

RECEIVED

ADMINISTRATIVE HEARINGS

2017 FEB -2 AM 10:54

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO Box 64620  
St. Paul, MN 55164-0620

FEB 02 2017

ADMINISTRATIVE  
HEARINGS

REC'D AT LOBBY DESK

ck # 12189  
Receipt 577757

**COMPLAINT FORM**  
for Violations of the  
**FAIR CAMPAIGN PRACTICES ACT** or  
**CAMPAIGN FINANCE ACT**

RECEIVED FEB 10 2017

**Information about complaint filer (Complainant)**

Name of Complaint Filer <b>David Osmek</b>	
Address <b>4933 Crestview Road</b>	
City, State, Zip <b>Mound, Mn 55364</b>	Daytime Telephone Number <b>952/564-0707</b>
Email Address. <b>davidosmek@gmail.com</b>	Fax Number

**Identify person/entity you are complaining about (Respondent)**

Name of person/entity being complained about <b>Jay Nygard</b>	
Address <b>1386 Rest Point Road</b>	
City, state, zip <b>Orono, Mn 55364</b>	Daytime telephone no. <b>952-472-2842</b>
Fax no.	E-mail address

Provide the specific statute in Minnesota Statutes Chapter 211A (Campaign Finances Act) or Chapter 211B (Fair Campaign Practices Act) that you allege has been violated:

**State Statutes 10A.14, SubD 1 (#1 & #2) and State Statute 10A.105**  
**See attached complaint document, providing documentation of multiple violations**

RECEIVED  
2017 FEB -2 AM 10:54  
ADMINISTRATIVE  
HEARINGS

Chapters 211A and 211B are available online at  
<https://www.revisor.leg.state.mn.us/statutes/?id=211A>  
<https://www.revisor.leg.state.mn.us/statutes/?id=211B>

Date(s) of violation(s) **7/26/2016, 11/1/2016, 1/1/2017**

Date of election or ballot question: **11/8/2016**

Elected office or ballot question involved: **State Senate, District 33**

If allowed by law, do you wish to request an expedited probable cause hearing within 3 business days? **No**

### Nature of Complaint

Explain in detail why you believe the respondent has violated Minnesota Statutes Chapters 211A or 211B. Attach an extra sheet of paper if necessary. Attach copies of any documents that support your allegations.

This complaint must be dismissed by the Administrative Law Judge if this submission does not show a prima facie violation of the statutes. "Prima facie" means that the facts you present must be sufficient to show a violation.

**Jay Nygard violated three state statutes, as a result of: a) Not filing a campaign finance committee within 10 days of expending over \$750 in his campaign; b) Not filing a Pre-Primary campaign finance report of expenditures; c) Not filing a Pre-General election campaign finance report of expenditures; d) Not filing a Year-End campaign finance report of expenditures**

**See attached documentation of each violation.**

**Oath:**  
I, David Omsch, under penalty of perjury, swear or affirm that the statements I have made in this complaint are true and correct to the best of my knowledge.

[Signature]  
Signature of person filing complaint  
(Sign in front of Notary Public)

2-2-2017  
Date

Kathryn M Anderson  
KATHRYN M. ANDERSON  
Notary Public  
Minnesota  
My Commission Expires January 31, 2021  
2/2/2017

## Jay Nygard (Defendant) versus David Osmek (complainant)

ground:

- 1) On 4/16/2016, the Libertarian Party of Minnesota (LPM) held their state convention in Maple Grove. At that convention, Jay Nygard was endorsed as a senate candidate in District 33. At that time, the Libertarian Party of Minnesota made Jay Nygard aware of the requirements of his candidacy and bylaws of the LPM.

LIBERTARIAN PARTY OF MINNESOTA  
1905 • 1905 • 1905

Who We Are ▾ Where We Stand ▾ Get Involved ▾ Contribute

Most of my time on the agonist track. As an agonist, it was the natural place to be and a great opportunity to talk about that lifestyle with other attendees that may not have heard of Konkin. I'm very thankful for the opportunity to be welcomed and to feel welcome at this event."

Mary Haberman added, "First time attendee. I was pleasantly surprised to hear realistic ways to promote liberty at every level. People don't have to run for high profile offices, it's small time commitments to local offices that make a difference. My favorites: the anarchist vs minarchist debate and Robert Baril comedian."

