

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF IMMANUEL JONES AND MADISON SCHOLL REGARDING BETH COMMERS

On February 17, 2025, the Campaign Finance and Public Disclosure Board received a complaint submitted by Immanuel Jones and Madison Scholl regarding Beth Commers. The complaint asserts that Ms. Commers is the Co-Deputy Director of the City of Saint Paul's Department of Human Rights & Equal Economic Opportunity (HREEO).

The complaint includes documents stating that the complainants filed a complaint with the HREEO on October 25, 2022, alleging housing discrimination and retaliation by Wellington Management, LLC.¹ Documents included with the complaint show that a finding of no cause was issued on February 13, 2024, the complainants appealed shortly thereafter, and the finding of no cause was affirmed by the HREEO on March 13, 2024. A letter and memorandum conveying the finding of no cause on February 13, 2024, were each signed by Ms. Commers with the title "Interim Director, Human Rights & Labor Standards." A letter and memorandum reaffirming the finding of no cause on March 13, 2024, were also each signed by Ms. Commers with the title "Interim Director, Human Rights & Labor Standards."

The complaint asserts that the HREEO investigator initially assigned to the housing discrimination complaint was removed from the matter without explanation, and that "Ms. Commers unilaterally assumed control of the investigation and removed the senior investigator with a newly hired investigator and designated herself as the mediator between the two parties. . . ." The complaint states that Ms. Commers issued a finding of no cause, then was promoted and "proceeded to review—and ultimately uphold—her own determination."

The complaint alleges that "Ms. Commers maintains personal and professional relationships with Steve Wellington, owner of Wellington Management, LLC, which includes active social media connections." The complaint includes a video with screenshots showing that Ms. Commers is "friends" with an individual named Steve Wellington on Facebook.

The complaint alleges that the spouse of Ms. Commers, "Jon Commers, owns Visible City and Donjek, both consulting firms with existing or prior business ties to Wellington Management." The complaint includes documentation showing that Mr. Commers is the manager and registered agent for Visible City, LLC.² The complaint includes a screenshot of a webpage from

¹ Throughout this determination, the complaint filed with the Board in February 2025 is referred to as the complaint, while the complaint filed with the HREEO in October 2022 is referred to as the housing discrimination complaint.

² mbportal.sos.state.mn.us/Business/SearchDetails?filingGuid=8dc7013f-eace-e711-8189-00155d01c6c6

Visible City's website indicating that Wellington Management was a client of Visible City.³ The complaint includes documentation showing that Mr. Commers is the chief executive officer (CEO) of Donjek Reinvestment Strategies, Inc. (Donjek).⁴ The complaint includes a screenshot from x.com containing two posts from 2010 and 2011 indicating that Wellington Management was a client of Donjek.⁵ The complaint includes a copy of a webpage showing that when Mr. Commers was a public official as a result of his service on the Metropolitan Council, he filed an economic interest statement (EIS) with the Board in 2019.⁶ The EIS filed by Mr. Commers stated that his occupation was "consultant," that his employer was "Donjek, Inc.," that he was an owner of "Donjek Reinvestment Strategies" and a member of "Visible City, LLC," and that one of his business or professional activity categories was "real estate." The complaint also includes a copy of a 2010 Finance & Commerce article, which quoted Mr. Commers stating that Donjek "provides 'public finance and strategic services to clients involved in urban planning, development, engineering and public work.'"⁷

The complaint alleges that "Wellington Management's political donations align with contributions to organizations and campaigns that Ms. Commers or her husband's firms supported or oversaw," and that "companies Mr. Commers has represented—including Wellington Management—contributed to entities for which Ms. Commers acted as a fundraiser." The complaint asserts that "Ms. Commers engaged in political consulting activities involving significant fundraising efforts." In support of those allegations, the complaint includes a copy of a campaign finance report showing that Mr. Wellington and another individual jointly made a \$500 contribution in October 2024 to, and Ms. Commers received payment of \$1,015 in December 2024 for consulting services from, the campaign committee of Ramsey County Attorney John Choi. The complaint includes a copy of a campaign finance report showing that in 2018 Ms. Commers made a \$100 contribution, and Mr. Wellington made a \$600 contribution, to the campaign committee of Saint Paul City Council candidate Mitra Jalali, and the report included a donjek.com email address for Ms. Commers. Additionally, the 2010 Finance & Commerce article included with the complaint stated that Ms. Commers is "a political organizer who's heading John Choi's campaign for Ramsey County Attorney."

