

Minnesota

Campaign Finance and Public Disclosure Board Meeting

Friday, August 14, 2020
10:30 A.M.
Conducted remotely via Webex due to COVID-19 pandemic

REGULAR SESSION AGENDA

1. Approval of minutes
 - a. June 3, 2020
2. Selection of Board Chair
3. Chair's report
 - a. Introduction of New Board Member – Faris Rashid
 - b. 2020 meeting schedule
 - c. Resolution recognizing the service of Robert Moilanen
4. Executive director report
 - a. Update on Board operations
 - b. Approval of fiscal year 2021 budget
 - c. Ratification of affirmative action plan
 - d. Correspondence to the Board
5. Requests to accept late affidavit of contributions
6. Enforcement report
7. Legal report
8. Other business

EXECUTIVE SESSION

Immediately following regular session

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

.....
June 3, 2020

Meeting conducted remotely though Webex due to COVID-19 pandemic

.....
MINUTES

The meeting was called to order by Vice Chair Haugen.

Members present: Haugen, Leppik, Rosen, Swanson

Members absent: Two positions currently are vacant.

Others present: Sigurdson, Engelhardt, Olson, Pope, staff; Hartshorn, counsel

MINUTES (May 6, 2020)

After discussion, the following motion was made:

Member Leppik's motion: To approve the May 6, 2020, minutes as drafted.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

CHAIR'S REPORT

A. 2020 meeting schedule

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, July 15, 2020.

EXECUTIVE DIRECTOR REPORT

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that because the legislature had not confirmed the appointments of Members Moilanen and Flynn before adjourning sine die on May 18, 2020, those appointments had lapsed. Mr. Sigurdson said that the Governor's office had posted these two positions for applications and hoped to fill them before the July meeting. Mr. Sigurdson said that the Board's ability to have a quorum was further complicated by the fact that the terms of Members Leppik and Swanson had expired on January 6, 2020. Mr. Sigurdson stated that Members Leppik and Swanson could serve until July 1, 2020. After that date, they could no longer serve and their positions would be vacant until the Governor filled them. Mr. Sigurdson said that he had been in contact with the Governor's office and that they were aware of the urgent need to move forward with Board appointments.

Mr. Sigurdson then told members that staff had been busy with the June reports due in the lobbyist and campaign finance programs and with the tasks associated with the candidate filing period, which had

closed on June 2, 2020. Mr. Sigurdson also said that the Centennial Office Building, and therefore the Board's offices, remained closed to the public due to the COVID-19 situation. The Board, however, had been granted an exception from the general work-from-home order that allowed one or two staff members to go to the office to process mail and payments received, send out and process reports, and conduct remote meetings.

Mr. Sigurdson then stated that at the May 6, 2020, meeting, the Board had instructed staff to prepare a guidance about the notice that must be given when political entities that are registered with the Board sell items for fundraising purposes. Mr. Sigurdson directed members' attention to the draft guidance attached to his memorandum. Members discussed the draft guidance and whether formally issuing that document would constitute unpromulgated rulemaking. Members asked staff to delay distribution of the guidance document while these questions were pending.

ENFORCEMENT REPORT

A. Consent item

1. Request to terminate lobbyist registration of Jake Loesch retroactive to end of 2018 on behalf of the Minnesota Association of County Social Services Administrators (MACSSA) (4036), and register Mr. Loesch retroactive to beginning of 2019 on behalf of the Association of Minnesota Counties (AMC) (61)

