

July 18, 2022

***COMPLAINT AND
REQUEST FOR INVESTIGATION***

VIA ELECTRONIC AND HAND DELIVERY

MR. JEFF SIGURDSON
EXECUTIVE DIRECTOR
MINNESOTA CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
190 CENTENNIAL OFFICE BUILDING
658 CEDAR ST
ST PAUL, MN 55155

jeff.sigurdson@state.mn.us

Re: Complaint and Request for Investigation

Dear Mr. Sigurdson:

The undersigned is a resident of Minnesota, currently residing in St. Paul. Combined, this correspondence and accompanying complaint serve as a written complaint and request for investigation pursuant to Minnesota Statutes § 10A.01, subdivision 18 of possible violations of the Minnesota Campaign Finance and Public Disclosure Act by the Doug Wardlow for Attorney General Committee (“Wardlow”), Board registration number 18133, and Rescue Minnesota, an independent expenditure political committee, Board registration number 41301.

The undersigned requests that the Board investigate potential violations of Minn. Stat. § 10A, subdivision 19 and potential other Minn. Stat. § 10A violations. by Wardlow and Rescue Minnesota for coordinating political expenditures, including – but not necessarily limited to – social media and broadcast radio advertising in support of Doug Wardlow’s candidacy for Minnesota Attorney General.

It is the belief of the undersigned that a violation of the prohibition of coordination between a candidate committee and an independent expenditure committee existed and remained ongoing to through at least Friday, July 8, 2022. Based on recently available public filings with the Board, Mr. Thomas Datwyler (“Datwyler”) concurrently served as the treasurer of record for both the Doug Wardlow for Attorney General Committee and Rescue Minnesota. (Please find screenshots of Board filings for both committees accessed on July 8, 2022 included in attached complaint.)

It is impossible to interpret Datwyler's service to both committees in the role of treasurer not running afoul of Minnesota law which prohibits serving simultaneously as an agent of both a candidate's campaign committee and an independent expenditure committee supporting the same candidate or opposing his/her opponent; cf. Minnesota Statutes § 10A.175, subdivision 2, which *specifically identifies* a candidate committee's treasurer as an "agent" of a candidate's campaign committee. It is inconceivable to the undersigned that Datwyler's dual roles do not meet the definition of "consulting services" under Minnesota Statutes § 10A.176, subdivision 4.

In serving as the active treasurer for both committees, Datwyler could not help but benefit from visibility in Wardlow campaign activity and spending and Rescue Minnesota independent expenditure activities. Such knowledge provides a unique advantage in maximizing the benefit and effect of both committees' expenditures and activities.

Minnesota Stat. § 10A.175, subdivision 4 specifically identifies "consulting services" to include any of the following involving campaign strategy: "polling, communications planning and design, advertising, and messaging." While it is recognized that a shared vendor may work on both the campaign and independent expenditure committee, Minnesota Statutes § 10A.176, subdivision 4 requires that any such an exception assumes that there are assigned "separate personnel to the spender and the candidate." Clearly, that is not the case in the issue at hand in that the *same individual* served in the role of treasurer for both committees since the establishment of Rescue Minnesota.

It is impossible furthermore, to believe that in making, approving, or collaborating on spending decisions for one committee, Datwyler was either able or incentivized to ignore operational knowledge of the other committee. In attached complaint, please find multiple screenshots of a paid Facebook advertisement in support of Wardlow displayed during July 2022, listing Rescue Minnesota as the underwriting sponsor. Again, *this advertisement was displayed while Datwyler was still listed as the treasurer for the Wardlow campaign committee on whose behalf the independent expenditures were run.*

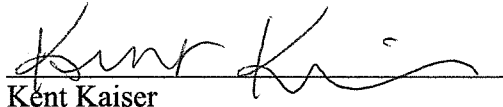
Request for Investigation

As referenced above, Minnesota Stat. § 10A clearly prohibit the type of dual agency exhibited by Datwyler on behalf of Wardlow and Rescue Minnesota. The undersigned believes that reasonable cause exists that Wardlow, Rescue Minnesota, and Datwyler violated the Act. Accordingly, the undersigned requests that the Board commence a prompt and thorough investigation into the behavior of the two committees and Datwyler.

If the Board believes probable cause exists that a violation occurred, the undersigned requests that the Board promptly forward its findings and all applicable documentation to the appropriate county attorney as required under Chapter 10A.