The complaint alleges numerous deficiencies with respect to how the housing discrimination complaint and the process resulting from that complaint were handled. The complaint alleges that Ms. Commers failed "to recuse herself given multiple conflicts of interest involving Wellington Management and its owner, Steve Wellington." The complaint states that "Ms. Commers neither disclosed her relationships nor recused herself, thereby violating conflict of interest regulations outlined in Minnesota Statutes Sections 10A.07 and 10A.09."

³ visible.city/where-we-ve-worked

⁴ mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=9111d2c0-9dd4-e011-a886-001ec94ffe7f

⁵ [x.com/search?lang=en&q=wellington%20\(from%3Acommers\)&src=typed_query](https://x.com/search?lang=en&q=wellington%20(from%3Acommers)&src=typed_query)

⁶ cfb.mn.gov/reports-and-data/officials-financial-disclosure/official/9824

⁷ finance-commerce.com/2010/07/clements-commers-fights-on/

On February 28, 2025, the Board's chair determined that the complaint states prima facie violations of Minnesota Statutes sections 10A.07 and 10A.09. On March 11, 2025, Immanuel Jones emailed Board staff and stated that he "contacted Ramsey county and they informed me she does not have a statement of economic interest on file. . . ." The email also included a copy of a campaign finance report filed in 2013 by the campaign committee of Saint Paul mayor candidate Chris Coleman, which stated that Ms. Commers and Mr. Commers were employees of "Donjek Reinvestment Strategies."

On March 14, 2025, legal counsel for Ms. Commers, Stephanie Angolkar, provided a written response along with multiple exhibits. Ms. Angolkar stated that Ms. Commers is not a local official within the meaning of Minnesota Statutes Chapter 10A, and therefore Minnesota Statutes sections 10A.07 and 10A.09 do not apply to Ms. Commers.

Ms. Angolkar noted that the position of Saint Paul Human Rights and Equal Economic Opportunity Director is identified as a local official position on the Board's website. However, Ms. Angolkar stated that "Ms. Commers has never been sworn in as the Director by the St. Paul City Council which grants signing authority to make major decisions on spending that would make her a 'local official' under the statute." Ms. Angolkar explained that Ms. Commers began working as the deputy director of the HREEO in July 2022, and accepted the position of co-interim director of the HREEO in December 2022. Ms. Angolkar provided a copy of an offer letter dated December 15, 2022, explaining that Ms. Commers would "work in an out of title capacity" and "return to your Deputy Director position at the end of the assignment." The offer letter stated that Ms. Commers would "report to Deputy Mayor Tincher."

Ms. Angolkar provided a copy of a resolution approved by the Saint Paul City Council on December 21, 2022, approving the "appointment of Andrea Ledger to serve as the Interim Director of the Department of Human Rights and Equal Economic Opportunity, effective December 17, 2022."⁸ Ms. Angolkar provided a copy of a Pioneer Press article written by Frederick Melo, stating that Ms. "Ledger will hold signing authority for the department, but both she and Deputy Director Beth Commers will co-lead and manage HREEO's operations."⁹ Ms. Angolkar said that Ms. Ledger remains in the position of Interim Director of the HREEO, and that Ms. Commers "has no authority to financially bind the" HREEO. Despite Ms. Ledger being appointed as the HREEO's director, an HREEO webpage states that Ms. Ledger is the "Interim Director, Procurement and Contract Compliance" while Ms. Commers is the "Interim Director, Human Rights and Labor Standards."¹⁰ In summary, Ms. Angolkar stated that:

