

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF TROY SCHEFFLER REGARDING REPRESENTATIVE JOSHUA HEINTZEMAN AND THE COMMITTEE TO ELECT JOSH HEINTZEMAN

On February 11, 2025, the Campaign Finance and Public Disclosure Board received a complaint submitted by Troy Scheffler regarding Representative Joshua Heintzeman, a candidate for Minnesota House of Representatives District 6B. The Committee to Elect Josh Heintzeman is the principal campaign committee of Representative Heintzeman. In 2024 Mr. Scheffler was also a candidate for Minnesota House of Representatives District 6B and was one of Representative Heintzeman's opponents in the general election.

The complaint alleges a violation of Minnesota Statutes section 10A.09, which requires certain individuals to file an economic interest statement (EIS) with the Board, including Representative Heintzeman. The complaint alleges that during a probable cause hearing held on October 15, 2024, by the Office of Administrative Hearings (OAH) in an unrelated matter, Representative Heintzeman testified that his primary source of income is short-term rentals.¹ The complaint alleges that Representative "Heintzeman failed to disclose any income or real property related to" short-term rentals within EISs filed with the Board, including the 2024 Annual EIS filed January 27, 2025.² Representative Heintzeman's 2024 Annual EIS disclosed that he or his spouse received compensation as an owner of "UP COUNTRY LOG LLC" (Up Country Log). The 2024 Annual EIS lists "Construction - specialty trade contractors" as a principal business or professional activity category within the sections pertaining to both business ownership and independent contracting.

The complaint asserts that Representative Heintzeman "has publicly claimed" that Up Country Log "only has an income of \$15-20k a year" and quotes the Heintzeman committee's website, which states that the business is "a family run tree service and excavator business"³. Representative Heintzeman's 2024 Annual EIS did not include any interests in real property located in Minnesota. The complaint also alleges that Representative Heintzeman failed to disclose securities held in 2024 on the basis that he filed a 2020 Annual EIS that listed a security, "Vanguard Balanced Index I", and "there is no indication that he has liquidated anything."

The complaint alleges a violation of Minnesota Statutes section 211B.12, which generally requires that campaign funds be used only for conducting election campaigns, or for

¹ See *generally* [Scheffler v. Heintzeman](#), OAH Docket No. 25-0320-40310, Order of Dismissal (Oct. 18, 2024).

² Data from Representative Heintzeman's 2024 Annual EIS is available at cfb.mn.gov/reports-and-data/officials-financial-disclosure/official/10687.

³ joshheintzeman.com

noncampaign disbursements specifically permitted by law. The Heintzeman committee's 2024 year-end report of receipts and expenditures includes a \$9,000 unpaid noncampaign disbursement for legal services dated June 17, 2024, owed to Jacobson, Magnuson, Anderson, & Halloran, PC, with the explanation "Estimate for defense against removal petition".⁴ The complaint states that a petition was filed on June 21, 2024, and that Representative "Heintzeman hired Reid LeBeau to file a brief." The complaint includes a case number and the name of the case. An opinion issued by the Minnesota Supreme Court in that case on October 23, 2024, states:

This matter involves a petition that Matthew Eric Zinda filed under Minn. Stat. § 204B.44 (2022), asking us to direct respondents Steve Simon, Minnesota Secretary of State, and Deborah Erickson, Crow Wing County Auditor, to exclude Josh Heintzeman as a candidate for State Representative for Legislative District 6B on the 2024 primary and general election ballots.⁵

The opinion states that the petition was denied within an order filed on July 11, 2024. The opinion lists R. Reid LeBeau II as counsel for Representative Heintzeman. The complaint alleges that the amount of \$9,000 is excessive because Mr. LeBeau "had no more than 2 days to write an optional brief for Heintzeman as an interested party...most likely only one day. This was the extent of Mr. LeBeau's possible services due to the briefing schedule and when Heintzeman was served." The complaint alleges that the \$9,000 expense was an attempt by Representative Heintzeman "to frontload his 'retainer' with LeBeau to cover other non-campaign related cases" including a forthcoming lawsuit alleging a First Amendment violation based on alleged deletion of Facebook comments and *Scheffler v. Franzen, et al.*, 18-CV-22-3881, which according to the complaint concerns alleged defamation.