Mr. Olson told members that at the May 2020 meeting, the Board had approved retroactive changes to the lobbyist registrations of five lobbyists who should have been registered as lobbyists for the Association of Minnesota Counties (AMC) as of early 2019 rather than the Minnesota Association of County Social Services Administrators (MACSSA). Mr. Olson said that when making those changes, staff realized that a former lobbyist, Jake Loesch (3270), should have been included in the request considered by the Board. Mr. Olson stated that, like the other lobbyists, Mr. Loesch was employed by Goff Public and should have been terminated as a lobbyist for MACSSA as of the end of 2018 and registered as a lobbyist for the AMC instead as of the beginning of 2019. Because the request with respect to Mr. Loesch was the same as the request approved by the Board at its May 2020 meeting, and because it was needed to allow a reporting lobbyist to file the disbursement reports necessitated by the changes approved by the Board, staff made Mr. Loesch's termination as a lobbyist for MACSSA retroactive to 12/31/2018 and registered Mr. Loesch as a lobbyist for the AMC for the period from 1/1/2019 through 2/22/2019. Mr. Olson said that Mr. Loesch ceased being a lobbyist in February of 2019.

After discussion, the following motion was made:

Member Swanson's motion: To approve the item on the consent agenda.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

B. Waiver requests

Name of Candidate or Committee	Late Fee & Civil Penalty Amount	Reason for Fine	Factors for waiver and recommended action	Board Member's Motion	Motion	Vote on Motion
Karen Francois (DEED)	\$100 LFF \$1,000 CP	2018 annual EIS	Official left DEED in 4/2018. Board only had former work contact information on file so she did not receive notices of annual EIS. Staff found current contact information in late December 2019. EIS due 1/28/2019 and filed 1/13/2020. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.
CPC LLC (Community Partnership Collaborative) (7525)	\$325 LFF	2019 lobbyist principal	Principal's sole lobbyist mistakenly filed amended lobbyist disbursement report 3/12/2020 rather than lobbyist principal report due 3/16/2020. After error was discovered, principal report was filed on 4/2/2020. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.
MN Professional Fire Fighters (1210)	\$575 LFF	2019 lobbyist principal	Principal's designated lobbyist mistakenly filed amended lobbyist disbursement report on due date 3/16/2020 rather than lobbyist principal report. After error was discovered principal report was filed on 4/16/2020. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.
AFSCME Council 5 (900)	\$525 LFF	2019 lobbyist principal	Principal's operations were disrupted because it closed offices suddenly due to suspected case of COVID-19. Principal had just begun transitioning to working remotely when report came due 3/16/2020. Report filed 4/14/2020. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.
Minnesota TruckPAC (40756)	\$25 LFF	2020 1st quarter	Employee of association that operates this committee was busy with extra work due to COVID-19 and mistakenly filed report one day late. Cash balance on 3/31/2020 was \$25,370. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.

Minneapolis Regional Labor Federation (30011)	\$75 LFF	2020 1st quarter	Association that operates this political fund and IE committee was dealing with disruptions caused by COVID-19 including having staff work remotely when reports came due on 4/14/2020. Reports were filed 4/17/2020 and 4/15/2020, listing cash balances of \$28,371 and \$25,165, respectively. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.
Neighbors for Anoka County (41164)	\$25 LFF	2020 1st quarter		Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.
Minnesota Eye PAC (80001)	\$25 LFF	2020 1st quarter	Employee of law firm that filed report on behalf of fund mistakenly filed report one day late. Cash balance as of 3/31/2020 was \$16,416. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.
Mutual Success (41114)	\$400 LFF	2020 1st quarter	New CEO of association that operates this IE committee was working remotely due to COVID-19 and didn't realize report needed to be filed. Committee did not have any financial activity during reporting period. Report was due 4/14/2020 and no-change statement was filed 5/6/2020. Cash balance as of 3/31/2020 was \$2,816. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.
Water is Life PAC (41188)	\$425 LFF	2020 1st quarter	Treasurer had difficulty initializing 2020 calendar year in CFR software. Report was due 4/14/2020 and was filed 5/7/2020, reflecting no financial activity during reporting period. Committee also owed \$25 LFF from 2018. Treasurer sent payment for \$240, the total remaining committee funds. \$25 was applied to 2018 LFF and remaining \$215 was applied toward this LFF, treasurer states that committee will terminate. RECOMMENDED ACTION: Reduce LFF by \$210 conditioned on committee's termination within 30 days.	Member Swanson	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative.

