Minnesota DFL Party.

The staged photographs are further evidence that the expenditures were made with the express or implied consent, authorization, or cooperation of, or in concert with or at the request or suggestion of Oberloh. The DFL Senate Caucus reported spending \$547.99 on camera equipment. See, Exhibit F. The photographs on the campaign material were clearly produced specifically for the purported independent expenditure. The facts suggest that a DFL Senate Caucus or DFL Party representative met with Oberloh to coordinate efforts on supposed independent expenditures. The necessary high wall of separation simply cannot be maintained when representatives of the DFL Senate Caucus and the DFL Party are literally in the room with Oberloh as the purported independent expenditures are being produced.

Conclusion

Photographs of Minnesota Senate District 22 candidate Alan Oberloh are on campaign material identified as independent expenditures approved and paid for by the Minnesota DFL Party. The facts demonstrate a coordination of effort between Oberloh, the DFL Senate Caucus and the Minnesota DFL Party. As a result, the expenditures do not qualify as an independent expenditure and should be found to be in violation of Minnesota Statutes, §10A.01. It is requested that the Board provide appropriate relief and penalties as prescribed by law.

Dated: 10/18/12

Respectfully submitted,

By 
Pat Shortridge, Chair
Republican Party of Minnesota
525 Park Street, Suite 250
Saint Paul, MN 53703
637-222-0022
chair@mngop.com

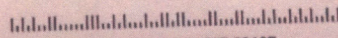
EXHIBIT A

Independent
leadership.

Alan Oberloh

An independent-minded
**businessman and
civic leader** who's
earned a reputation
for finding solutions
that **work.**

Non-Profit Org
US Postage
PAID
Twin Cities, MN
Permit #2647



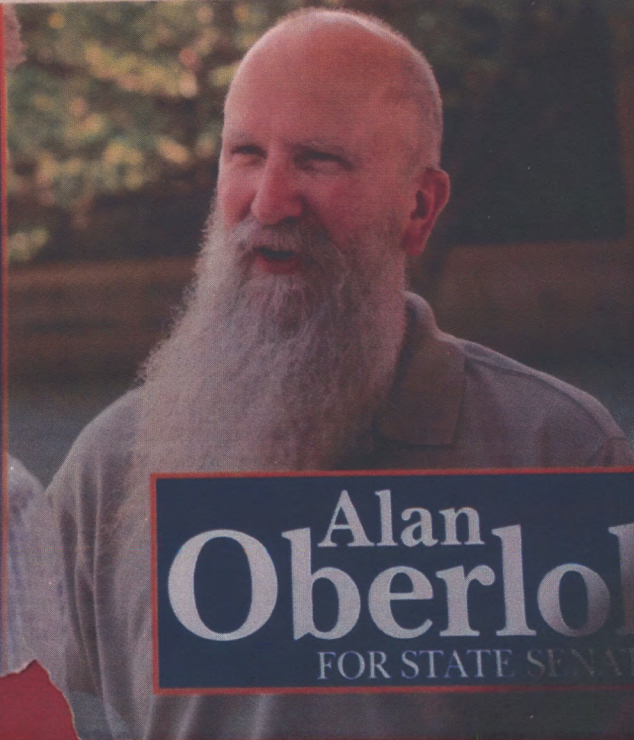
This is an independent expenditure, not sponsored by any candidate. We're in any candidate responsible for it. Prepared and paid for by the Minnesota 2012 State, 2012 House, 2012 State, MN 2012. Not authorized by any candidate or candidate's committee.

5-11-12

Not your
typical
politician.

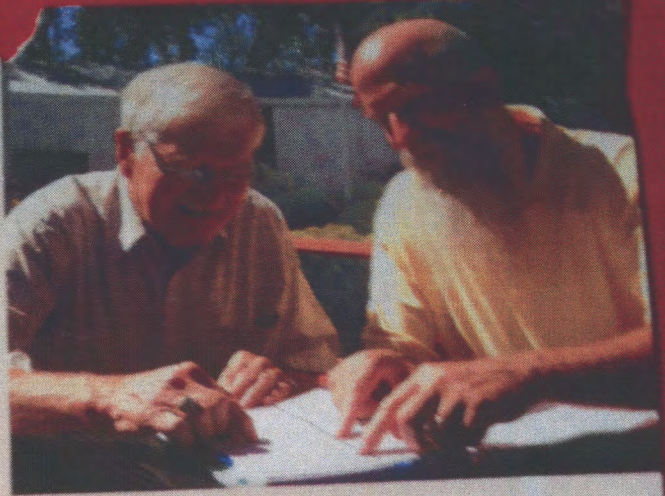
That's why he's
so good at getting
work done.