LPMN members attending as state delegates also rolled up their sleeves to conduct party business. During the morning business session, delegates voted to approve the nominations of **Steve Zilberg** for State Senate District 14 (St Cloud), **Shane Wernsing** for State Senate District 19 (St Peter), **Jay Nygard** for State Senate District 33 (Orono), **Brian McCormick** for State House District 37A (Coon Rapids), **David Holsinger** for State House District 57B (Apple Valley), and **Joe Weverka** for State House District 67B (East St Paul) as Libertarian candidates for state legislature. The nominees will still need to collect at least 500 petition signatures each between May 17 and May 31 in order to appear on the ballot.

Upholding a provision previously enacted by state delegates in 2015 known as **Bylaw 8.7**, all six candidates pledged that, if elected, they would refuse to caucus with or otherwise permanently align with either the Democratic and Republican parties and would instead seek to create their own new caucus of anti-establishment legislators.

Other prospective candidates for state legislature or local offices may still approach the LPMN Executive Committee or their regional LPMN affiliate to become nominated if they wish to run as a Libertarian.

In addition, state delegates approved bylaws changes affirming that LPMN members are also voting members of the regional affiliate where they reside, clarified how national delegates are to be selected, and in a proposal offered from the floor, changed the election cycle of state party officers and executives from two-year to one-year terms. No platform revisions were proposed; the LPMN's platform remains unchanged since 2012. The delegates also approved national delegates to represent Minnesota at the National Libertarian Party's convention in Orlando to be held over Memorial Day weekend.

More photos from the convention can be seen [here](#)

Ask me anything

12:02 PM  
12/2/2016



- 2) On May 31<sup>st</sup>, Jay Nygard presented 504 valid signatures to the Hennepin County Elections division. At that time, as they do with all candidates, Jay Nygard was provided a packet of information regarding campaign finance laws and reporting requirements.

**Jay Nygard for District 33 State Senate**  
@nygardforsenate

Home  
About  
Photos  
Events  
Likes  
Videos  
Posts

[Create a Page](#)

**nygard's post**  
May 31 · 🌐

"I think I can speak for the rest of the team when I say there is a reason We are working so hard to volunteer our precious time for this man..... The reason is because We believe in him. We believe he will do what he feels is the right thing to do for Us and not just himself. We believe in his compassion for our rights to Live. We believe that although his voice will rumble through the halls of the senate, Ours will not go silent..... Congratulations my friend, Our friend, for your first step, Our first step into a brighter future.

**Jay Nygard added 2 new photos**  
May 31 · 🌐

IT IS OFFICIAL!!!! I made the cut, I am now "Minnesota Senatorial Candidate Jay Nygard"..... turns out they said it was close, so everybody who helped and thought that it was important for me to run is the only reason that I am in. Thank you all for helping me achieve my goal!!

Like Comment Share

Katie Jo Houtman, Jim Lobitz and 2 others

Write a comment ..

Press Enter to post

**Jay Nygard for District 33 State Senate** shared Jay Nygard's post.  
May 28 · 🌐

**Jay Nygard**  
May 28 · 🌐

Got 50 signatures of the farmers market in Mound this morning!!! Now headed to

**Contact Us**

**VISITOR POSTS**

**Tony Held**  
November 7 at 9:56am · 🌐

When my ballot is counted after 8 p.m. tomorrow night, it will show ... [See More](#)

1 Like 1 Comment

Like Comment

**Brad Kvanbek**  
October 24 at 6:39am · 🌐

You will get my vote. But then I hope you will work hard to leave us alone and keep government out of our lives.

1 Like 1 Comment

Like Comment

**Tony Held**  
October 18 at 8:03pm · 🌐

Dear Mr. Nygard: I am considering voting for you, but I am concern... [See More](#)

**LIKED BY THIS PAGE**

**Brad Maenner for Orono City Co...**  
A Orono City Candidate

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

Privacy · Terms · Advertising · Ad Choices · Cookies · More

Facebook © 2016

- 3) As part of the above package of information, Jay Nygard was provided information by the Minnesota Campaign Finance Board (MCFB), regarding requirements for financial disclosure. He also received, as all candidates did, directions to register their Statement of Economic Interests, which he completed.