The Heintzeman committee's 2024 year-end report includes noncampaign disbursements for legal services, paid to Crow Wing County Court Administration, consisting of \$75 dated August 28, \$295 dated September 9, and \$75 dated September 25, 2024, each explained as "Court Fees". The complaint asserts that those expenses were related to the defamation lawsuit, which according to the complaint concerns Mr. Scheffler's campaign, rather than Representative Heintzeman's campaign. The complaint includes the case number for the defamation lawsuit, 18-CV-22-3881. The court docket indicates that Representative Heintzeman paid court fees of \$75 on August 26, \$295 on September 3, and \$75 on September 23, 2024, related to that lawsuit.⁶ The complaint includes a copy of a memorandum Mr. Scheffler filed in that lawsuit, labeled Exhibit 11, which refers to the Heintzeman committee's payment of those fees. The complaint also includes a copy of a memorandum filed by an attorney for Representative Heintzeman and his spouse in that lawsuit, labeled as Exhibit 12. That memorandum describes the lawsuit as a frivolous claim seeking to blame Representative Heintzeman and his spouse for Mr. Scheffler's failure to be elected as a Crow Wing County Commissioner in 2022.

⁴ The Heintzeman committee's campaign finance reports are available at cfb.mn.gov/reports-and-data/viewers/campaign-finance/candidates/17782/ by selecting the Reports and Data tab.

⁵ *Zinda v. Simon*, 12 N.W.3d 706, 707 (Minn. 2024).

⁶ publicaccess.courts.state.mn.us

The Heintzeman committee's 2024 year-end report includes a \$20,000 unpaid noncampaign disbursement for legal services dated December 9, 2024, owed to Chalmers, Adams, Backer & Kaufman, LLC, with the explanation "Estimate for legal defense". The complaint initially asserts that the expense was related to the defamation lawsuit and that Representative Heintzeman is represented in that matter by Aaron Bostrom, an attorney with CrossCastle PLLC. The complaint alleges that the Heintzeman committee's 2024 year-end report does not include any expenses paid or owed to CrossCastle because Mr. LeBeau was directing Representative Heintzeman's defense in that action despite being a member of a different law firm. The complaint subsequently asserts that the \$20,000 expense may have been related to a separate lawsuit alleging a First Amendment violation based on alleged deletion of Facebook comments, *Zinda v. Heintzeman*, 18-CV-24-2821. The complaint also suggests a third possible explanation for the \$20,000 expense, which involves two complaints filed with the Board in 2024 alleging violations of the disclaimer requirement. The complaint states:

the only cases Heintzeman is currently in are two CFB Disclaimer complaints that have already passed Probable Cause and a defamation suit. Taking into account the defamation case isn't even campaign related, how on earth does he estimate \$20,000 for final wrap up in 2025 for legal expenses on two campaign disclaimer violations??

The Heintzeman committee's 2024 year-end report also includes a \$6,000 in-kind contribution received from the HRCC, a political party unit registered with the Board, and a corresponding in-kind noncampaign disbursement for legal services dated December 31, 2024, with the explanation "Legal Fees". The complaint notes that the HRCC's original 2024 year-end report did not include an in-kind contribution made to the Heintzeman committee.⁷

The complaint asserts that "the Defamation and 1st Amendment cases have absolutely nothing to do with" the Heintzeman campaign and argues that Representative Heintzeman "shouldn't be able to expense a dime for responding to the numerous complaints against him for intentional conduct." The complaint also cites Minnesota Statutes section 211A.07 and generally argues that it requires campaign committees, such as the Heintzeman committee, to pay bills within 60 days. The Board does not have investigative authority with respect to alleged violations of Minnesota Statutes Chapter 211A.