Ms. Commers was not sworn in by the City Council, while Ms. Ledger was. Ms. Ledger has the authority to bind the department through contracts and major decisions regarding the expenditure and investment of public money. While they

⁸ stpaul.legistar.com/LegislationDetail.aspx?ID=5968482&GUID=B88B0F21-5BFF-4BB2-B25D-4429AD5F4A18. See Saint Paul Administrative Code section 11.01, setting forth the authority of the HREEO's director.

⁹ twincities.com/2022/12/20/st-pauls-human-rights-department-to-be-headed-by-6th-leader-in-5-years/

¹⁰ stpaul.gov/departments/human-rights-equal-economic-opportunity

both share the work of the day-to-day operations of the department in their roles, Ms. Ledger retains the contract signing authority solely.

Ms. Angolkar stated that Ms. Commers was never instructed by the City of Saint Paul to file an EIS and when she attempted to do so in January 2025 in response to a general email sent to various departments, Ms. Commers was told she did not need to file an EIS. Ms. Angolkar provided a copy of an EIS that Ms. Commers prepared in January 2025.

In addition to asserting that Ms. Commers is not a local official within the meaning of Minnesota Statutes Chapter 10A, Ms. Angolkar argued that Ms. Commers did not have a conflict of interest with respect to the housing discrimination complaint. Ms. Angolkar acknowledged that Visible City performed work for Wellington Management in 2017 and 2018, and Donjek performed work for Wellington Management in 2015 or earlier. However, Ms. Angolkar stated:

At the time Ms. Commers reviewed the investigation regarding these complainants and signed off, she knew Wellington was one of hundreds of contracts her husband's company had in the past. She mentioned this to the city attorney assigned to her division in HREEO. She also knew that it had been many years since Donjek or Visible City was hired by Wellington and did not have a current, active contract. Accordingly, when she reviewed the investigation report and signed off on it, reviewed the investigator's response to the complainants' appeal, and attempted to facilitate a pre-determination settlement, Ms. Commers did not have a financial interest, nor did her husband's businesses have a financial interest, in the outcome of the complaint.

Ms. Angolkar stated that despite providing services to the campaign committee of Ramsey County Attorney John Choi, "Ms. Commers did not have knowledge of who contributed or did not" and the \$500 contribution jointly made by Mr. Wellington in October 2024 was made several months after the HREEO made its final determination regarding the housing discrimination complaint. Ms. Angolkar also asserted that the fact that Ms. Commers and Mr. Wellington each made contributions to the campaign committee of Saint Paul City Council candidate Mitra Jalali in 2018, did not create a conflict of interest.

Lastly, Ms. Angolkar explained that staffing decisions regarding the housing discrimination complaint were not made by Ms. Commers, but rather by another HREEO employee. Ms. Angolkar stated that the investigation of the housing discrimination complaint was reassigned from one investigator to another "simply due to caseloads." Ms. Angolkar said that after the complainants appealed the HREEO's determination, a "different investigator reviewed the appeal . . . and made a recommendation to Ms. Commers as acting director for the division," then "Ms. Commers notified complainants that she affirmed the determination of no cause and" notified the complainants of their right to sue, which the complainants exercised by filing a lawsuit in federal district court.¹¹

¹¹ See Scholl et al. v. Wellington Management, Inc., No. 0:24-CV-01513 (D. Minn. filed Apr. 25, 2024).

The Board considered this matter at its meeting on April 8, 2025. Mr. Jones, Ms. Angolkar, and Ms. Commers each appeared before the Board. During the meeting Mr. Jones stated that public records show that while working for the HREEO, Ms. Commers recommended budgets and staffing decisions, authored policy memoranda presented to the Saint Paul City Council, presented and advocated in favor of changes to city ordinances, and was listed in Saint Paul's budget as a department head. Mr. Jones also stated that he has submitted data requests to which he has not received a response, and requested that the matter be laid over to allow additional time for the record to be developed.