Alan
Oberloh
FOR STATE SENATOR



Alan Oberloh

An independent-minded **businessman and civic leader** who's earned a reputation for finding solutions that **work.**



A businessman who understands how to improve the economy and build good-paying jobs.

Al has owned and operated Quality Auto Body in Worthington for 29 years, is a member of the Chamber of Commerce, and serves as ex-officio member of the Worthington Regional Economic Development Commission.

As our Senator, Al Oberloh will work across the aisle to streamline and reduce regulations, help new businesses, invest in modern infrastructure and build development in Southwest Minnesota.



A recognized leader who stands up for Greater Minnesota

Alan Oberloh has been Mayor of Worthington since 2003, and served on the school board before that. He also served as President of the Coalition of Greater Minnesota Cities - working with legislators in both parties for rural Minnesota cities.

Last year, cuts to towns in Greater Minnesota were double what they were in the metro area. **That's wrong.** Al Oberloh will work hard to ensure that taxes and expenditures are fair for Southwest Minnesota.




Getting the job done right - the first time.

Alan knows that partisan "my-way-or-the-highway" tactics are great at grabbing headlines, but they just don't get the job done. Last year's shut down and special session are a prime example.

Alan Oberloh will be an **independent voice** for the nine counties that make up the new Senate District 22. We need guys like Al to end the gridlock in St. Paul and get the job done right - the first time.



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5-11-12

Not your
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That's why he's
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Photo 1



Alan
Oberloh
FOR STATE SENATOR

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Photo 2

A businessman who understands how to improve the economy and build good-paying jobs.

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Photo 3

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Photo 4

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Non-Profit Org
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PAID
Twin Cities, MN
Permit #2647

This is an independent expenditure, not approved by any candidate, nor is any candidate responsible for it. Prepared and paid for by the Minnesota 2012 Party, 2012 House Blvd, St. Paul, MN 55107. Not authorized by any candidate or candidate's committee.

5-11-12

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That's why he's
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work done.

Photo 1



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Oberloh
FOR STATE SENATOR

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Awesome Screenshot

Done

EXHIBIT C



Alan Oberloh

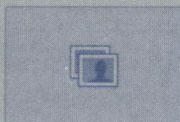
+1 Add Friend

Message

- Worked at Quality Auto Body Inc
- Studied at Jackson Area Vocational Technical
- Lives in Worthington, Minnesota
- Male



Friends 436



Photos



Map



Likes 10

About

Do you know Alan? If you know Alan, send him a friend request or message him.

Work and Education



Jackson Area Vocational Technical
Class of 1974



Worthington Senior High School
Class of 1972 · Worthington, Minnesota



Quality Auto Body Inc

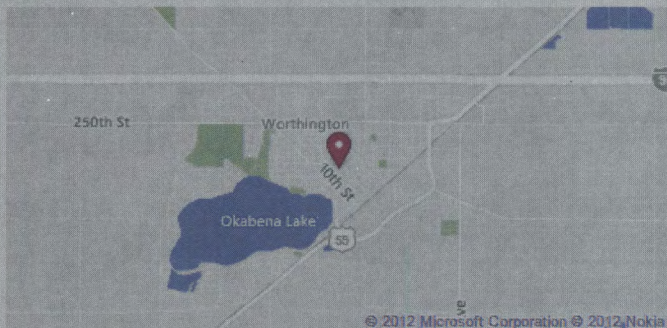
Info

About Lives in Worthington, Minnesota
Male

1974 Graduated from Jackson Area Vocational Technical

1972 Graduated from Worthington Senior High School

Map



Friends

See All



Kimo Oberloh



Adam Kutzbach



Jeff Carlson



Richard Fursman



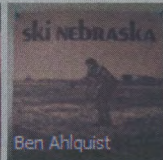
Heidi Johnson Bergendahl



Patti Menab

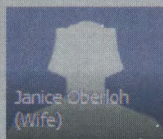


Annie Rasche



Ben Ahlquist

Family



Janice Oberloh (Wife)

Albums

Profile Pictures

Favorites

See All



Rough Tender



Dave Ramsey



Shop Local - Worthington



Behrends Signwork



Alan Oberloh
October 11

go to dglobe.com and check out my "featured area voices"

Share

11 people like this.