**Public Official Information**  
Senate

Name: Nygard, Jay  
Occupation: Self-employed  
Business Address: 1386 Rest Point Rd  
Orono, MN 55364  
Employer Name: Go Green Energy, LLC  
Appointment Date:

**Sources of Compensation**  
None Reported

**Business and Professional Activities**  
None Reported

**Securities**  
None Reported

**Real Property**

County	Street Address and Municipality or Section, Township and Range	Own	Mortgage	Contract for deed	option to buy, \$2500	option to buy, Acreeage \$50,000
Hennepin	1386 Rest Pt Rd Orono	Yes	No	No	No	No

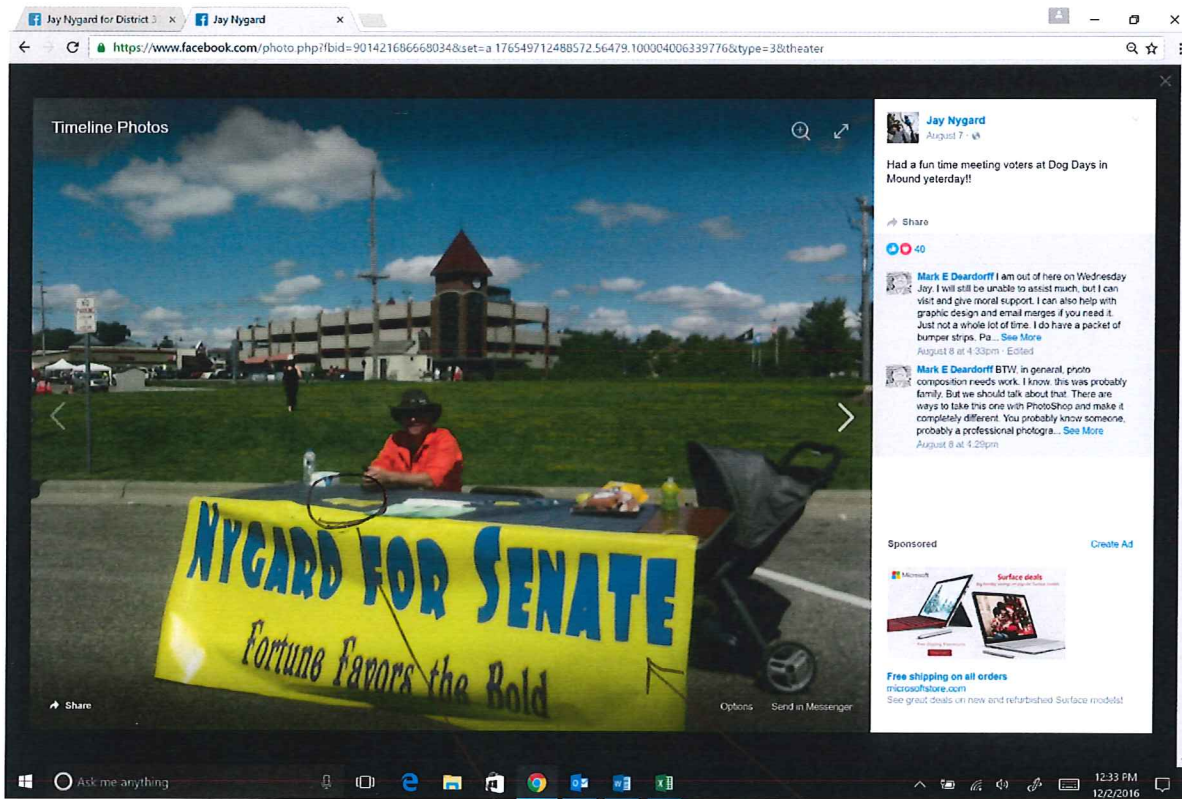
**Pari-Mutuel Horse Racing Interests**  
None Reported

**\*\*LINKS\*\***

<a href="#">Agency Index</a>
<a href="#">Public Official Index</a>
<a href="#">Campaign Finance Home Page</a>

4) Over the course of his candidacy, Jay Nygard has spent significant resources on his campaign. The following is a list of observed expenditures of his campaign and a reasonable estimate of each cost:

<b>Pre-primary spending</b>	
Campaign website domain registration	\$20
Campaign website buildout/software	\$50
Large vinyl banner	\$150
Registration for Dog Days event	\$75
Registration for Corn Days parade	\$100
4 custom campaign flags (1 5x7, 3 triangle)	\$300
Registration for Wayzata parade	\$225
Business card hand-outs for parades	\$75
Campaign buttons	\$50
Campaign bumper stickers	\$50
Balloons for parade unit	\$20
Campaign tee shirts	\$100
	<b>\$1,215</b>
<b>Pre-General spending</b>	
Table lit for Shorewood SC forum	\$20
State Fair flyers	\$20
18 by 24 inch lawnsigns, 25 @ \$30 ea	\$750
24 by 36 inch lawnsigns, 25 @ \$60 ea	\$1,500
	<b>\$2,290</b>
<b>Total estimated spend:</b>	<b>\$3,505</b>