In response to questions from a Board member, Ms. Commers stated that there are five members of the HREEO's leadership team that discuss budgetary issues. Ms. Commers stated that recommendations regarding the HREEO's budget are made to Mayor Melvin Carter by Ms. Ledger, and then Mayor Carter decides whether to present that recommendation to the Saint Paul City Council.

Following discussion, the Board voted to lay the matter over to a future meeting under Minnesota Statutes section 10A.022, subdivision 3, paragraph (e). Board staff subsequently asked Ms. Angolkar to provide a response to written questions regarding the role Ms. Commers played in recommending proposed budgets for the HREEO, applying for or accepting grant funding for the HREEO, awarding grant money, or otherwise making or recommending major decisions regarding the use of public funds. On April 24, 2025, Ms. Angolkar provided a written response.

Ms. Angolkar acknowledged that Ms. Commers and Ms. Ledger presented the HREEO's proposed budgets for 2024 and 2025 to the Saint Paul City Council's Budget Committee, which is a committee of the whole comprised of members of the Saint Paul City Council.¹² Ms. Angolkar said that Ms. Commers and Ms. Ledger also discussed the proposed budgets with Mayor Carter and Deputy Mayor Tincher. The HREEO's adopted annual budget exceeded \$4.2 million in 2024 and in 2025.¹³ Ms. Angolkar stated that Ms. Commers does not have access to the system used to approve payments.

Ms. Angolkar stated:

As the Board considers Deputy Director Commers's responses to its questions, we draw the Board's attention back to the statutory definition in Minn. Stat. § 10A.01, subd. 22 which defines a local official as a person who "has authority,"

¹² The HREEO's 2024 proposed budget is available at stpaul.legistar.com/LegislationDetail.aspx?ID=6388354&GUID=30D67770-08A9-4A88-B63F-027555375C07 and video of the October 25, 2023, meeting of the Budget Committee is available at stpaul.granicus.com/player/clip/4567?view_id=37. The HREEO's 2025 proposed budget is available at stpaul.legistar.com/LegislationDetail.aspx?ID=6897462&GUID=2B56850C-C13A-4D25-91FB-AEF3020D7FBA and video of the October 23, 2024, meeting of the Budget Committee is available at stpaul.granicus.com/player/clip/5046?view_id=37.

¹³ stpaul.gov/sites/default/files/2024-02/Human%20Rights%20and%20Equal%20Economic%20Opportunity%202024%20Adopted%20Budget.pdf; stpaul.gov/sites/default/files/2025-02/Human%20Rights%20and%20Equal%20Economic%20Opportunity%202025%20Adopted%20Budget.pdf

not one who “play[s] a role,” in collaborating and working with a department and department leadership. The plain language of the statute does not include those who play a role in such development. Rather, the statute defines those who ultimately have the authority to make or recommend major decisions regarding the expenditure or investment of public money.

. . .

Playing a role in collaborating on budget development or even presenting a PowerPoint at committee meetings and answering questions about the department is not the same as having authority to make or recommend an expenditure on major decisions regarding the expenditure or investment of public money. If the Board concludes that Deputy Director Commers does fall under the definition of “local official,” we have concerns that this creates ambiguity for other municipal employees across the state who present on behalf of their departments to their governing bodies.

. . .

We urge caution in expanding the statutory definition of “local official” to an individual who “plays a role” in department requests for expenditures. If the legislature intended for this definition to include such a broad swath of public employees, it would have said so.

With respect to applying for or accepting grant funding, Ms. Angolkar stated:

Any role of the HREEO applying for or accepting state or federal funding or private grant funding is routed through Director Ledger. Deputy Director Commers may assist in passing along communications or assist in drafting updates regarding grant funds, such as a grant from the Department of Homeland Security for completion of the Civil Rights Evaluation Tool for the Fire Department, but such response is only valid if signed by Director Ledger.

