

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF BRAD ODEGARD REGARDING PROTECT MINNESOTA POLITICAL ACTION FUND:

On May 7, 2019, the Campaign Finance and Public Disclosure Board received a complaint submitted by Brad Odegard regarding Protect Minnesota Political Action Fund. Protect Minnesota Political Action Fund is a political fund registered with the Board. Mr. Odegard's complaint states that Protect Minnesota Political Action Fund was required to file a 2018 year-end report of receipts and expenditures and has failed to do so in violation of Minnesota Statutes section 10A.20.

On May 10, 2019, the Board chair determined that the complaint alleged a prima facie violation of Minnesota Statutes section 10A.20.

Analysis

When the Board chair makes a determination that a complaint alleges a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants a formal investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (d). A probable cause determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether a complaint raises sufficient questions of fact which, if true, would result in the finding of a violation.

If the Board determines that probable cause exists, the Board then must determine whether that violation warrants formal investigation. Minnesota Rules part 4525.0210, subpart 5, provides as follows:

When making this determination, the [B]oard must consider the type of possible violation; the magnitude of the violation if it is a financial violation; the extent of knowledge or intent of the violator; the benefit of formal findings, conclusions, and orders compared to informal resolution of the matter; the availability of board resources; whether the violation has been remedied; and any other similar factor necessary to decide whether the matter under review warrants a formal investigation.

Minnesota Statutes section 10A.20, subdivision 2, generally requires that political committees and funds file a report by January 31 that covers the previous year's receipts and expenditures. Board records did not contain a 2018 year-end report from Protect Minnesota Political Action Fund at the time the complaint was received. "An association is not required to file any statement or report for a reporting period when the association accepted no contributions into

the association's political fund and made no expenditures from its political fund since the last date included in its most recent filed report." Minn. Stat. § 10A.20, subd. 7a.

In response to the prima facie determination and after conversations with Board staff, the political fund filed its 2018 year-end report on May 17, 2019. The political fund's 2018 year-end report discloses two contributions the political fund made on October 31, 2018, to two candidate committees. The two contributions made by the political fund on October 31, 2018, required the political fund to file a 2018 year-end report.

The political fund provided a written response to the prima facie determination on May 29, 2019. The political fund states that at the end of October 2018, the person in charge of filing reports left the political fund's employment. Before his departure, the employee assured the political fund that the 2018 year-end report had been filed. The political fund discovered that the 2018 year-end report had not been filed after receiving the prima facie determination.

While a violation of Minnesota Statutes section 10A.20, subdivision 2, thereby occurred, that violation has been remedied by the filing of the committee's 2018 year-end report on May 17, 2019. In addition, the Board already has imposed the maximum late filing fee of \$1,000 upon the political fund's 2018 year-end report pursuant to Minnesota Statutes section 10A.20, subdivision 12. The violation alleged in the complaint therefore does not warrant a formal investigation.

Order:

1. The allegation that Protect Minnesota Political Action Fund did not file its 2018 year-end report in violation of Minnesota Statutes section 10A.20, subdivision 2, is dismissed because although there is probable cause to believe that this violation occurred, the filing of the report remedied the violation and no further investigation is warranted.

/s/ Margaret Leppik
Margaret Leppik, Chair
Campaign Finance and Public Disclosure Board

Date: June 5, 2019