Roque Diaz (Perpich Center for Arts Education)	\$50 LFF	Original EIS	Official was appointed in November 2018. EIS was due 1/28/2019 and was filed 3/28/2019. Official states that EIS was filed late due to series of unfortunate events and payment of LFF would cause economic hardship especially due to financial difficulties caused by COVID-19. Official is seeking reconsideration of reduction from \$100 to \$50 granted in May. RECOMMENDED ACTION: None	Member Leppik	To waive the remaining \$50 LFF.	A roll call vote was taken. Motion failed (Haugen, Leppik voted aye, Rosen, Swanson voted no).
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C. Informational Items

1. Payment of late filing fee for 2020 1st quarter report of receipts and expenditures

Water is Life PAC, \$215 (partial payment)
 PROGRESSPPAC, \$25
 Minnesota Farmers Union PAC, \$25

2. Payment of late filing fee for 2019 year-end report of receipts and expenditures

Minnesota Muskie & Pike Alliance Legislative Fund, \$250
 Minnesota Gun Owners Political Action Committee, \$50

3. Payment of late filing fee for 2018 year-end report of receipts and expenditures

Minnesota Gun Owners Political Action Committee, \$1,000
 School Lunch Bunch, \$200

4. Payment of late filing fee for 2018 pre-general report of receipts and expenditures

Minnesota Gun Owners Political Action Committee, \$1,000

5. Payment of late filing fee for September 2018 report of receipts and expenditures

Minnesota Gun Owners Political Action Committee, \$500 (remaining balance)

6. Payment of late filing fee for 2018 1st quarter report of receipts and expenditures

Water is Life PAC, \$25

7. Payment of late filing fee for lobbyist principal report due 3/16/2020

Southeast Minnesota Association of Realtors, \$475
UNITE HERE, \$450
Meridian Behavioral Health, \$425
Inter Faculty Organization, \$350
Johnson Controls, Inc., \$325
Ed Allies, \$100
Minnesota Gun Owners Caucus, \$100
Carver County Local 2789, \$75
Midwest Bonding LLC, \$50
American Institute of Architects-MN (AIA Minnesota), \$25

ADVISORY OPINION REQUEST 453 – PODCAST AS CONSTITUENT SERVICE

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that the advisory opinion request had been made by Senator Karla Bigham who had signed a release making her request and the resulting opinion public data. Mr. Sigurdson said that the request asked a series of questions about a podcast produced, hosted, and initially paid for by the legislator. Mr. Sigurdson stated that the draft opinion concluded that the podcast described in the facts of the opinion was a constituent service, which is a type of noncampaign disbursement. Mr. Sigurdson said that based on that determination, the draft opinion went on to address questions related to payment of the podcast's production and distribution costs, the disclaimers that would be required for the podcast, and the limitations on the guests who would appear on the podcast.

After discussion, the following motion was made:

Member Swanson's motion:

To approve the advisory opinion as drafted.

Vote on motion:

A roll call vote was taken. All members voted in the affirmative.

LEGAL COUNSEL'S REPORT

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn had nothing to add to the legal report.

OTHER BUSINESS

There was no other business to report.

EXECUTIVE SESSION

The vice chair recessed the regular session of the meeting and called to order the executive session. Upon recess of the executive session, the vice chair had nothing to report into regular session.

There being no other business, the meeting was adjourned by the vice chair.

Respectfully submitted,

Jeff Sigurdson
Executive Director

Attachments:
Executive director's report
Memorandum regarding Advisory Opinion 453
Draft Advisory Opinion 453
Legal report

DRAFT



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: August 6, 2020

To: Board members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Selection of new Board chair and term of office

Due to Mr. Moilanen not being reappointed to the Board, it will be necessary for the Board to select a new chair.

In almost every instance where this has happened in the past, the vice chair has been nominated to serve as the new chair and another Board member with some seniority has been nominated to serve as new vice chair.

