

## 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.

### Information about complaint filer

Name of complaint filer	STEVEN J. TIMMER	
Address	5398 OAKLAWN AVENUE	
City, state, zip	EDINA, MN 55424	Phone (telephone no)
		952.922.8440

### Identify person/entity you are complaining about

Name of person/entity being complained about	ERNEST GILBERT LEIDIGER	
Address	2775 TACOMA AVE.	
City, state, zip	MAYER, MINNESOTA 55360	
Title of respondent (if applicable)	MEMBER, MINNESOTA HOUSE OF REP.	
Board/Department/Agency/District # (if legislator)	#34A	

MARCH 1, 2012

Signature of person filing complaint

*Steven J. Timmer*

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](mailto: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.



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### Information about complaint filer

Name of complaint filer	STEVEN J. TIMMER	
Address	5318 OAKLAWN AVE.	
City, state, zip	EDINA, MN 55124	Phone, telephone no. 952.922.8446

### Identify person/entity you are complaining about

Name of person/entity being complained about	STEVEN NIELSEN
Address	1202 HICKORY CIRCLE
City, state, zip	WACONIA, MN 55387
Title of respondent (if applicable)	TREASURER
Board/Department/Agency/District # (if legislator)	CITIZENS FOR LEIDIGER

  
 \_\_\_\_\_  
 Signature of person filing complaint

\_\_\_\_\_  
 Date 3/1/12

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

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](http://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.

MINN RULES 4503.0900 SUBPART 3  
4503.1800 SUBPART 2

**ATTACHMENTS:**

MEMO OF LAW

SPEEDING TICKET DISPOSITION

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.

LEIDIGER /  
NIELSEN

# Memorandum

To: Campaign Finance and Public Disclosures Board

From: Steven J. Timmer

Re: Steve Nielsen and Ernest Leidiger

Date: March 1, 2012

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This memorandum supports a complaint filed against the two above-named individuals for a violation of the campaign finance public disclosure rules. Rep. Ernest Leidiger is a member of the Minnesota House of Representatives from House District 34A. Steve Nielsen is Rep. Leidiger's campaign treasurer.

The violation complained of is contained in the Report of Receipts and Expenditures for the year ended 2011, which was filed by Mr. Nielsen on January 30, 2012.

The report was materially misleading and in violation of Minn. Rules sec. 4503.0900, Subpart 3, and sec. 4503.1800, Subpart 2.

In particular, the report fails to disclose or describe in any way that a disbursement by the campaign was made to pay a speeding ticket of Rep. Leidiger's. Rep. Leidiger pled guilty to a speeding charge and paid a fine of \$178.00 on June 24, 2011. (A charge of driving after suspension was dismissed.) A copy of the disposition of this matter is attached to the complaint. The fine was paid "at the counter" on June 24<sup>th</sup>.

The referenced report contains an entry for a non-campaign disbursement on July 1, 2011 for a payment to "Hennepin County," at the same address as the Southdale courthouse where Rep. Leidiger pled guilty, and in the same amount as the fine levied, \$178.00. The description of the disbursement was for "transportation."

Rep. Leidiger paid his fine, and it is clear that *some six days later*, he applied to the campaign treasurer Nielsen for reimbursement and was, in fact, reimbursed. It seems that the disbursement must have been, not to Hennepin County, but to Leidiger himself, since Leidiger had already paid the fine "at the counter."

It is obvious that the disbursement, and its characterization in the report, were a calculated and knowing attempt to deceive the Board, and by extension the public, by both Rep. Leidiger and Mr. Nielsen. This was no simple oversight by either of them. It was dishonest.

Both of the referenced rules require that non-campaign disbursements be described in a meaningful and accurate way.

Subp. 3. Reporting purpose of noncampaign disbursements. Itemization of an expense which is classified as a noncampaign disbursement must include sufficient information to justify the classification.

Rule sec. 4503.0900.

Subp. 2. Expenditures and noncampaign disbursements. Legislative, statewide, and judicial candidates, party units, political committees and funds, and committees to promote or defeat a ballot question must itemize expenditures and noncampaign disbursements that in aggregate exceed \$100 in a calendar year on reports submitted to the board. The itemization must include the date on which the committee made or became obligated to make the expenditure or disbursement, the name and address of the vendor that provided the service or item purchased, and a *description of the service or item purchased*. Expenditures and noncampaign disbursements must be listed on the report alphabetically by vendor. [emphasis added]

Minn. Rules sec.4503.1800

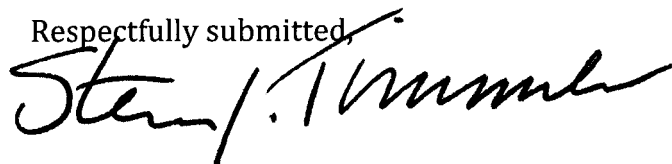
If the disbursement had been adequately described and disclosed, it would have been apparent that it was an illegal payment by the campaign; it undoubtedly was. But what is complained of here is the disclosure: the cover-up. That too was illegal.