Erin Wolf Nickel Our Son Colby saw the "negative" ad for you and said "Mom I am going to throw this in the trash! Cuz I want Mayor Al to win!"
October 11 at 11:09pm



Chris Oberloh Maze Very well put Unde Alan!
October 12 at 12:17am



Karen Lober Ling Geske Will do! Have read a few positive " letters to the editor" for you in our Marshall newspaper. Wondered what negatives were being said .
October 12 at 6:37am



Alan Oberloh Facebooktell Colby thanks
October 12 at 7:25am via email · 1



Laura Ailts Well put Al. I wish people would vote for the candidate and not necessarily the party if they feel strongly about any particular party. P.S. Like Colby the negative Al ad went into the garbage also. P.S.P.S. I hope people realize that that is their donation \$\$ being put to use!!!
October 12 at 7:36am · Edited · 1



Activity
Recent



Alan is now friends with [Mary Viessman](#) and 19 other people.



Alan updated his current city to [Worthington, Minnesota](#).



Alan Oberloh
October 11

Want a fair piece of reading go to areavoices.com, type in oberloh you will see my thoughts

Share

5 people like this.



Judy Eykyn i did
October 12 at 9:55am



Alan Oberloh
October 9

Tommy Binford I enjoy election time! I find it quite captivating.

less than forty days till the election and still lots of people to see



Alan Oberloh Timeline Now

+1 Add Friend

Alan Oberloh
September 21

I am taking this awesome birthday cake to Hickory Lodge after seven tonight, stop by for a piece (of cake).

Share

8 people like this.

Shawn Groth Happy Birthday Alan! Hope you're having a great one.
September 21 at 3:26pm

Stephen Rubis i dont think i will be able to stick around that long. happy bday.
September 21 at 3:30pm via mobile

Clint Clark Happy Birthday Al!
September 21 at 3:39pm via mobile

Moe Nielsen Don't forget to stop by my place an drop sum off
September 21 at 4:48pm via mobile

Karen Lober Ling Geske Wish I could see that cake...& taste it too!
September 21 at 7:45pm

Share

17 people like this.

View all 11 comments

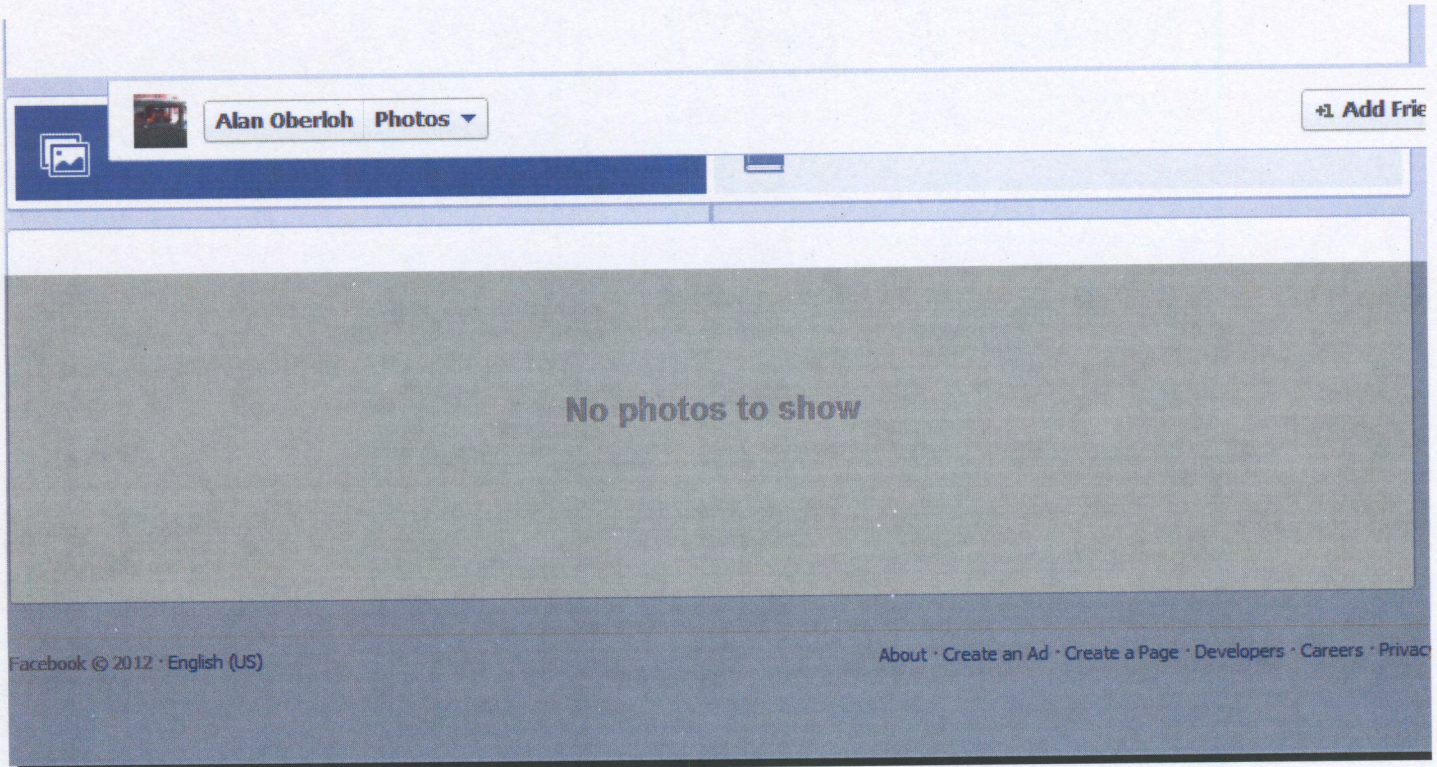
Don Stuntebeck I WANT A SIGN TOO AL !!!!!!!!!!!!!!! SOUNDS LIKE THE CAKE WAS A HIT !!!!!!!!!!!!!!!
September 29 at 8:16pm

