

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF RANDY EDINGER REGARDING THE RANDY JESSUP
VOLUNTEER COMMITTEE:

The complaint alleges that the Randy Jessup Volunteer Committee (the Committee) failed to disclose expenditures for printing campaign literature on its 2014 pre-primary-election Report of Receipts and Expenditures. Mr. Edinger provided evidence in support of the complaint indicating that the Committee distributed campaign literature pieces prior to the close of the pre-primary-election reporting period on July 21, 2014.

Minnesota Statutes section 10A.20, subd. 3, requires that aggregate campaign expenditures made to an individual or association in excess of \$200 be itemized on a report of receipts and expenditures. The itemization must include the name and address of the provider of the goods or services. The complaint alleges a failure to comply with this requirement.

The Committee responded to the complaint's allegations in a letter dated September 30, 2014, stating that the invoice for printing the campaign literature was dated July 31, 2014, received on August 6, 2014, and paid on August 8, 2014. The Committee indicated that it did not include the expenditure in its pre-primary-election report covering the calendar year through July 21, 2014, because the bill was received after July 20, 2014. The Committee stated that the information would be included in its next report due in October.

Minnesota Rule 4503.1800, subpart 2, provides clarification by requiring that the itemization of an expenditure on a report must include the date on which the committee made *or became obligated to make* the expenditure of disbursement.

Findings:

1. On October 17, 2014, the Board Chair made a determination that the complaint stated a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction.
2. The complainant submitted evidence indicating that the Committee incurred obligations for printing campaign literature prior to the close of the reporting period on July 21, 2014.
3. The Randy Jessup Volunteer Committee did not disclose on its 2014 pre-primary-election report of receipts and expenditures any obligations incurred for printing campaign literature.

Conclusions:

1. The complaint establishes probable cause to believe that the Committee violated section 10A.20, subd. 3(h) of the Minnesota Statutes by failing to report expenditures that were incurred by the Committee prior to the close of the reporting period.
2. An investigation is required to determine the facts of the matter and to allow the Board to enter into a conciliation agreement or issue findings, conclusions, and an order.
3. This matter is appropriate for resolution through an informal investigation in the form of a staff review as defined in the Board's proposed administrative rules governing audits and investigations.

Order:

The Executive Director shall conduct an investigation of this matter in the form of a staff review to determine whether the committee violated section 10A.20, subd. 3(h) of the Minnesota Statutes during the 2014 pre-primary-election reporting period of January 1, 2014, through July 21, 2014.

/s/ Deanna Wiener
Deanna Wiener, Chair
Campaign Finance and Public Disclosure Board

Dated: 11/18/2014