The complaint alleges "unlawful appropriation" on the basis that Representative Heintzeman has received payments from the Heintzeman committee. The complaint alleges that Representative Heintzeman received \$5,446.72 in loan payments in 2018 despite there being "no evidence of any contribution made as a loan" to the Heintzeman committee. That assertion is contradicted by the Heintzeman committee's campaign finance reports. The Heintzeman committee's 2016 year-end report states that the committee ended 2016 with no loan debt. The committee's 2017 year-end report includes five loan receipts from Representative Heintzeman

⁷ The HRCC's campaign finance reports are available at cfb.mn.gov/reports-and-data/viewers/campaign-finance/party-unit/20010/ by selecting the Reports and data tab. On February 21, 2025, the HRCC filed an amended 2024 year-end report that included a \$6,000 in-kind contribution it made to the Heintzeman committee on July 24, 2024.

totaling \$2,799.22, and states that the entirety of the loan balance remained outstanding as of the end of 2017. The committee's 2018 year-end report states that the loan balance of \$2,799.22 was repaid in full to Representative Heintzeman on February 13, 2018, the committee subsequently borrowed a total of \$2,647.50 from Representative Heintzeman in 2018, and that balance was repaid in full on December 27, 2018.

The complaint notes that according to its 2024 year-end report, the Heintzeman committee paid Representative Heintzeman an outstanding loan balance of \$5,000 on February 26, 2024. The complaint states "What the loan was ever for, is not reported" and implies that none of the loan payments to Representative Heintzeman are explained by corresponding loan receipts. That assertion is contradicted by the Heintzeman committee's campaign finance reports. The committee's 2021 year-end report includes a single loan from Representative Heintzeman of \$4,726.15 dated June 15, 2021. The committee's 2022 year-end report states that \$3,000 of the outstanding loan balance was repaid on October 5, 2022, and the committee received another loan of \$2,500 from Representative Heintzeman on December 30, 2022, resulting in an outstanding loan balance of \$4,226.15 as of the end of 2022. The committee's 2023 year-end report includes loan receipts totaling \$773.85, resulting in an outstanding loan balance of \$5,000 as of the end of 2023, which was repaid in full in 2024.

The complaint also asserts that Representative Heintzeman could "benefit himself financially if funneling campaign expenditures through personal credit cards with rewards attached, etc.". The complaint does not affirmatively allege or provide evidence that Representative Heintzeman or anyone else has received rewards or other benefits as a result of the use of a personal credit card for campaign expenses.

The complaint alleges a violation of Minnesota Statutes section 211A.02. It is not clear what specific conduct the complaint alleges constitutes a violation of that statute. However, the complaint states that the Heintzeman committee did not disclose the purpose of loans made by Representative Heintzeman to his campaign committee. The Board does not have investigative authority with respect to alleged violations of Minnesota Statutes Chapter 211A. Minnesota Statutes section 10A.20, subdivision 3, paragraph (e), applies to the Heintzeman committee and requires the disclosure of loans made to the committee, but does not require disclosure of the purpose of a loan or any other type of receipt.

The complaint alleges a violation of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint alleges that within or about the week of October 7, 2024, the Heintzeman committee erected "homemade" 96-inch by 68-inch signs promoting Representative Heintzeman's candidacy at multiple locations. The complaint includes two photographs of a single sign that the complaint alleges was displayed next to "Hastings Drive" facing the east side of State Highway 371 in Baxter on Crow Wing County parcel 40180626. The photographs are labeled as Exhibit 1. The complaint asserts that the sign failed to include any disclaimer. One of the photographs included with the complaint shows that the sign included a hand-written, vertically-oriented disclaimer that stated "Prepared and Paid for by the Committee to Elect Josh Heintzeman JoshHeintzeman.com".

The complaint alleges a violation of Minnesota Statutes section 10A.29, which prohibits circumvention of Minnesota Statutes Chapter 10A by redirecting a contribution or making a contribution on behalf of another person. In support of that assertion the complaint notes that various principal campaign committees made contributions to the HRCC in 2024, including the Heintzeman committee. The 2024 year-end reports of the Heintzeman committee and the HRCC state that the Heintzeman committee made monetary contributions to the HRCC in 2024 totaling \$20,200. The complaint states that Republican candidates solicit:

money from their constituents under the guise of supporting their campaigns to then turn around and donate tens of thousands of those funds into the HRCC to have it then issue kickbacks to the same house reps, buy endorsements, fund pet projects, and primary out anyone with enough ethical fortitude to challenge their clique.