Lori Ommen You have our votes!
September 29 at 8:29pm via mobile

Sharon Johansen You can put a sign in my yard!
September 30 at 11:01am

Heather Johnson I would vote for you if I could! Good Luck!
September 30 at 9:56pm

Show Older Stories



Awesome Screenshot

Done



Home The Tour Sign Up Explore Upload

Search

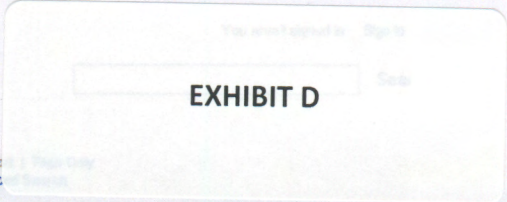
Photos Groups People

Everyone's Uploads

alan oberloh

SEARCH

Full Text Search



Sort: Relevant Recent Interesting

View: Small Medium Details



From Steve...

MS Mental Health Counseling
Human Resources Management

PHD K-12 Studies in Education
General Psychology

MPH Health Management and Policy

EdD Educational Leaders and Management

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See outcomes at www.capella.edu/outcomes

Photographers

Steve Meyer Photo - New York City, USA
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Tag Clusters

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- Photos with tags like **portrait, canon and nikon**

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Photo
Clip art
Line drawing

Standard view
Show sizes

Annotate Your Screenshot



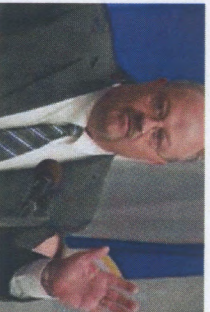
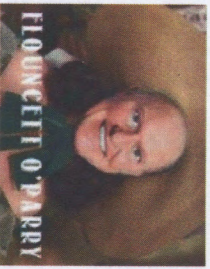
Page 3



Welcome
For over 30 years, CGMC has successfully advanced the issues that strengthen cities throughout Minnesota. Browse this site to learn more about CGMC's advocacy program, and stop back often to keep up with our efforts!