At this point, the Board has two options. It may appoint two members to nominate a new chair, to be elected at the September meeting, or it may nominate Vice Chair Gary Haugen to serve as the new chair and vote immediately at the August meeting.

Typically, the chair serves for a calendar year. In this case, Mr. Haugen's appointment to the Board expires on January 1, 2021. If Mr. Haugen is elected chair it may be appropriate to set the term as chair for the remainder of 2020.

As the end of the year approaches, a panel of two Board members is named to nominate a new chair and vice chair. In the past, the panel has consisted of the outgoing chair and one other Board member. If the Board opts to make Mr. Haugen the chair, Mr. Haugen would then likely appoint himself and one other member to nominate a new vice chair for election at the September meeting.

If the Board wishes to elect Mr. Haugen as its new chair at the August meeting, a member would make a motion to appoint Mr. Haugen as chair. The motion should specify the duration of the appointment. Members would then vote on the matter.



MINNESOTA

CAMPAIGN FINANCE BOARD

Board Meeting Dates for Calendar Year 2020

Meetings are at **10:30 A.M.** unless otherwise noted.

2020

Wednesday, September 2

Wednesday, October 7

Wednesday, November 4

Wednesday, December 2



**Certificate of the
Campaign Finance and Public Disclosure Board
Authorizing Resolution**

RESOLVED, that the Campaign Finance and Public Disclosure Board recognizes **Robert Moilanen** for his service from 2016 to 2020 as a member of the Board, and offers this resolution in appreciation for his investment of time and energy in support of the mission and objectives of the Minnesota Campaign Finance and Public Disclosure Board.

I, Gary Haugen, do hereby certify that I am a member and Vice Chair of the Campaign Finance and Public Disclosure Board, a board duly authorized under the laws of Minnesota, and that the above is a true, complete, and correct copy of a resolution adopted by unanimous vote at a meeting of the Campaign Finance and Public Disclosure Board duly and properly called and held on the 14th day of August, 2020.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of August, 2020.

Attest by one other Board member

Gary Haugen, Vice Chair



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: August 7, 2020

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Executive Director's Report

Board Operations

Lobbying Program: The lobbyist disbursement report covering the period of January 1 through May 31, 2020, was due on June 15, 2020. Of the 2,137 lobbyist disbursement reports due, 2,080 (97%) were filed by the due date. As of the date of this memo nine reports are still outstanding. Over 96% of the reports were filed electronically.

Economic Interest Statement Program: All 466 candidates who filed for state senate or state house were required to file an economic interest statement (EIS) within 14 days of filing for office. Staff has spent a considerable amount of time securing the statements and placing the information on the candidate's page on the Board's website. There are still eight candidate EIS statements outstanding. Additionally, appointments to boards and commissions that require the public official to file an economic interest statement occur year-round.

Campaign Finance Program: Over 200 new candidate and political committees have registered with the Board in 2020. Consequently, there are many inexperienced treasurers and candidates who need compliance and software training. With the pandemic the staff's usual classroom training was cancelled. To fill the gap, Ms. Engelhardt, Ms. Pope, and Mr. Olson quickly developed WebEx training classes. The WebEx classes were held on work days, weekends, and in the evening. The response was very encouraging, with an average of over 50 candidates and treasurers signing on to participate at each session. A single WebEx training session was also held on using the Campaign Finance Reporter (CFR) software, with 33 individuals signing on to watch. The sessions were also recorded and placed on the Board's website for those who could not attend the live sessions.

The pre-primary report of receipts and expenditures covering the period of January 1 through July 20, 2020, was due on July 27, 2020. To support the filing of reports with the CFR software staff was available from 10 AM – 4 PM on the Saturday and Sunday before the filing deadline to take customer calls. This was very popular with software users, and in my view clearly reduced the number of late reports that otherwise would have occurred without weekend support.