. . .

The HRCC serves as a “pay to play” with the party as reps use this money to buy into committee assignments to run grifts and gain employment through the Republican Party of Minnesota. These politicians have turned the HRCC into the antithesis of Minn. Stat. 10A.29 prohibiting circumvention.

The complaint alleges a violation of Minnesota Statutes section 10A.16, which prohibits earmarking of contributions to a party unit with the condition that the contribution be redirected to a particular candidate. In support of that assertion the complaint states that Representative Heintzeman solicited contributions to the HRCC in 2021 and 2022 while stating that contributions would be used to support endorsed Republican candidates, and that the Heintzeman committee contributed a total of \$15,550 to the HRCC in 2021 and 2022. The complaint states that the HRCC paid Representative Heintzeman’s son a total of \$15,929.92 in 2022 for employee expenses, \$3,965.50 of which was for mileage. The complaint argues that Representative Heintzeman’s solicitation of contributions was fraudulent because non-endorsed candidates received funds from the HRCC, and asserts that the Heintzeman committee contributed money Representative Heintzeman “clearly had already earmarked for his son.” The HRCC’s solicitation and acceptance of a contribution with the understanding that the contribution will be used to support the party’s candidates does not constitute earmarking unless the contribution is conditioned upon being directed to a particular candidate. The complaint does not identify any specific candidate that benefited from, or received, an earmarked contribution.

On February 21, 2025, the Board’s chair determined that the complaint states prima facie violations of Minnesota Statutes section 10A.09, subdivision 5, paragraph (a), clauses (3)-(4), with respect to Representative Heintzeman’s alleged failure to disclose real property interests within one or more EISs filed with the Board; Minnesota Statutes section 211B.12, with respect to the allegation that the \$20,000 unpaid noncampaign disbursement dated December 9, 2024, and the \$445 in noncampaign disbursements for court fees paid in August and September of 2024, were for purposes not permitted by that statute; and Minnesota Rules 4503.0900, subpart 3, with respect to the explanations provided within the Heintzeman’s committee’s 2024

year-end report regarding the purpose of the \$20,000 unpaid noncampaign disbursement dated December 9, 2024, the \$6,000 in-kind noncampaign disbursement dated December 31, 2024, and \$445 in noncampaign disbursements for court fees paid in August and September of 2024. The Board's chair determined that the complaint did not state a prima facie violation with respect to the remaining allegations.

On March 8, 2025, Mr. Scheffler submitted a lengthy response to the Board chair's prima facie determination. Mr. Scheffler again alleged that the sign depicted in Exhibit 1 of the complaint did not include a disclaimer. Mr. Scheffler provided a short video clip depicting the sign, and although the disclaimer text is not legible within the video, it is legible within one of the photographs labeled as Exhibit 1 of the complaint.

Within an affidavit provided to the Board on April 1, 2025, Keri Heintzeman, who is Representative Heintzeman's spouse and the treasurer of the Heintzeman committee, stated as follows:

The court fees paid to Crow Wing County Court Administration were for case# 18-CV-22-38811. A case about protected political speech regarding two public figures. Representative Heintzeman and I were self-represented litigants.

The purpose of the \$20,000 unpaid bill owed to Chalmers, Adams, Backer & Kaufman, LLC is an estimate of legal fees owed for representation in case# 18-CV-24-28211, an OAH complaint, and multiple CFB complaints. The final amount is yet unknown and will be amended when known.

Representative Heintzeman and I own and operate Up Country Log LLC from our home at 10180 Tenonizer Trl., Nisswa, MN 56468. The Heintzeman 2024 annual statement of economic interest does not need to be amended because the property we homestead is the only property we own.

On April 1, 2025, counsel for the Heintzeman committee, Reid LeBeau, provided a letter listing "seven distinct legal matters directly related to Representative Heintzeman's political activities" including those referenced in the complaint. Mr. LeBeau described the subject of each matter and asserted that "these legal actions would not have arisen but for Representative Heintzeman's candidacy and ongoing re-election efforts." Mr. LeBeau stated that each of the legal matters have "a clear and direct relationship to Representative Heintzeman's electoral activities."