Page 4

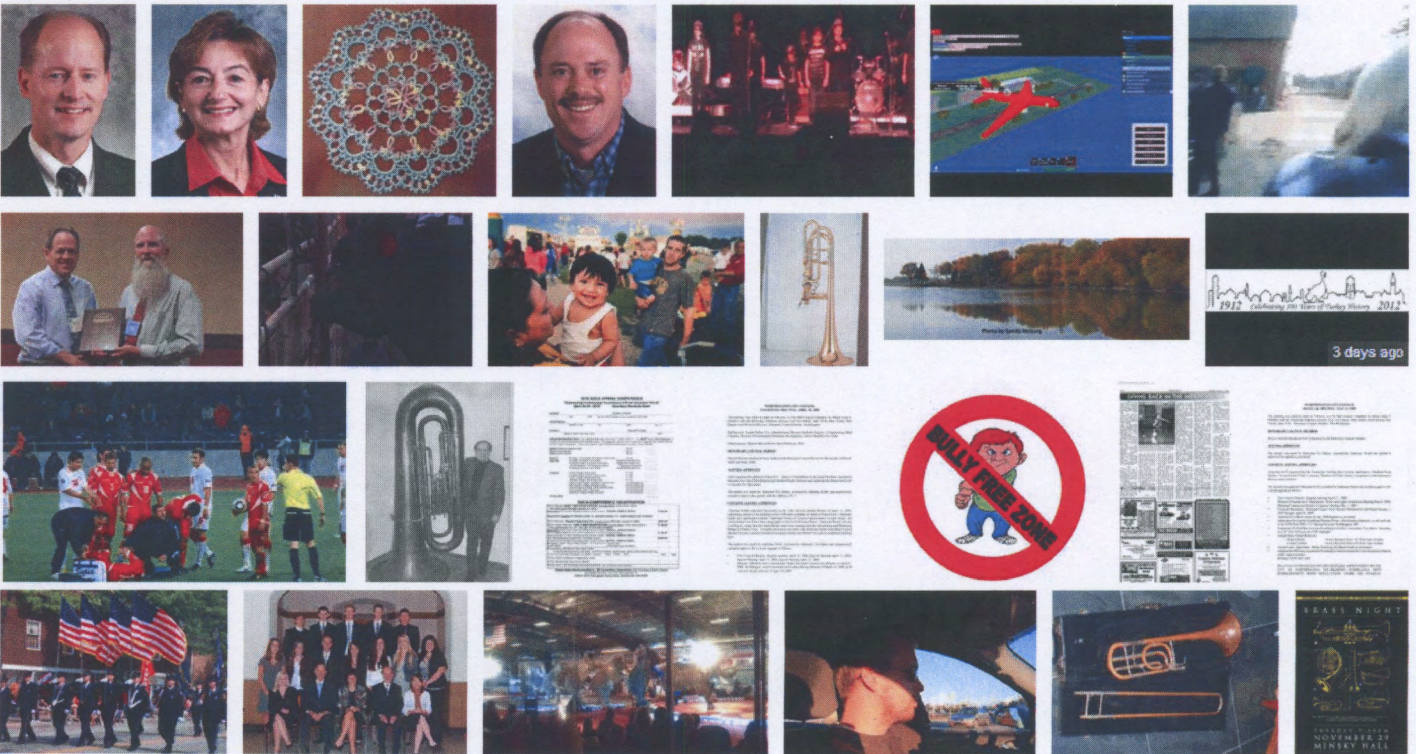


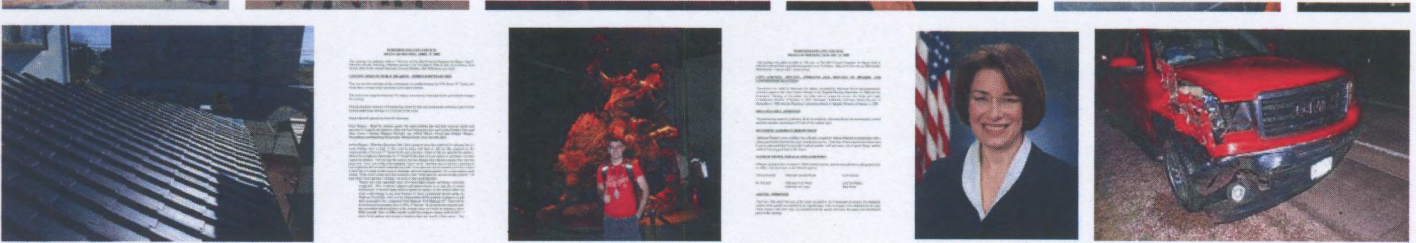


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Page 9

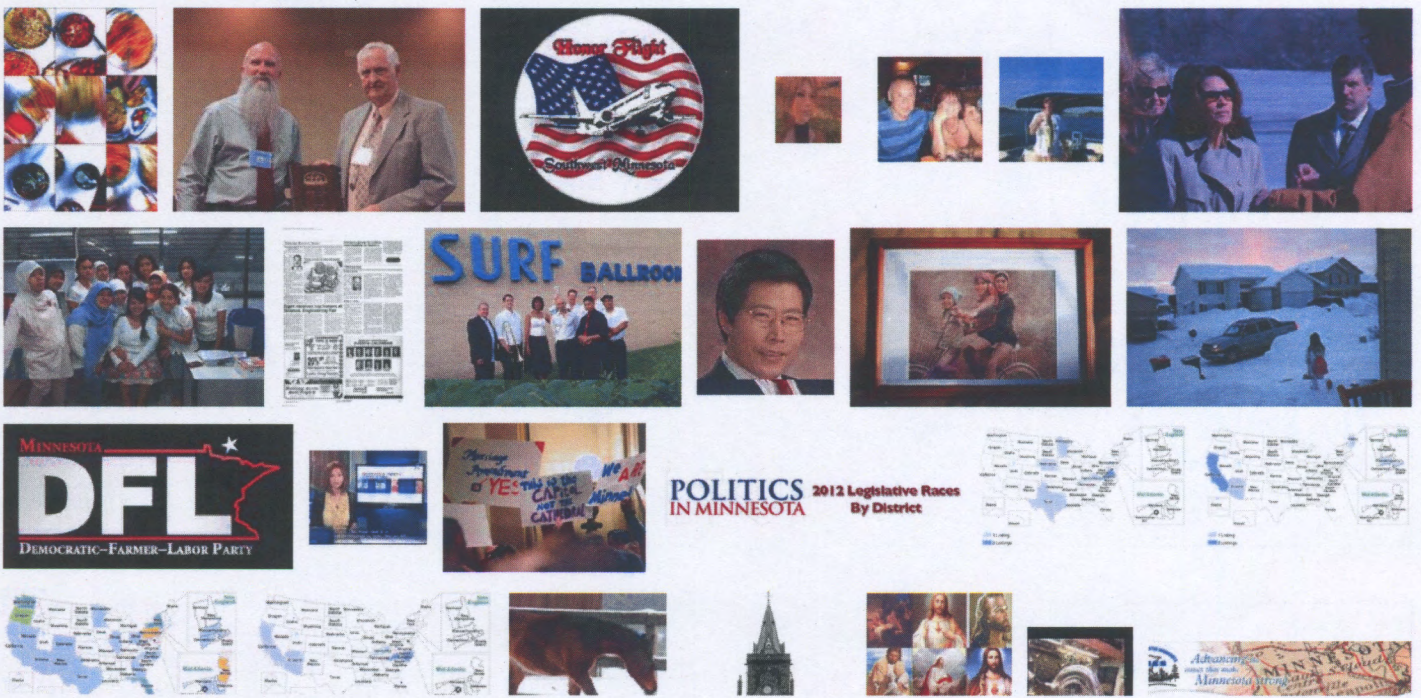




Page 10

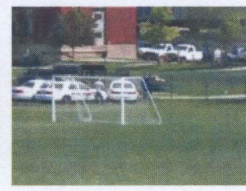
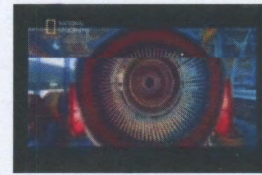
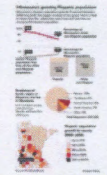


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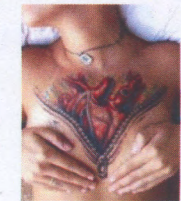
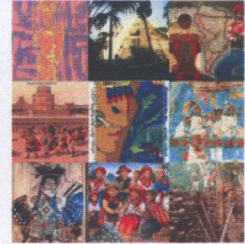
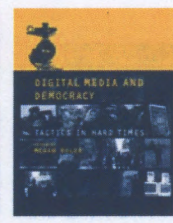
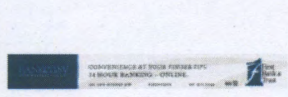




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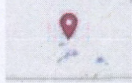


Page 13





politicsmn
An inside view on Minnesota politics



Worthington
PUBLIC UTILITIES



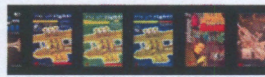
Hope Haven
The Achievement Center
418 Industrial Lane
5 days ago