Ms. Angolkar said that Ms. Commers did not play a role in the HREEO or the City of Saint Paul selecting a recipient of a grant from the HREEO or the City, or otherwise awarding grant money, and did not play a role in recommending any other major decisions regarding the expenditure or investment of public money by the City of Saint Paul in her capacity as an HREEO employee. Ms. Angolkar stated that “Deputy Director Commers does sign off on small staff reimbursement requests that are already budgeted.”

On April 25, 2025, counsel for the complainants, Miles Ringsred, submitted a letter and several attachments. Mr. Ringsred argued that the statutory definition of the term “local official” “does not require formal appointment or signing authority to qualify someone as a local official. The authority to ‘recommend’ such major decisions is an independent, sufficient basis for designation.” Mr. Ringsred noted that within Saint Paul’s 2023 Annual Comprehensive Financial Report, Ms. Commers is included within a list of appointed officials and is listed as a

director of the HREEO, as is Ms. Ledger.¹⁴ Mr. Ringsred stated that the complainants have provided “evidence showing that Ms. Commers does, in fact, make recommendations that directly concern major financial decisions for the City of Saint Paul” including a memorandum that Ms. Commers authored in September 2023 and during her presentation to a meeting of the Saint Paul Charter Commission in December 2024. The memorandum concerned the amendment of Saint Paul’s Earned Sick and Safe Time Ordinance via an ordinance that did not involve an appropriation or investment of public money.¹⁵ The Charter Commission meeting involved a proposed amendment to the Saint Paul City Charter that would enable the City to impose civil penalties for violations of ordinances, but does not involve an appropriation or investment of public money.¹⁶

Mr. Ringsred also stated that the complainants have submitted five requests for public data, including two on March 3, 2025 that were directed to the HREEO and Mayor Carter’s office, which as of April 25, 2025, remained unanswered. Mr. Ringsred encouraged the Board to order a formal investigation in order to obtain evidence that the complainants have been unable to obtain, which would substantiate their allegation that Ms. Commers is a local official.

The Board considered this matter at its meeting on May 14, 2025. Mr. Ringsred, Ms. Angolkar, and Ms. Commers 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.

The term “local official” is defined by Minnesota Statutes section 10A.01, subdivision 22:

¹⁴ stpaul.gov/sites/default/files/2025-02/City%20of%20Saint%20Paul%202023%20Annual%20Comprehensive%20Financial%20Report.pdf

¹⁵ stpaul.legistar.com/LegislationDetail.aspx?ID=6365496&GUID=9EC7485B-465C-4562-B40B-80B3970CB4D9

¹⁶ stpaul.legistar.com/LegislationDetail.aspx?ID=7026795&GUID=1C23967C-4657-41F3-A6B3-32E31D4FCA21

"Local official" means 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.

The City of Saint Paul is a political subdivision, as that term is defined by Minnesota Statutes section 10A.01, subdivision 31,¹⁷ and is also a metropolitan governmental unit, as that term is defined by Minnesota Statutes section 10A.01, subdivision 24. Minnesota Rules 4501.0400 requires each metropolitan governmental unit to annually provide to the Board a list of its local officials, including those serving "on an acting or part-time basis." The City of Saint Paul's list of local officials includes the position of Human Rights and Equal Economic Opportunity Director.¹⁸

Minnesota Statutes section 10A.09, subdivision 1, provides that an "individual must file a statement of economic interest . . . within 60 days of accepting employment as . . . local official in a metropolitan governmental unit. . . ." Minnesota Statutes section 10A.09, subdivision 6a, provides that "A local official required to file a statement under this section must file it with the governing body of the official's political subdivision."