The Board considered this matter at its meeting on April 8, 2025. Mr. Scheffler and Mr. LeBeau each appeared before the Board.

Analysis

When the Board chair makes a finding that a complaint raises a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants an investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (d). A probable cause

determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether there are sufficient facts and reasonable inferences to be drawn therefrom to believe that a violation of law has occurred.

If the Board finds that probable cause exists, the Board is required to determine whether the alleged violation warrants a formal investigation, considering the type and magnitude of the alleged violation, the knowledge of the respondents, any benefit to be gained from a formal investigation, the availability of Board resources, and whether the violation has been remedied. Minn. R. 4525.0210, subp. 5. If the Board finds that probable cause exists but does not order a formal investigation, the Board is required to either dismiss the complaint or order a staff review. Minn. R. 4525.0210, subp. 6.

Economic interest statements

Minnesota Statutes section 10A.09, subdivision 5, provides that an economic interest statement (EIS) must include, in relevant part:

(3) a listing of all real property within the state, excluding homestead property, in which the individual or the individual's spouse holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of more than \$50,000;

(4) a listing of all real property within the state in which a partnership of which the individual or the individual's spouse is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of the partnership interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of more than \$50,000. A listing under this clause or clause (3) must indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county in which the property is located;

An EIS must disclose ownership interests in real property in Minnesota valued in excess of \$2,500, aside from homestead property. An EIS must disclose property ownership by an official or their spouse regardless of whether the ownership interest is "direct or indirect". The complaint alleges that Representative Heintzeman testified, in an unrelated matter before the OAH, that his primary source of income is short-term rentals. However, Ms. Heintzeman stated that Representative Heintzeman, herself, and their business, Up Country Log, do not own real property in Minnesota other than homestead property. Mr. Scheffler has not provided evidence, and Board staff is not aware, of any specific real property interests held by Representative Heintzeman or Ms. Heintzeman, either directly or indirectly, other than their homestead property. Therefore, the Board concludes that there is not probable cause to believe that Representative Heintzeman violated Minnesota Statutes section 10A.09.

Use of money collected for political purposes and noncampaign disbursements

Minnesota Statutes section 211B.12 provides that “Use of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement as defined in section 10A.01, subdivision 26.” The statute further provides that “Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.” Minnesota Statutes section 10A.01, subdivision 26, paragraph (a), clause (1), provides that the term “noncampaign disbursement” includes a principal campaign committee’s “payment for accounting and legal services related to operating the candidate’s campaign committee, serving in office, or security for the candidate or the candidate’s immediate family, including but not limited to seeking and obtaining a harassment restraining order”.⁸ Minnesota Rules 4503.0900, subpart 3, provides that “Itemization of an expense which is classified as a noncampaign disbursement must include sufficient information to justify the classification.” The Board previously concluded that a principal campaign committee may not pay for legal fees unless the legal services provided benefit the committee.⁹ However, that was prior to the noncampaign disbursement category for accounting and legal services being expanded by the legislature in 2023.

The Heintzeman committee’s 2024 year-end report includes a \$20,000 unpaid noncampaign disbursement for legal services dated December 9, 2024, with the explanation “Estimate for legal defense,” owed to Chalmers, Adams, Backer & Kaufman, LLC. The Heintzeman committee’s 2024 year-end report also includes three noncampaign disbursements for legal services totaling \$445 in August and September of 2024, paid to “Crow Wing County Court Administration” and explained as “Court Fees”. The complaint alleges that the court fees, and the \$20,000 unpaid bill or a portion thereof, were related to a defamation lawsuit in which Representative Heintzeman and Ms. Heintzeman are two of the defendants. Ms. Heintzeman confirmed that the \$445 in court fees was related to the defamation lawsuit. The third amended complaint in that lawsuit, filed September 10, 2024, identifies Representative Heintzeman as a state representative and claims that Representative Heintzeman and Ms. Heintzeman “conspired and then maliciously began spreading knowingly false statements . . . that Plaintiff was falsely claiming endorsement from . . . Josh Heintzeman.”¹⁰ Within a memorandum supporting their motion to dismiss the lawsuit Representative Heintzeman and Ms. Heintzeman argued that the lawsuit concerns “protected political speech” and stated that both Representative Heintzeman and Mr. Scheffler are public figures who were campaigning for political office.¹¹ The documents filed in that lawsuit indicate that in 2022, whether Representative Heintzeman endorsed Mr. Scheffler, Mr. Scheffler’s opponent for Crow Wing County Commissioner District 4, or neither candidate, whether Mr. Scheffler claimed to be endorsed by Representative Heintzeman, and whether Representative Heintzeman or