Private Lives
An Intimate Comedy
Noel Coward



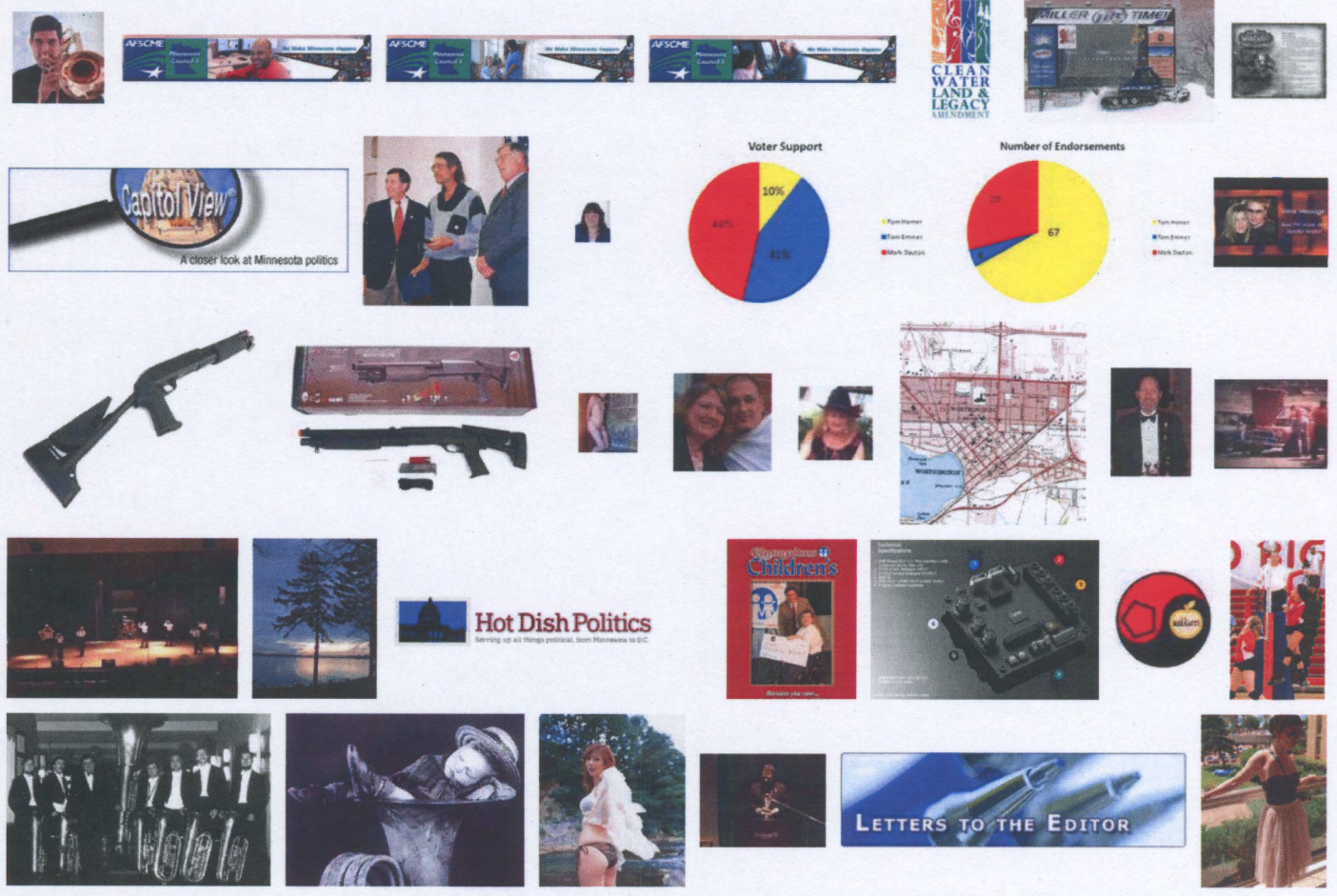
JOIN MAPE
SIGN UP IN MINUTES



OBERLOH WOODWIND
AND
BRASS WORKS



Page 15



Page 16



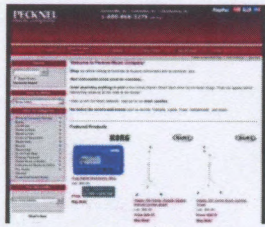


computer applications

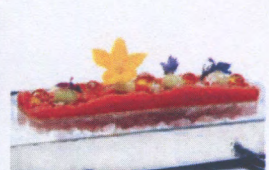
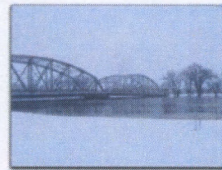