Pre-primary report notifications were sent to 1208 committees. As of the date of this memo 6 out of 433 candidate committees have not filed, 4 out of 314 political party units have not filed, and 3 out of 403 political committees have not filed. Cumulatively the pre-primary reports disclose that candidate committees raised \$2,802,836 in contributions, party units raised \$7,610,184, political committees and funds raised \$8,325,956, and independent expenditure committees and funds raised \$3,851,018.

Public Subsidy Program: The Department of Revenue has provided the Board with the final August report of tax checkoffs used to make the political party portion of the public subsidy payments. Staff will be using this information to calculate specific payments to qualified candidates, and will issue the payments after the results of the primary election are canvassed by the Secretary of State, but no later than August 25, 2020.

Board Staff

Marcia Waller will be retiring from state service at the end of September. Ms. Waller joined the Board in May of 2004. In her position Ms. Waller is responsible for processing all registrations for lobbyists, candidates, and political committees. In addition, Ms. Waller has been responsible for all lobbyist and lobbyist principal reporting periods. Her knowledge of the registration process and the relationships she has built with the Board's clients, in particular the lobbying community, will be extremely difficult to replace.

When Ms. Waller retires two of the Board's nine staff positions will be vacant. The position formally held by Kevin Lochner, who was primarily responsible for administration of the economic interest statement program, is vacant because of the state hiring freeze. There is a process to request an exception to the hiring freeze; however the requirements for an exception are stringent, and I believe that in the short term at least the Board can operate with eight staff members. I will however be asking for an exception to the hiring freeze for Ms. Waller's position. If both positions are open the Board's staffing will be down by about 23%, and the ability to keep up with required registration and reporting, especially in the lobbying program, will be problematic.

Impact of COVID-19

The Board offices remain closed to the public, as does the Centennial Office Building. Staff has developed a COVID-19 Business Operations and Preparedness Plan, as required by the Department of Administration. The plan provides for up to three staff members to work in the office on any given day, with the remainder of staff online from home. I have been rotating staff so that the personnel in the office matches the operational needs of the day, and so that all staff have the opportunity to work both at home and in the office.

Ratification of Budget for Fiscal Year 2021

At the start of each state fiscal year the Board ratifies the budget developed by staff using salary projections and other estimated costs provided by the Small Agency Resource Team (SmART). Attached is the proposed budget for fiscal year 2021.

The base budget for fiscal year 2021 is \$1,123,000. The base budget does not include the carry forward of unused funds from fiscal year 2020. The carryforward amount is not released to the Board's budget until after the hard close of fiscal year 2020 at the end of August. Salary savings from the unfilled staff position will create a substantial carryforward amount, perhaps as much as \$77,000.

The attached budget breaks down the Board's expenditures by general category, and estimated costs are rounded up. The budget is a working document, and some changes to the allocation of funds almost certainly will occur during the course of the year. I will report major changes to the Board. Any funds left over at the end of fiscal year 2021 will revert to the state general fund.

A motion and vote to ratify the budget is needed.

Ratification of Affirmative Action Plan

Every two years, the Board must review and ratify its Affirmative Action Plan. The current plan expired on June 30, 2020. The attached Affirmative Action Plan is based on the state's model plan for agencies with 25 or fewer employees. It has already been reviewed and approved by Minnesota Management and Budget. The plan will be effective from July 1, 2020, through June 30, 2022. As required, the plan is signed by the Board's executive director.

A motion and vote to ratify the plan is needed.

Correspondence to the Board

Attached is a letter to Board members from former Board Chair Robert Moilanen.