It is obvious beyond argument that a disclosure is useless if it doesn't accurately and adequately describe an item. As is the case here, however, it is manifestly worse if it not only fails to disclose, but affirmatively misleads.

If a disbursement to pay a legislator's speeding ticket is for "transportation," then a disbursement for hiring a prostitute could be described as "consulting services." It is difficult for me to contain my contempt for the practices on display here.

This is a serious matter, far beyond the \$178.00 involved. It challenges the entire system of public disclosure and mocks the Board. The matter deserves your prompt and serious attention.

Respectfully submitted,



/sjt

### REGISTER OF ACTIONS CASE NO. 27-VB-11-7369

State of Minnesota vs Ernest Gilbert Leidiger

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§  
§  
§  
§

Case Type: **Crim/Traf Non-Mand**  
Date Filed: **06/08/2011**  
**Hennepin**  
Location: **Criminal/Traffic/Petty**  
**Southdale**

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PARTY INFORMATION

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**Defendant** **Leidiger, Ernest Gilbert** Male **Lead Attorneys**  
MAYER, MN 55360-0000 DOB: [REDACTED] **Pro Se**

**Jurisdiction** **State of Minnesota** **PATRICK GEORGE LEACH**  
612-313-0711(W)

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CHARGE INFORMATION

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Charges: Leidiger, Ernest Gilbert	Statute	Level	Date
1. Driving after suspension	171.24.1	Misdemeanor	03/29/2011
2. Speed exceed posted limit 74/55	169.14.5	Petty Misdemeanor	03/29/2011

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EVENTS & ORDERS OF THE COURT

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**DISPOSITIONS**

06/24/2011 **Plea** (Judicial Officer: Steenson DuFresne, Mary E.)  
2. Speed exceed posted limit 74/55  
Guilty

06/24/2011 **Disposition** (Judicial Officer: Steenson DuFresne, Mary E.)  
2. Speed exceed posted limit 74/55  
Convicted  
1. Driving after suspension  
Dismissed

06/24/2011 **Sentenced** (Judicial Officer: Steenson DuFresne, Mary E.)  
2. Speed exceed posted limit 74/55  
03/29/2011 (PMD) 169.14.5 (169145)

Fee Totals:

Due	06/24/2011
Fine \$	100.00
Imposed Fine \$	100.00

Law Library Fees	\$3.00
Crim/Traffic Surcharge	\$75.00
Municipality Fines	\$100.00
Fee Totals \$	\$178.00

Level of Sentence:  
Convicted of a Petty Misdemeanor

**OTHER EVENTS AND HEARINGS**

06/08/2011 **Citation E-Filed**  
06/08/2011 **Officer Notes**  
06/10/2011 **Notice of Appearance**  
06/24/2011 **Sentencing** (8:30 AM) (Judicial Officer Steenson DuFresne, Mary E.)  
Result: Held  
06/24/2011 **Conviction Sent to DPS**

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FINANCIAL INFORMATION

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**Defendant** Leidiger, Ernest Gilbert

Total Financial Assessment

178.00

Total Payments and Credits

178.00

**Balance Due as of 02/29/2012**

**0.00**

06/24/2011 Transaction Assessment

178.00

06/24/2011 Counter Payment

Receipt # SD27-2011-03944

Leidiger, Ernest Gilbert

(178.00)

## Goldsmith, Gary (CFB)

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**From:** Steve Timmer <stimmer@planetlawyers.com>  
**Sent:** Friday, March 02, 2012 10:12 AM  
**To:** Goldsmith, Gary (CFB)  
**Subject:** Leidiger/Nielsen complaint

Dear Mr. Goldsmith,

Please consider this email an addendum to the complaint I mailed yesterday. If I need to send a written copy, please let me know.

In a post on the [Hot Dish Politics blog at the Star Tribune website](#) yesterday afternoon, Rep. Leidiger admitted the facts underlying the violation complained of:

Leidiger told the Star Tribune this week he didn't see the reimbursement as a problem and that nobody had complained. He said he donates more than \$1,000 to his own campaign, so paying the ticket should not be a problem.

"To me," he said. "It seems appropriate."

I examined the Citizens for Leidiger report again, and it shows a zero balance of loans to the campaign. Any money given to the campaign by Mr. Leidiger was, therefore, a contribution. When it was given to the campaign, it was no longer his.

Moreover, at least in 2011, and according to the report, the campaign received no reportable-amount contributions from anyone, including from Rep. Leidiger, raising a question – at least – about the truth of his statement that he had contributed "more than a thousand dollars to his campaign." I have not examined the 2010 report, but somebody ought to.

Respectfully submitted,

Steve Timmer  
[stimmer@planetlawyers.com](mailto:stimmer@planetlawyers.com)

952.922.8440