⁸ This definition was amended effective August 1, 2023. [2023 Minn. Laws ch. 62, art. 5, § 6.](#)

⁹ See, e.g., [Findings, Conclusions, and Order in the Matter of the complaint of Steve Drazkowski regarding the Neighbors for Ilhan \(Omar\) committee \(June 6, 2019\).](#)

¹⁰ Third Amended Complaint at 3-4, Scheffler v. Franzen, et al., No. 18-CV-22-3881 (Crow Wing Cnty. Dist. Ct. Sept. 10, 2024).

¹¹ Mem. Supp. Second Mot. Dismiss at 1, 10, Scheffler v. Franzen, et al., No. 18-CV-22-3881 (Crow Wing Cnty. Dist. Ct. Aug. 26, 2024).

Ms. Heintzeman accused Mr. Scheffler of falsely claiming to have been endorsed by Representative Heintzeman, was important because Representative Heintzeman was a state representative whose district encompasses Crow Wing County Commissioner District 4¹².

Ms. Heintzeman stated that the \$20,000 unpaid bill is an estimate of the legal fees owed for representation in other matters, including a lawsuit filed by another candidate for House District 6B, Matthew Zinda. Representative Heintzeman is the defendant in a lawsuit filed by Mr. Zinda in the Crow Wing County District Court in 2024, which is directly related to Facebook pages operated by Representative Heintzeman and the Heintzeman committee concerning both Representative Heintzeman's campaign for House District 6B and status as an incumbent state representative.¹³ In addition to those lawsuits, in 2024 Representative Heintzeman was the respondent to a complaint filed by Mr. Scheffler with the OAH,¹⁴ whose decision has been appealed to the Minnesota Court of Appeals,¹⁵ and the respondent to a separate complaint filed with the OAH by Mr. Zinda¹⁶. Each of those complaints were directly related to the candidates' campaigns for House District 6B, including that of Representative Heintzeman. The Heintzeman committee was the respondent to a complaint filed with the Board by Jakob Ingalls in 2024, which was directly related to Representative Heintzeman's campaign for House District 6B.¹⁷ The Heintzeman committee is also the respondent to a separate complaint filed with the Board by Mr. Scheffler in 2024, that was directly related to Representative Heintzeman's campaign for House District 6B.

The noncampaign disbursement category for accounting and legal services includes "legal services related to operating the candidate's campaign committee, serving in office, or security for the candidate or the candidate's immediate family, including but not limited to seeking and obtaining a harassment restraining order". The Board "must determine whether an activity involves a noncampaign disbursement within the meaning of" that text. Minn. Stat. § 10A.01, subd. 26 (b). The fact that legal costs were incurred, that would not have been incurred but for an individual's candidacy for public office, is not sufficient to make those costs noncampaign disbursements or campaign expenditures permitted by Minnesota Statutes section 211B.12. For example, a candidate who hires an attorney to seek the release of a tax lien in an attempt to improve their public image cannot use campaign funds to pay for the attorney's services.

In this instance, the defamation alleged by Mr. Scheffler, and any claim by Mr. Scheffler of having been endorsed by Representative Heintzeman, was related to Representative Heintzeman's service as a state representative, and more specifically, his representation of a House of Representatives district that encompasses the county commissioner district for which

¹² See crowwing.gov/DocumentCenter/View/18946/Commissioner-District-Map-2022; gis.lcc.mn.gov/php/house.php?Report=HouseMCD&District=06B.