Attachments

Budget for fiscal year 2020

Affirmative Action Plan

July 31, 2020, letter from Robert Moilanen

	Fiscal Year 2021 Operating Budget Detail			
Acct			Fiscal Year 2021 Budget	
41000	Full time salaries - benefits		999,940	
41050	Overtime		1,560	
41070	Other Benefits		4,500	
	Board Member Per Diem		4,000	
	Workers Comp Fee		500	
41100	Space Rental - Office Lease		43,000	
41110	Printing and advertising		2,500	
41130	Prof Technical Services		5,000	
	Court Reporter		5,000	
41150	Computer systems and services		4,000	
41155	Communications - Cental Mail		11,000	
41160	Travel - in state		4,000	

	Board Travel and Parking		2,500	
	Staff - Training in greater Minnesota		1,500	
41180	Employee development		5,000	
41190	State agency provided tech svcs		0	
	OAH hearings		0	
41196	Centralized IT (MN.IT)		22,500	
	Voice Services		3,500	
	Computing Services		10,000	
	Wan Services		4,500	
	Microsoft licensing		4,500	
41300	Supplies		5,000	
41400	Equip. rental (copier)		6,000	
41500	Maintenance and repairs		1,000	
42020	Attorney General Court Costs		2,000	
43000	Other operating costs		4,000	

47160	Equipment		4,000	
	Operating exp total		1,123,000	
	Appropriation		1,123,000	
	Balance		0	
	Carry forward in from Fiscal Year 2020		0	
	Total available		1,123,000	



MINNESOTA

CAMPAIGN FINANCE BOARD

July 1, 2020 – June 30, 2022 Affirmative Action Plan

Campaign Finance and Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
651-539-1180
MN Relay 800-627-3529
cf.board@state.mn.us
cfb.mn.gov

As requested by Minnesota Statute 3.197: This report cost approximately \$400 to prepare, including staff time, printing and mailing expenses. To request an alternative format of this document, please contact Jodi Pope at jodi.pope@state.mn.us

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Statement of Commitment

Minnesota Administrative Rules, part 3905.0400, subpart 1, item C

This statement reaffirms the Campaign Finance and Public Disclosure Board (hereafter “the agency” or “the Board”) is committed to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever females, racial/ethnic minorities, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the agency’s policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.

Adopted: June 30, 2020; Ratified by Board: [Ratification occurs at 1st meeting after MMB approval]



Jeff Sigurdson
Executive Director

Organizational Profile

The Campaign Finance and Public Disclosure Board was established by the state legislature in 1974 and is charged with the administration of Minnesota Statutes Chapter 10A, the Campaign Finance and Public Disclosure Act, as well as portions of Chapter 211B, the Fair Campaign Practices act.

The Board's four major programs are campaign finance registration and disclosure, public subsidy administration, lobbyist registration and disclosure, and economic interest disclosure by public officials. The Board has six members, appointed by the Governor on a bi-partisan basis for staggered four-year terms. The appointments must be confirmed by a three-fifths vote of the members of each house of the legislature.

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item B

A. Executive Director

Responsibilities

The executive director is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all federal and state laws and regulations. Quarterly, the executive director reports the agency's progress in meeting its affirmative action goals and objectives to the Commissioner of MMB, and reports to MMB on the results of the agency's affirmative action plan at the same time as the agency submits its biennial budget request to MMB.

In addition, because the Board has only nine employees, the executive director also is responsible for some functions that would be the responsibility of senior management in a larger agency. These responsibilities include working with the Affirmative Action Officer to implement all aspects of the Board's Affirmative Action Plan and the Board's commitment to affirmative action and equal opportunity.

Finally, the Department of Administration's Small Agency Resource Team (SmART) performs many human resources functions for the Board under an interagency agreement. Consequently, the executive director performs some of the duties listed below in conjunction with SmART according to the terms of the interagency agreement.

Duties

The duties of the executive director include, but are not limited to:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description.
- Take action, if needed, in conjunction with SmART, on complaints of discrimination and discriminatory harassment.

- Issue a statement affirming the department’s commitment to affirmative action and equal employment opportunity and ensure the statement is shared with to all employees.
- Work with the Affirmative Action Officer to communicate the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Work with the Affirmative Action Officer to identify any problem areas and eliminate barriers that inhibit equal employment opportunity within the agency.
- Make decisions and changes in policies, procedures or physical accommodations as needed to implement effective affirmative action in the agency.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and agency's mission.
- Notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all agency supervisors include responsibility statements for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The executive director is accountable directly to the Board and indirectly to the Governor and the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

Name: Jeff Sigurdson

Email: jeff.sigurdson@state.mn.us

Title: Executive director

Phone: 651-539-1189

B. Affirmative Action Officer

Responsibilities

The Affirmative Action Officer is directly responsible for developing, coordinating, implementing, and monitoring the agency’s affirmative action program. Because the Board has only nine employees, the affirmative action officer also is responsible for duties that would be performed by an affirmative action officer designee at a larger agency.