It is our understanding that, pursuant to Minn. Stat. § 10A.022, subdivision 3(c), this investigation will be conducted within thirty (45) days after receipt of this written complaint. The undersigned greatly appreciates your attention to this matter, and looks forward to hearing from you shortly on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Kaiser", written over a horizontal line.

Kent Kaiser

kentkaiser@hotmail.com – e-mail

1409 Marion St

St. Paul, Minnesota 55117-4409

COMPLAINT

1. Doug Wardlow is a candidate for the position of Minnesota Attorney General.
2. Thomas Datwyler (“Datwyler”) is the Treasurer of the Doug Wardlow for Attorney General Campaign Committee (“Wardlow Committee”).
3. Datwyler is listed on Campaign Finance Reports as Treasurer of the Wardlow Committee as recently as June 14th, 2022. **(Exhibit 1. Doug Wardlow for Attorney General CFB screenshot accessed July 8, 2022.)**
4. On June 8th, 2022, Datwyler created the Independent Expenditure Political Committee “Rescue Minnesota.” (“Rescue MN”). **(Exhibit 2. Rescue Minnesota CFB screenshot accessed July 8, 2022.)**
5. Rescue Minnesota began purchasing and airing radio advertisements supporting the Wardlow Committee throughout Minnesota in the month of July 2022. One media tracking service reported that Rescue Minnesota purchased \$21,300 for radio advertisements from July 5, 2022 to July 18, 2022. **(Exhibit 7. Rescue Minnesota radio advertisement placement.)**
6. Minn. Stat. 10A.17 requires that a treasurer authorize all expenditures for principal campaign committees and political committees.
7. Upon information and belief, Rescue Minnesota has prepared and paid for election communications in support of the Wardlow Committee which it has falsely characterized as “independent expenditures.” **(Exhibits 3, 4, 5, and 6. Rescue Minnesota social media advertisements displayed July 8, 2022. July 9, 2022, July 12, 2022, and July 13, 2022, respectively.)**

8. Pursuant to Minn. Stat. 10A.176, an independent expenditure is not independent but rather a coordinated expenditure if it “is made on or after January 1 of the year the office will appear on the ballot by a spender that:
 - (1) is not a party unit; and
 - (2) is an association, political committee, political fund, **independent expenditure political committee**, or independent expenditure political fund, in which the **candidate** was a chairperson, deputy chairperson, **treasurer**, or deputy treasurer on or after January 1 of the year the office will appear on the ballot” (emphasis added).
9. Minn. Stat. 10A.175, subd. 3 defines “candidate” as “a candidate as defined in section 10A.01, subdivision 10, the candidate's principal campaign committee, or the **candidate's agent.**”
10. Minn. Stat. 10A.175, subd. 2 defines "agent" as “**a person serving during an election segment** as a candidate's chairperson, deputy chairperson, **treasurer**, deputy treasurer, or any other person whose actions are coordinated.”
11. In 2022 election segment, Datwyler has served as the Wardlow Committee’s treasurer and therefore an “agent” of the campaign and the “candidate” as defined in 10A.175, subsd. 2 and 3. As Treasurer for both entities, Datwyler’s actions have vitiated the independence of expenditures by Rescue Minnesota on behalf of Wardlow Committee resulting in coordinated expenditures by the Rescue Minnesota to the Wardlow Committee.
12. A coordinated expenditure is defined as an approved expenditure. Minn. Stat. 10A.175, subd. 5.

VIOLATIONS OF LAW

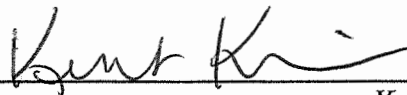
13. Wardlow Committee illegally coordinated the activity of Rescue Minnesota through the dual role of Datwyler, resulting in approved expenditures from the IEPC to the Wardlow for Attorney General campaign.

14. Rescue Minnesota violated Minn. Stat. § 10A.121 subd. 2(a)(2) prohibiting independent expenditure political committee's from making approved expenditures. The penalty for making an approved expenditure is up to four times the amount of the expenditure. Minn. Stat. § 10A.121 subd. 2(a).
15. Based on the foregoing allegations and upon information and belief, Rescue Minnesota violated Minn. Stat. § 10A.121 subd. 2(a)(2) by making an approved expenditure on behalf of the Wardlow Committee.