¹³ Zinda v. Heintzeman, No. 18-CV-24-2821 (Crow Wing Cnty. Dist. Ct.); Zinda v. Heintzeman, No. A25-0329 (Ct. of Appeals).

¹⁴ [Scheffler v. Heintzeman, OAH Docket No. 25-0320-40310, Order of Dismissal \(Oct. 18, 2024\)](#).

¹⁵ [Scheffler v. Heintzeman, No. A24-1719 \(Ct. of Appeals\)](#).

¹⁶ [Zinda v. Heintzeman, OAH Docket No. 21-0320-40204, Notice of Determination of Prima Facie Violation and Notice of and Order for Probable Cause Hearing \(Aug. 9, 2024\)](#).

¹⁷ cfb.mn.gov/citizen-resources/the-board/board-decisions/enforcement-actions/date/616290946

Mr. Scheffler was a candidate in 2022. While paying legal fees to defend against a defamation lawsuit brought against an individual legislator and their spouse may fall near the outer bounds of what the legislature intended when the noncampaign disbursement category for legal services was expanded in 2023, it was permissible in this instance because it was related to Representative Heintzeman's status as an incumbent state representative and service in office.

The bulk of the money involved, a \$20,000 unpaid bill, is intended to cover the cost of legal services provided to Representative Heintzeman and the Heintzeman committee regarding other legal matters. Those legal matters, including the lawsuit involving Facebook pages operated by Representative Heintzeman or the Heintzeman committee, are directly related to Representative Heintzeman's campaign for House District 6B or status as an incumbent state representative. Therefore, the Board concludes that there is not probable cause to believe that the Heintzeman committee violated Minnesota Statutes section 211B.12.

The Heintzeman committee's 2024 year-end report includes a \$6,000 in-kind contribution received from the HRCC, and a corresponding in-kind noncampaign disbursement for legal services dated December 31, 2024, with the explanation "Legal Fees". The Heintzeman committee's 2024 year-end report does not include explanations sufficient to determine, from the report alone, whether the \$20,000 unpaid expense, the \$6,000 in-kind expense, and \$445 in paid expenses, each classified as a noncampaign disbursement, were for "legal services related to operating the candidate's campaign committee, serving in office, or security for the candidate or the candidate's immediate family. . . ." Therefore, the Board concludes that there is probable cause to believe that the Heintzeman committee violated Minnesota Rules 4503.0900, subpart 3.

The Heintzeman committee registered with the Board in 2014. While it is important for reports filed with the Board to include an explanation sufficient to justify the classification of an expense as a noncampaign disbursement, a reporting error that may be remedied by filing an amended report is a less serious violation than the types of violations typically investigated by the Board. The Board has limited resources and the Board already has some information regarding the purpose of the expenses in question. There is no apparent information or benefit to be gained from issuing formal findings rather than an informal resolution of the matter. Considering those factors, the Board concludes that a formal investigation is not warranted.

Order:

1. The allegation that Representative Joshua Heintzeman violated Minnesota Statutes section 10A.09 is dismissed without prejudice because there is not probable cause to believe that a violation occurred.
2. The allegation that the Committee to Elect Josh Heintzeman violated Minnesota Statutes section 211B.12 is dismissed without prejudice because there is not probable cause to believe that a violation occurred.

3. Although probable cause exists to believe that the Heintzeman committee reported insufficient information to justify the classification of five expenses as noncampaign disbursements in violation of Minnesota Rules 4503.0900, subpart 3, a formal investigation is not warranted.
4. The Board's executive director is directed to initiate a staff review regarding this matter pursuant to Minnesota Rules 4525.0320. If the staff review establishes that no violation occurred, or establishes that any violation has been remedied by the filing of an amended 2024 year-end report of receipts and expenditures, the staff review must be closed pursuant to Minnesota Statutes section 10A.022, subdivision 3b. If the staff review establishes that a violation occurred that cannot be remedied by filing an amended report, the staff review may be resolved by a conciliation agreement with the Heintzeman committee. If the staff review establishes that a violation occurred that cannot be remedied by filing an amended report, and the matter cannot be resolved by conciliation agreement, the executive director is directed to prepare findings to resolve the matter.

/s/ Faris Rashid
Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: April 8, 2025