Minnesota Statutes section 10A.07, subdivision 1, provides as follows:

(a) A public official or a local official elected to or appointed by a metropolitan governmental unit who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the official's business classification, profession, or occupation, must take the following actions:

(1) prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest;

(2) deliver copies of the statement to the official's immediate superior, if any; and

(3) if a member of the legislature or of the governing body of a metropolitan governmental unit, deliver a copy of the statement to the presiding officer of the body of service.

If a potential conflict of interest presents itself and there is insufficient time to comply with clauses (1) to (3), the public or local official must orally inform the superior or the official body of service or committee of the body of the potential conflict.

(b) For purposes of this section, "financial interest" means any ownership or control in an asset that has the potential to produce a monetary return.

¹⁷ See Minn. Stat. § 471.345, subd. 1.

¹⁸ cfb.mn.gov/reports/current-lists/#/MGU-positions/all/

Minnesota Statutes section 10A.01, subdivision 5, defines the term “associated business” to mean, in relevant part:

an association, corporation, partnership, limited liability company, limited liability partnership, or other organized legal entity from which the individual or the individual's spouse receives compensation in excess of \$250, except for actual and reasonable expenses, in any month during the reporting period as a director, officer, owner, member, partner, employer or employee, or whose securities the individual or the individual's spouse holds worth more than \$10,000 at fair market value.

Ms. Commers identified herself as an interim director of the HREEO within letters and memoranda provided to the complainants regarding their housing discrimination complaint. At the time the complaint was filed, the HREEO’s webpage listed Ms. Commers as an interim director, along with Ms. Ledger.¹⁹ Another webpage that lists Mayor Carter’s leadership team separately describes Ms. Commers and Ms. Ledger as an “Interim Director of HREEO”.²⁰ Other City of Saint Paul webpages and documents likewise describe Ms. Commers as an interim director of the HREEO.²¹

The memorandum authored by Ms. Commers regarding the amendment of Saint Paul’s Earned Sick and Safe Time Ordinance, and any recommendation Ms. Commers may have made regarding the proposed amendment to the Saint Paul City Charter regarding civil penalties for violations of city ordinances, were not recommendations of major decisions regarding the expenditure or investment of public money, because neither involved an appropriation or investment of public money.

Ms. Commers and Ms. Ledger presented the HREEO’s proposed budgets for 2024 and 2025 to the Saint Paul City Council’s Budget Committee, and discussed the proposed budgets with Mayor Carter and Deputy Mayor Jaime Tincher. Considering their size, ratification of the HREEO’s 2024 and 2025 budgets were major decisions regarding the expenditure or investment of public money.²² Ms. Angolkar has attempted to differentiate between an employee of a political subdivision who presents their department’s proposed budget to their political subdivision’s governing body, and an individual who has authority to recommend major decisions regarding the expenditure or investment of public money. In this instance, there is no

¹⁹ web.archive.org/web/20250213191852/https://www.stpaul.gov/departments/human-rights-equal-economic-opportunity

²⁰ stpaul.gov/departments/mayors-office/meet-mayors-team

²¹ See, e.g., stpaul.gov/news/new-wage-theft-ordinance-strengthens-worker-protections; stpaul.gov/sites/default/files/2024-02/2024%20City%20of%20Saint%20Paul%20Adopted%20Operating%20Budget.pdf; stpaul.gov/sites/default/files/2023-02/2023%20Adopted%20Budget%20City%20of%20Saint%20Paul_1.pdf.

²² See Minn. R. 4511.1100, which classifies as a major decision “the development and ratification of operating and capital budgets of a political subdivision, including development of the budget request for an office or department within the political subdivision”. The rule applies to lobbyist registration and reporting requirements, and did not take effect until February 25, 2025, but nonetheless addresses what is and is not a major decision regarding the expenditure or investment of public money.

difference. The fact that Ms. Commers had the authority to recommend the HREEO's proposed 2024 and 2025 budgets is evident from the fact that she did so, at meetings of the Saint Paul City Council's Budget Committee, in the presence of Ms. Ledger. Minnesota Statutes section 10A.01, subdivision 22, does not require that the authority to recommend a major decision emanate from a formal grant of authority, such as a city ordinance, resolution, or job description, it merely refers to the existence of the authority to recommend a major decision.