RELIEF SOUGHT

16. Pursuant to authority conferred on the Board by Minn. Stat. §§ 10A. 022, subd. 3(a) and 211B.15 subd. 7(a), it may impose penalties “up to four times the amount of the violation” if an independent expenditure “makes an approved expenditure” as permitted by Minn. Stat. §§ 10A.121, subd. 2(a)2.
17. The below-signed complainant requests that the Board refer the matter to the appropriate County Attorney for prosecution as required under Chapter 10A and, given that time is of the essence with the fast-approaching August 9, 2022 Primary Election, take any and all immediate action to address this complaint.

Respectfully submitted,



Kent Kaiser
1409 Marion St
St. Paul, Minnesota 55117-4409



Search Candidate

2021 - 2022 Segment

Wardlow, Doug Atty Gen Committee - 18133

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[Candidate Information](#)

[Financial Summary](#)

[Reports and Data](#)

[Officers & Contact Information](#)

[Economic Interest Statement](#)

Committee

Doug Wardlow for Attorney General

PO Box 211605

Eagan, MN 55121

(651) 456-8133

Website: www.dougwardlowag.com

[Login to Follow](#)

Treasurer

Thomas Datwyler

455 Carriage Lane

Hudson, WI 54016

(715) 338-8544

tcdatwyler@gmail.com

[Login to Follow](#)

Candidate

Doug Wardlow

3050 Creekview Cir SW

Prior Lake, MN 55372

(651) 456-8133

doug@dougwardlowag.com

[Login to Follow](#)

Depository

Wells Fargo Bank

3390 Pilot Knob Rd

Eagan, MN 55121

[Login to Follow](#)

Chair

Richard Evans

1369 Grace Dr

Eagan, MN 55123

(651) 501-9632

dcevans01@msn.com

[Login to Follow](#)

Exhibit 1



Search Political Committee or fund

Q ENTER A NAME

2021 - 2022 Segment

Rescue Minnesota - 41301

Login to Follow

Committee / fund information

Financial summary

Reports and data

Rescue Minnesota

Independent expenditure political committee

Registration number: 41301

First registered: 6/8/2022

PO Box 183

Huson, WI 54016

(715) 338-8544

Chair

Thomas Datwyler

PO Box 183

Hudson, WI 54016

(715) 338-8544

tcdatwyler@gmail.com

Login to Follow

Depository

Chain Bridge Bank

1445A Laughlin Ave

McLean, VA 22101

Login to Follow

Treasurer

Thomas Datwyler

PO Box 183

Hudson, MN 54016

(715) 338-8544

tcdatwyler@gmail.com

Login to Follow

Exhibit 2

QUICK LINKS

[Disclosure calendar](#)



Rescue Minnesota

Exhibit 3



Sponsored · Paid for by Rescue Minnesota ·

Doug Wardlow's "Safe Minnesota Plan" will clean up our streets and keep Minnesotans safe.

DOUG WARDLOW

**WILL PUT
MINNESOTA
FIRST**

**RESCUE
MINNESOTA**

PAID FOR BY RESCUE MINNESOTA

dougwardlowag.com

Doug Wardlow for AG

[Learn more](#)



Rescue Minnesota


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Exhibit 4



Violent crime has reached record highs in Minnesota's cities. Doug Wardlow is running to make our state safe.



