

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF KEVIN SETHRE REGARDING MARK WESTPFAHL

On August 14, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Kevin Sethre regarding Mark Westpfahl, a mayoral candidate in the City of South St. Paul.

The complaint alleges that Mark Westpfahl did not file a pre-primary campaign finance report per Minnesota Statutes section 211A.02, subdivision 1, paragraph (b), clause (1), which states that a campaign finance report needs to be filed "ten days before the primary or special primary. This report is required regardless of whether the candidate or issue is on the primary ballot or a primary is not conducted." The complaint states that Westpfahl's report should have been filed by August 3, 2024, and includes a screenshot of what appears to be a City of South St. Paul webpage indicating that Westpfahl had not filed the pre-primary report as of the date the complaint was submitted.

Determination

Minnesota Statutes section 10A.022, subdivision 3, authorizes the Board to investigate alleged or potential violations of Minnesota Statutes chapter 10A in addition to Minnesota Statutes sections 211B.04, 211B.12, and 211B.15. Because the Board does not have jurisdiction over the statutes that might give rise to the violations alleged in the complaint, the chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by the Board chair and not by any vote of the entire Board. The complaint is dismissed without prejudice.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: August 16, 2024