

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF CAROL BECKER REGARDING THE MINNEAPOLIS BICYCLE COALITION, DBA OUR STREETS MINNEAPOLIS

On July 5, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by Carol Becker regarding the Minneapolis Bicycle Coalition, which is doing business as Our Streets Minneapolis. Our Streets Minneapolis is a 501(c)(3) nonprofit that is not registered with the Board.

The complaint alleges violations of Minnesota Statutes sections 10A.03 and 10A.04, which require lobbyists to register and file reports with the Board and require a lobbyist principal to file an annual report with the Board. The complaint argues that Our Streets Minneapolis’s “own reporting shows \$89,000 of their \$500,000 budget went directly to lobbying” and that the association is “employing people to lobby who are paid over \$3,000 a year.”

The complaint includes partial copies of emails allegedly sent by Our Streets Minneapolis during the time period of December 16, 2021, through June 15, 2022. Those emails asked recipients to contact members of the Minneapolis City Council in support of 24/7 bus lanes on Hennepin Avenue South, to contact the Metropolitan Council and the Hennepin County Board of Commissioners regarding the proposed Blue Line extension, and to contact the Minnesota Department of Transportation regarding its Rethinking I-94 project. The complaint asserts that those emails constitute lobbying. The complaint alleges and contains evidence that Our Streets Minneapolis used its website¹ and social media pages, including Twitter,² Facebook,³ and Instagram,⁴ to do the same.

The complaint includes a partial copy of an email allegedly sent by Our Streets Minneapolis on March 17, 2022, asking recipients to contact members of the Minneapolis City Council in support of funding for Open Streets Minneapolis. The complaint includes screenshots of web pages⁵ asking readers to send a pre-written email to members of the Minneapolis City Council and other city leaders asking “that the Mayor’s 2023 budget include \$100,000 of ongoing funding to support Our Streets Minneapolis in hosting” Open Streets Minneapolis events. The complaint also includes a screenshot of a webpage stating that “[i]n response to public pressure, City of Minneapolis Public Works . . . committed to working with our staff to support the program in kind-to the tune of approximately \$20,000.”⁶

¹ ourstreetsmpls.org

² twitter.com/OurStreetsMpls

³ facebook.com/ourstreetsmpls

⁴ instagram.com/ourstreetsmpls

⁵ openstreetsmpls.org/funding_campaign; actionnetwork.org/letters/help-make-open-streets-minneapolis-events-more-accessible

⁶ actionnetwork.org/letters/help-make-open-streets-minneapolis-events-more-accessible/

The complaint argues that Our Streets Minneapolis is a principal and thereby was required to file principal reports but has failed to do so. The complaint further argues that Our Streets Minneapolis employs lobbyists who were required to register with the Board and file lobbyist reports, but have failed to do so. However, the complaint does not specify the name of any individual that should be registered as a lobbyist for Our Streets Minneapolis or the Minneapolis Bicycle Coalition.

Determination

Lobbyist

Minnesota Statutes section 10A.01, subdivision 21, defines the term lobbyist, in relevant part, to mean an individual “engaged for pay or other consideration of more than \$3,000 from all sources in any year . . . for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.” Minnesota Statutes section 10A.01, subdivision 24, defines the term metropolitan governmental unit, in relevant part, to mean “any of the seven counties in the metropolitan area as defined in section 473.121, subdivision 2 . . . a city with a population of over 50,000 located in the seven-county metropolitan area, the Metropolitan Council, or a metropolitan agency as defined in section 473.121, subdivision 5a.”

Hennepin County, the Metropolitan Council, and the City of Minneapolis are each metropolitan governmental units. Minnesota Statutes section 10A.01, subdivision 35, defines the term public official, in relevant part, to mean a “commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06,” a “member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council,” a “member or chief administrator of a metropolitan agency,” or a county commissioner. Minnesota Statutes section 10A.01, subdivision 22, defines the term local official to mean

a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

Minnesota Statutes section 10A.03, subdivision 1, requires a lobbyist to register with the Board within five days after becoming a lobbyist or being engaged by a new principal. Minnesota Statutes section 10A.04, subdivision 1, requires a lobbyist to file biannual reports with the Board.

The complaint alleges and the Board’s records reflect that that there are no lobbyists registered on behalf of Our Streets Minneapolis or the Minneapolis Bicycle Coalition. The complaint alleges and contains evidence that individuals employed by Our Streets Minneapolis sent emails, maintained a website, and managed multiple social media accounts, encouraging the

public to communicate with local officials and public officials in support of actions supported by Our Streets Minneapolis. The chair therefore concludes that the complaint states prima facie violations of the lobbyist registration and reporting requirements in Minnesota Statutes sections 10A.03 and 10A.04.

Principal

Minnesota Statutes section 10A.01, subdivision 33, defines the term principal to mean an individual or association that

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6.

Minnesota Statutes section 10A.01, subdivision 6, defines an association as “a group of two or more persons, who are not all members of an immediate family, acting in concert.”

The complaint alleges and contains evidence that Our Streets Minneapolis has attempted to influence the official action of metropolitan governmental units by communicating or urging others to communicate with public or local officials. The complaint further alleges that Our Streets Minneapolis paid individuals over \$500 in a year to engage in lobbying and spent at least \$50,000 in total to engage in lobbying within a calendar year. The chair therefore concludes that the complaint states a prima facie violation of the principal reporting requirements in Minnesota Statutes section 10A.04, subdivision 6.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by a single Board member and not by any vote of the entire Board. This prima facie determination does not mean that the Board has commenced, or will commence, an investigation or has made any determination of a violation by any of the individuals or entities named in the complaint.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, within 45 days of the date of this determination, the Board will make findings and conclusions as to whether probable cause exists to believe that the violations of Minnesota Statutes sections 10A.03 and 10A.04 alleged in the complaint have occurred and warrant a formal investigation. The complainant and the respondent named in this prima facie determination will be given an opportunity to be heard by the Board prior to any decision on probable cause.

Until the Board makes a public finding or enters into a conciliation agreement, this matter is subject to the confidentiality requirements of Minnesota Statutes section 10A.022, subdivision 5.

A handwritten signature in black ink, appearing to read 'F. Rashid', written over a horizontal line.

Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: July 18, 2022