you have an account on facebook so you can browse it easily. fuck a man that he hates facebook yet takes time to browse it. sure, if facebook bothers you then stop visiting the page. just like what your should have told those haters. if we hate your blog stop visiting it. you guys do what you said first... and only BOB's and stupid will recognize you as a star. fuck proof you're a loser cause you're looking for a girlfriend in the internet... the need that from one of your article. fuckin loser! is a waste of time and productivity visiting this blog.

Reply Forward



computer applications



2010 BY 2010

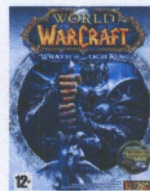
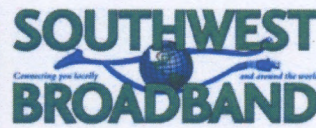
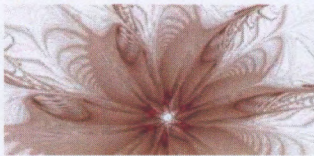


Exhibit #1 With Steve Deschamps on the ticket, the DFL must place some shameless...

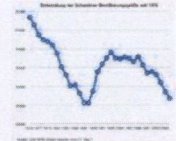
Senate Candidate Abuses Daughters, Still Running





Welcome to the City of **Worthington** Government Web Site

Page 19



Stop State Sponsored Family Abuse Sign our Petition



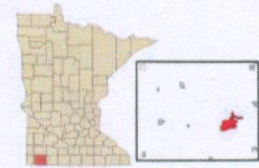
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07 AGE GROUP RESULTS

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Schedule B1 - EXP General Expenditures
Minnesota DFL Senate Caucus

EXHIBIT F

3M Club
3M Center Saint Paul, MN 55144

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
06/29/2012	Downpayment for Fundraiser	1,000.00	0.00	0.00	1,000.00

Added Value Printing
10755 93rd Ave N Osseo, MN 55369

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
07/05/2012	Golf Tournament Signs	1,226.15	0.00	0.00	1,226.15

AFSCME International (Registered Id: 30204)
1625 L St NW Washington, DC 200365665

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
05/12/2012	In kind: NCEC Senate Targeting Data	0.00	0.00	2,020.00	2,020.00

Air Charters Inc
8768 N Bay Dr Chanhassen, MN 55317

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
05/15/2012	Air Fare	2,379.38	0.00	0.00	2,379.38

Alyssa Siems Roberson Featherstone
3932 38th Ave. S Minneapolis, MN 55406

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
07/01/2012	Volunteer Food & Beverage for training	733.00	0.00	0.00	733.00

Applebee's
590 W 79th St Chanhassen, MN 55317

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
05/29/2012	Candidate Meeting	58.21	0.00	0.00	58.21

Axel's Bonfire
850 Grand Ave Saint Paul, MN 55105

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
06/22/2012	Fundraising Lunch	174.34	0.00	0.00	174.34

B & H Video
420 9th Ave New York, NY 10001

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
06/15/2012	Camera Equipment	547.99	0.00	0.00	547.99

Backstreet Pizza
195 S Robert Saint Paul, MN 55107

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
01/18/2012	Volunteer Food	54.59	0.00	0.00	54.59
05/22/2012	Volunteer Food	63.68	0.00	0.00	63.68
05/23/2012	Volunteer Food	35.44	0.00	0.00	35.44
05/24/2012	Volunteer Food	38.58	0.00	0.00	38.58
06/04/2012	Volunteer Food	48.58	0.00	0.00	48.58
06/12/2012	Volunteer Food	71.90	0.00	0.00	71.90
06/19/2012	Volunteer Food	51.89	0.00	0.00	51.89
Total		364.66	0.00	0.00	364.66

Bakers Square
1949 S Robert St Saint Paul, MN 55118

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
02/08/2012	Fundraising Meeting	25.28	0.00	0.00	25.28

Thomas Bakk
2361 Retreat Lodge Rd Cook, MN 557238729
Employment: State of MN

Date	Specific purpose of expenditure	Paid	Unpaid	In Kind	Total
06/21/2012	Ground Transportation	124.00	0.00	0.00	124.00