The Saint Paul City Council appointed Ms. Ledger as the "Interim Director of the Department of Human Rights and Equal Economic Opportunity" and did not do the same with respect to Ms. Commers. Also, the letter offering Ms. Commers the position she accepted in December 2022 stated that she would be working "in an out of title capacity". Therefore, it is arguable that Ms. Commers did not hold a position identified as that of a local official within the list provided to the Board by the City of Saint Paul pursuant to Minnesota Rules 4501.0400. However, the letter offering Ms. Commers the position she accepted in December 2022 also described the position she accepted as that of "Co-Interim Director of the Department of Human Rights & Equal Economic Opportunity" and stated that Ms. Commers would report to "Deputy Mayor Tincher" rather than to another employee of the HREEO.

Irrespective of whether Ms. Commers held a position identified as that of a local official within the list provided to the Board by the City of Saint Paul pursuant to Minnesota Rules 4501.0400, if the Board has reason to doubt a determination made by a metropolitan governmental unit with respect to its list of local officials, the Board may reach a different conclusion. In this instance, there is strong evidence that Ms. Commers had the authority to recommend major decisions regarding the expenditure or investment of public money, starting in 2022, and thereby was a local official regardless of how her position was classified by the City of Saint Paul. It is unclear whether that authority began when Ms. Commers started working as the deputy director of the HREEO in July 2022, or when she accepted the position of co-interim director of the HREEO in December 2022. Ms. Commers did not file an EIS with the City of Saint Paul in 2022, 2023, or 2024. Therefore, there is probable cause to believe that Ms. Commers violated Minnesota Statutes section 10A.09.

The complaint asserts that Ms. Commers had potential conflicts of interest consisting of "personal and professional relationships with Steve Wellington" and business ties between Wellington Management and businesses owned by her spouse, Jon Commers. The complaint includes evidence that Ms. Commers received payment of \$1,015 in December 2024 for consulting services from the campaign committee of Ramsey County Attorney John Choi, which received a \$500 contribution in October 2024 jointly made by Mr. Wellington and another individual. The complaint also includes evidence that Ms. Commers made a \$100 contribution, and Mr. Wellington made a \$600 contribution, to the campaign committee of Saint Paul City Council candidate Mitra Jalali, in 2018.

Potential conflicts of interest addressed by Minnesota Statutes section 10A.07 are limited to those involving a financial interest, and the term "financial interest" is defined to mean "any

ownership or control in an asset that has the potential to produce a monetary return.” Minn. Stat. § 10A.07, subd. 1 (b).

The Board is not aware of any financial interest involving Ms. Commers and the campaign committee of Saint Paul City Council candidate Mitra Jalali. The fact that Ms. Commers and Mr. Wellington made contributions to the same campaign committee in 2018 does not give rise to a conflict of interest.

With respect to the campaign committee of Ramsey County Attorney John Choi, Ms. Angolkar stated that “Ms. Commers did not have knowledge of who contributed or did not.” The complainants have not explained why a determination regarding a housing discrimination complaint involving Wellington Management, made by the HREEO in early 2024, “would substantially affect” the financial interests of a consultant who was reportedly paid \$1,015 by the Choi committee in December 2024. There is no evidence before us indicating that a determination involving Wellington Management by the HREEO would cause Mr. Wellington to make or decline to make a contribution to a campaign committee for which Ms. Commers provided services. Also, the complainants have not asserted or provided evidence indicating that the amount Ms. Commers was compensated by the Choi committee was in any way related to the amount contributed by Mr. Wellington. Absent a relationship between the compensation paid to Ms. Commers by the Choi committee and any contributions made by Mr. Wellington to the Choi committee, Ms. Commers did not have a financial interest involving the Choi committee that could have been substantially affected by the HREEO’s determination regarding the housing discrimination complaint.