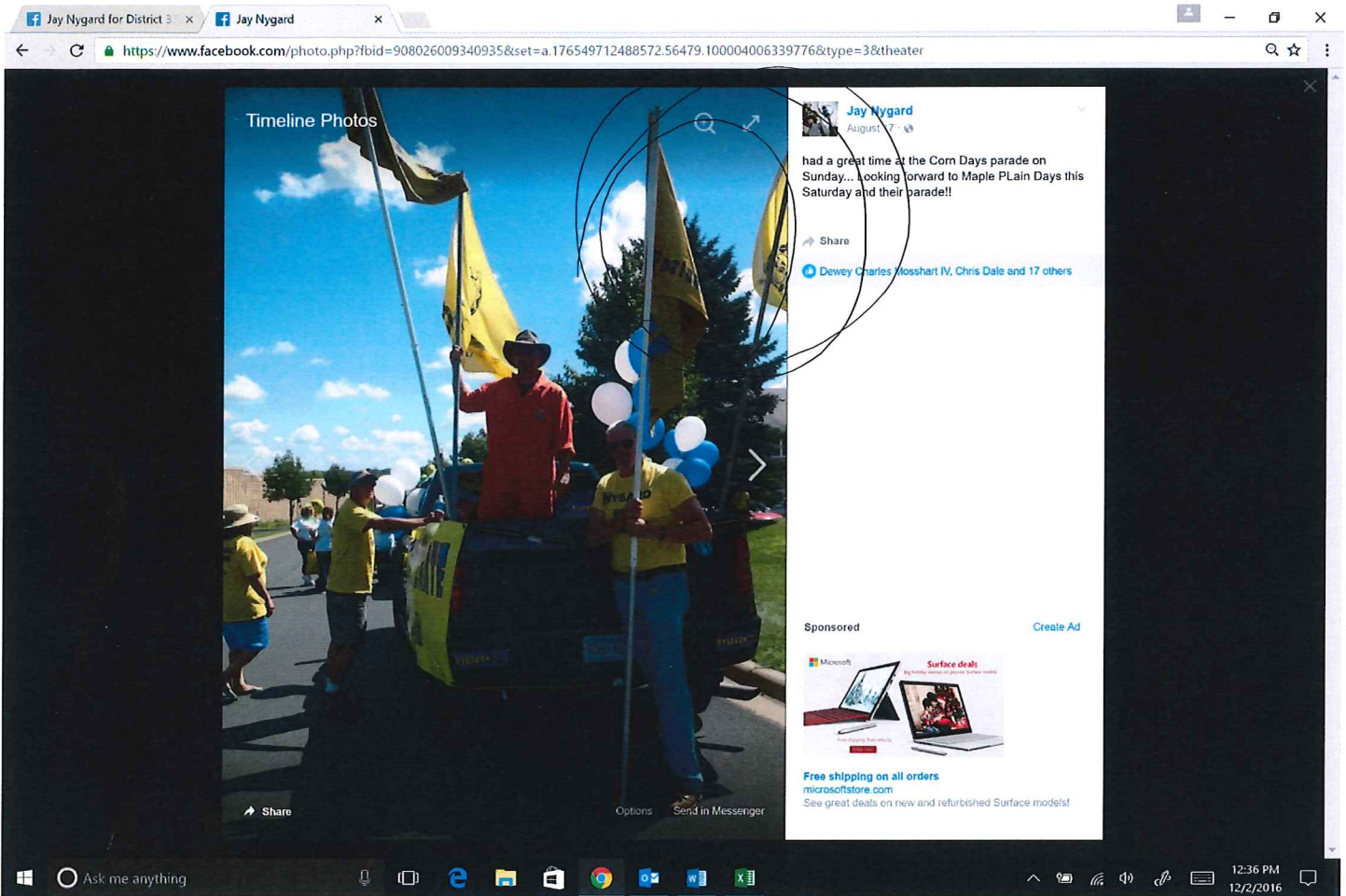


(Jay Nygard at Dog Days in Mound)