DOUG WARDLOW

IS
FIGHTING FOR OUR

✓ **LIBERTIES**

✓ **STATE**

✓ **FAMILIES**

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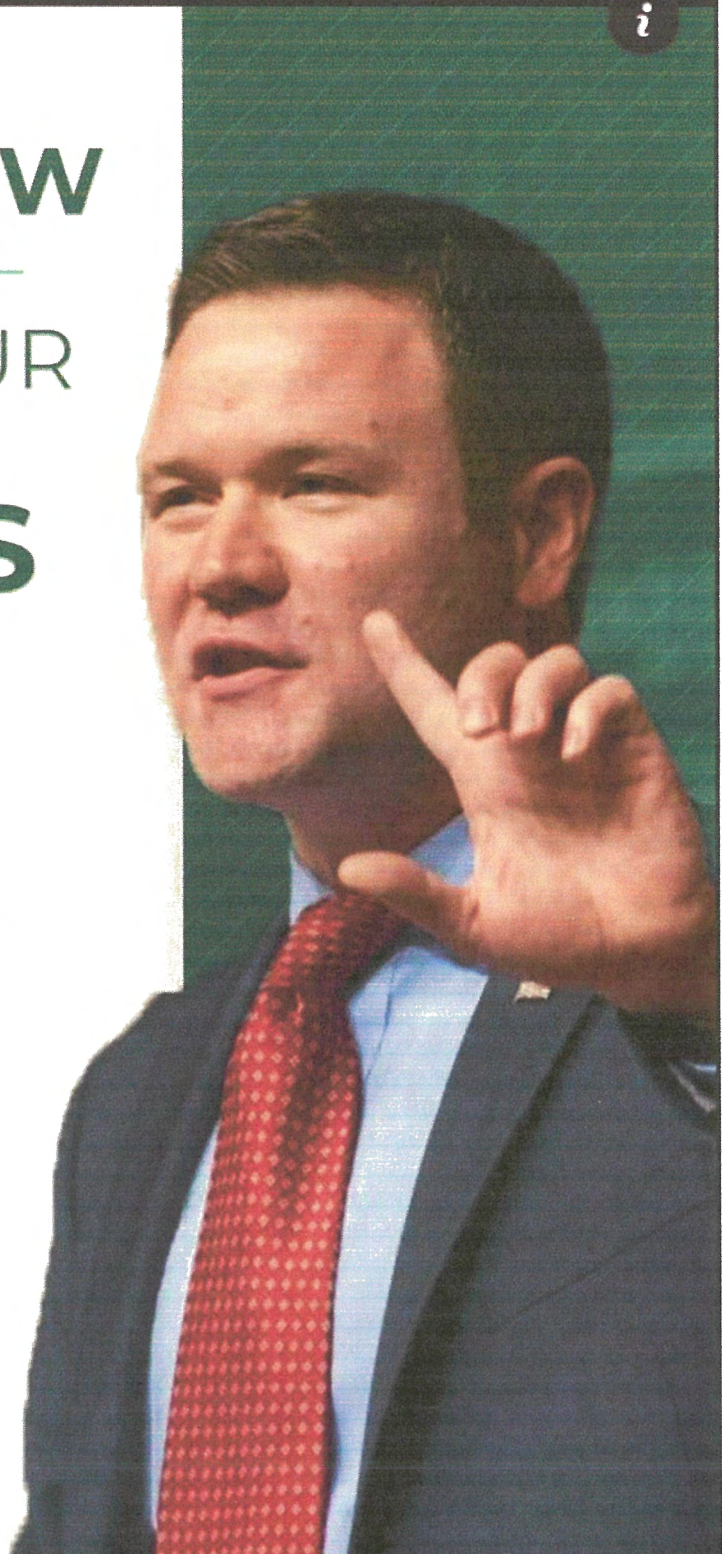
RESCUE
MINNESOTA

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Doug Wardlow for AG
Our Constitutional Fighter

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Rescue Minnesota

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Exhibit 5



Doug Wardlow's "Safe Minnesota Plan" will clean up our streets and keep Minnesotans safe.



DOUG WARDLOW

WILL PUT MINNESOTA FIRST



RESCUE
MINNESOTA

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Nathan Raddatz, Emily Gruenhagen and 581 others

207 Comments 68 Shares

Like

Comment

Share



Rescue Minnesota (Strategic Media Services) **updated a Radio** flight from 7.5 to 7.18 in the **MN At. General Primary**.

At this time, our team has uncovered **\$21.3k** booked. The spot is **60 seconds**.

Exhibit 7

Market	Format	Metro/Rural	Spend
Fargo-Valley City		Metro	\$2.2k
		Rural	\$776
		Rural	\$292
		Rural	\$565
Sub total			\$3.8k
Duluth-Superior (WI), MN		Rural	\$720
		Rural	\$680
		Rural	\$308
		Rural	\$574
Sub total			\$2.3k
Rochester-Mason City (IA)-Austin, MN		Metro	\$746
		Metro	\$363
Sub total			\$1.1k
Mankato, MN		Metro	\$926
Sub total			\$926
Minneapolis-St. Paul, MN		Rural	\$820
		Rural	\$1.1k
		Rural	\$470
		Rural	\$800
		Rural	\$1.4k
		Metro	\$5.2k
		Metro	\$3.1k
Sub total			\$12.9k
Sioux Falls-Mitchell, SD		Rural	\$294
Sub total			\$294
Total			\$21.3k



Rescue Minnesota

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Exhibit 6



Doug Wardlow's "Safe Minnesota Plan" will clean up our streets and keep Minnesotans safe.



DOUG WARDLOW

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Nathan Raddatz, Emily Gruenhagen and 615 others

214 Comments 73 Shares

Like

Comment

Share