Ms. Angolkar acknowledged that Visible City performed work for Wellington Management in 2017 and 2018, and Donjek performed work for Wellington Management in 2015 or earlier. Mr. Angolkar stated that when Ms. Commers reviewed the investigation prompted by the complainants’ housing discrimination complaint, “it had been many years since Donjek or Visible City was hired by Wellington and did not have a current, active contract.” There is no evidence before us indicating that a determination involving Wellington Management made by the HREEO would cause Wellington Management to purchase or decline to purchase services from Visible City or Donjek due to the involvement of Ms. Commers.

Also, while Visible City and Donjek may be associated businesses of Ms. Commers under Minnesota Statutes section 10A.01, subdivision 5, paragraph (a), it is not clear what financial interests of those businesses could be substantially affected, thereby resulting in a potential conflict of interest. Minnesota Statutes section 10A.07 defines the term “financial interest” to mean “any ownership or control in an asset that has the potential to produce a monetary return.” Absent some type of ongoing business relationship with Wellington Management, there does not appear to be any asset owned or controlled by Visible City or Donjek that could be substantially affected by an HREEO determination involving Wellington Management. An official’s disclosure of a potential conflict of interest under Minnesota Statutes section 10A.07 may be somewhat speculative due to the official’s inability to predict with certainty whether a decision will substantially affect their financial interests or those of an associated business. The

Board generally encourages officials to err on the side of caution and to follow the steps set forth in the statute when they believe there may be a potential conflict of interest. Nonetheless, the Board cannot conclude that a local official has failed to disclose a potential conflict of interest in violation of Minnesota Statutes section 10A.07 when the evidence of a financial interest that could be substantially affected is limited to professional services that were provided to a client by their spouse's business seven years ago, with no evidence of an ongoing business relationship. Of note, based on a Board recommendation the legislature expanded the disclosure provided on an EIS, and the potential for a conflict of interest, to include the financial interest of a local official's spouse in 2023, effective January 1, 2024.²³ Prior to that date a spouse's financial interests did not need to be disclosed and could not create a conflict of interest for the official. Based on the foregoing analysis, there is not probable cause to believe that Ms. Commers violated Minnesota Statutes section 10A.07.

It is important that local officials employed by metropolitan governmental units file EISs as required by Minnesota Statutes section 10A.09. However, the failure to timely file an EIS is a less serious violation than the types of violations typically investigated by the Board. Based on the information provided by Ms. Angolkar, Ms. Commers was not aware of the requirement to file an EIS, and when she attempted to file an EIS in January 2025, she was told by an employee of the City of Saint Paul that she was not required to file an EIS. Ms. Commers is willing to file an EIS if the Board determines that she is a local official. The Board has limited resources and there is no apparent information or benefit to be gained from issuing formal findings rather than an informal resolution of this matter. Considering those factors, the Board concludes that a formal investigation is not warranted.

Order:

1. The allegation that Beth Commers violated Minnesota Statutes section 10A.07 is dismissed without prejudice because there is not probable cause to believe that a violation occurred.
2. Although probable cause exists to believe that Ms. Commers violated Minnesota Statutes section 10A.09 by failing to timely file statements of economic interest, a formal investigation is not warranted.
3. 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, the staff review must be closed pursuant to Minnesota Statutes section 10A.022, subdivision 3b. If the staff review establishes that a violation occurred, the staff review must establish when Ms. Commers was first required to file a statement of economic interest, and confirm that all required statements have been filed with the City of Saint Paul. The staff review may be resolved by a conciliation agreement with Ms. Commers. If the staff review

²³ [2023 Minn. Laws ch. 62, art. 5, §§ 1, 22-23.](#)

establishes that a violation occurred and the matter cannot be resolved by conciliation agreement, the executive director is directed to prepare findings to resolve the matter.

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

Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: May 20, 2025