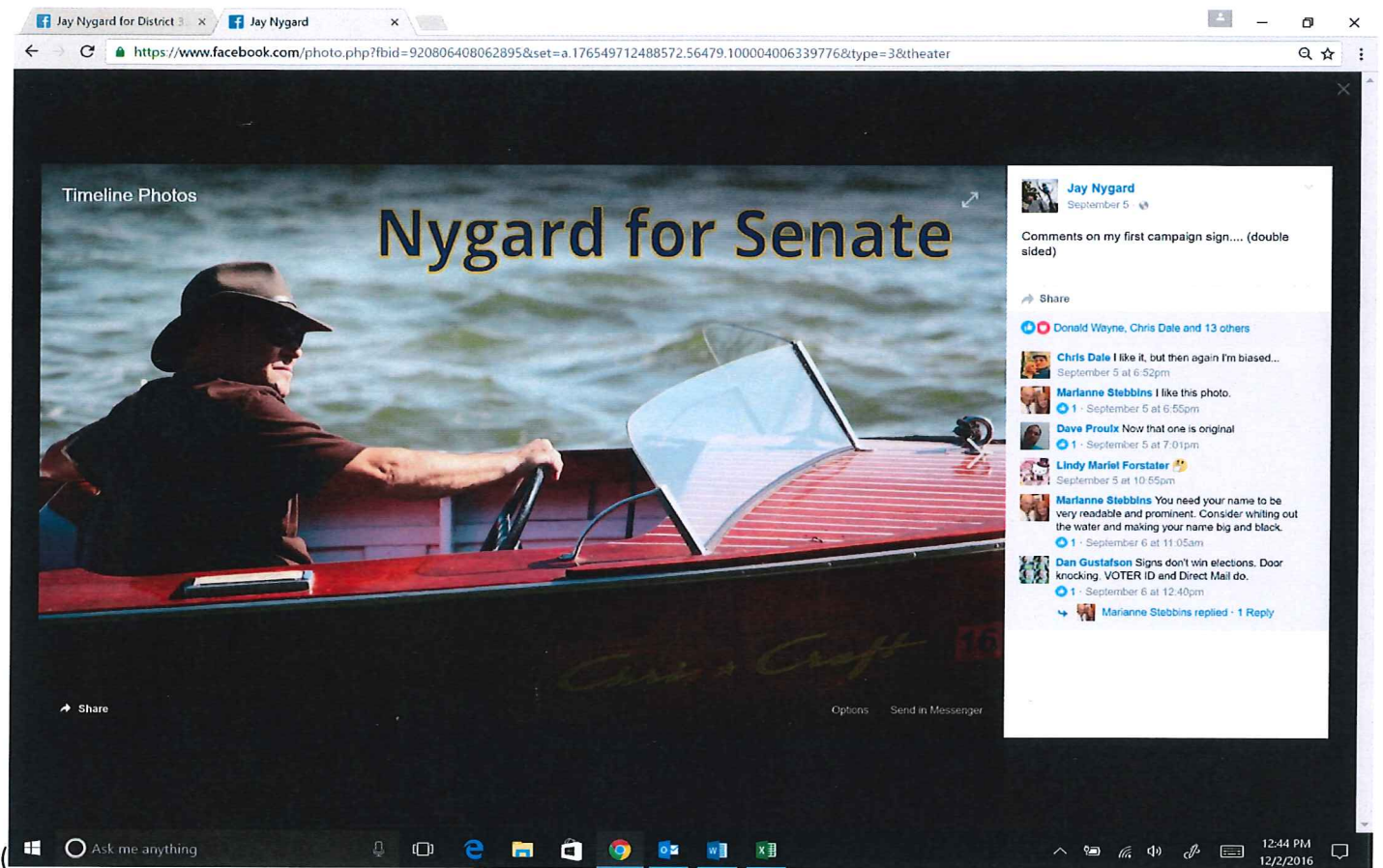
Business cards

4 color vinyl banner

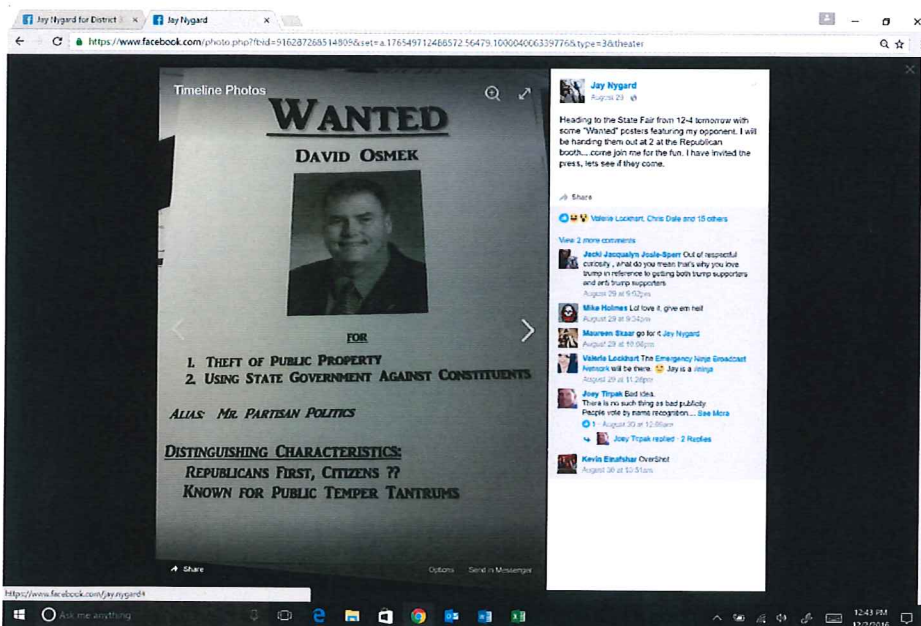




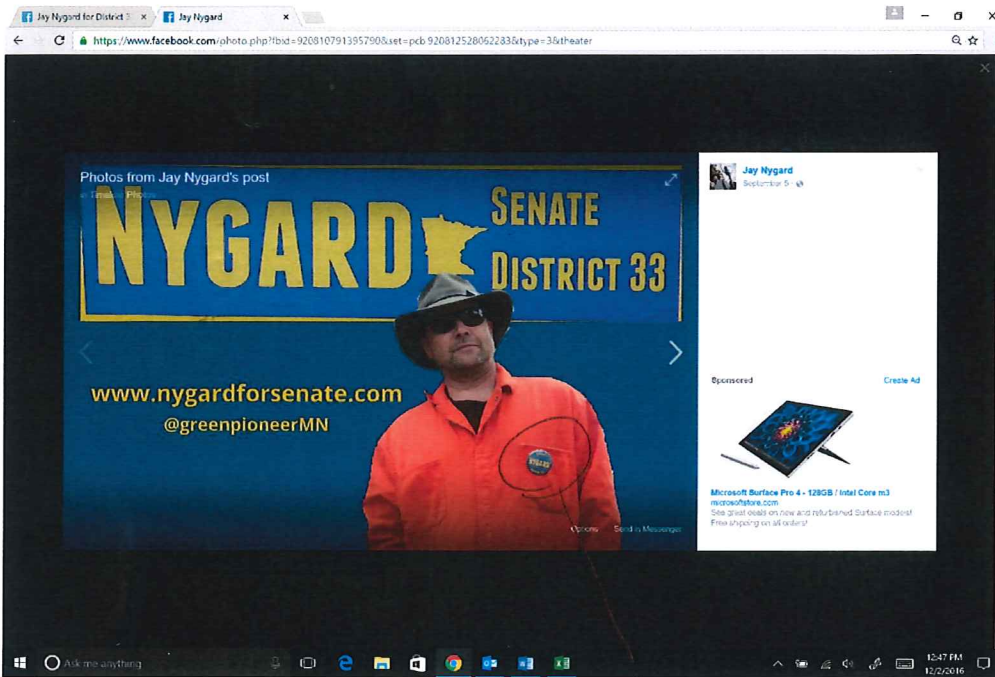
(Examples of flags, vinyl signs, bumper stickers, campaign tee shirts, at Long Lake parade



(Example of campaign signage. 2 sizes were used)



(Example of lit distributed at State Fair)



(Examples of Jay Nygard's bumpersticker and campaign buttons)

**Conclusion/Charges:**

From the evidence above, Jay Nygard was clearly in violation of State Statutes 10A.14, SubD 1 (#1 & #2) and State Statute 10A.105 by not registering a campaign committee with the MCFB and not reporting said expenses according to the required pre-primary and pre-general election timelines. Not only was Jay Nygard made aware of the reporting requirements, Mr Nygard knew of the reporting requirements exist due to the fact that he was a candidate for city council in 2000 and completed required financial reporting with the City of Orono.

As of 2/1/2017, Jay Nygard is 176 days in violation of reporting his campaign's pre-primary expenses, 93 days in violation of reporting his campaign's pre-general election expenses, and now in violation of year-end reporting. According to SS 10A.14 SubD 4, each report requirement carries a \$25 per day fine, to a maximum of \$1000.

It is the request of the complainant that the maximum fine be imposed for the flagrant and willful disregard of the Fair Campaign Practices Act. The complainant requests that Jay Nygard be fined at least \$3000 for his violations.