In addition, the Department of Administration’s Small Agency Resource Team (SmART) performs many human resources functions for the Board under an interagency agreement. Consequently, the affirmative action officer performs some of the duties listed below in conjunction with SmART according to the terms of the interagency agreement.

Duties

The duties of the Affirmative Action Officer include, but are not limited to:

- Develop and administer the agency's Affirmative Action Plan in conjunction with SmART.
- Assist the executive director and SmART in the development of agency-wide affirmative action hiring goals.
- Work with SmART to monitor agency compliance and to fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy and any other affirmative action information to employees in the agency.
- Work with SmART to inform the executive director on progress on affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the agency, SmART, MMB, and the Governor's Office.
- Work with SmART to determine the need for affirmative action training within the agency and coordinate the development of the training programs with the assistance of internal and external resources, as necessary.
- Work with SmART to review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Work with SmART to develop innovative programs to attract and retain individuals from protected groups in the agency.
- Work with SmART to support and participate in the recruitment of individuals of protected groups for employment, promotion, and training opportunities.
- Act as a liaison to SmART as it manages the agency's pre-hire review process under the terms of the interagency agreement.
- Assist as needed with SmART's review of requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the executive director for final decision.
- Ensure the agency is making affirmative efforts to recruit and retain candidates and employees from protected group.
- In conjunction with SmART, oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Agency Diversity Recruitment program.

- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer is accountable to the executive director for program impacts and for ongoing program activities and direction. The Affirmative Action Officer is also the ADA Title I and Title II Coordinator. The nine-member agency is too small to have an administrator of Diversity and Inclusion or other equal opportunity related administrators. In conjunction with SmART, the AAO ensures that aggregated data and trends of complaints of illegal discrimination in hiring are provided and shared with the SmART Human Resources Director on a quarterly basis.

Name of individual(s) responsible

Name: Jodi Pope

Title: Legal/Management Analyst 4

Email: jodi.pope@state.mn.us

Phone: 651-539-1183

C. Human Resources Director - SmART; Board Executive Director; Assistant Executive Director

Responsibilities

As stated above, the Board’s human resource function is handled in conjunction with the Department of Administration’s Small Agency Resource Team (SmART). The SmART Human Resources Office is responsible for ensuring equitable and uniform administration of all personnel policies. In conjunction with the agency ADA Coordinator, the SmART Human Resources Office is responsible for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations to remove barriers to equal employment opportunity with the agency. The SmART Human Resources Office is responsible for assisting the executive director and the assistant executive director in human resources management activities. The Board’s executive director and assistant executive director perform the human resource functions not handled by SmART.

Staff within the SmART Human Resources Office who work on affirmative action and diversity issues are accountable to the SmART Human Resources Director or designee. The SmART Human Resources Office is accountable to the Board according to the terms of the Board’s interagency agreement. The Board’s assistant executive director is accountable to the executive director. The executive director is accountable to the Board.

Duties

The duties of the SmART Human Resources Office include, but are not limited to:

- Maintain effective working relationship with executive director, assistant executive director, and agency affirmative action officer.

- Provide leadership to Board management and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance to Board management in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist Board management in recruitment and retention of protected groups and notify executive director of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by the agency in collaboration with the Affirmative Action Officer.
- In conjunction with the Affirmative Action Officer, initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- In conjunction with the Affirmative Action Officer, ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist in recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Advise management regarding the feasibility of creating supported worker positions if the Board ever receives authorization for additional staff. These positions help reduce agency costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- In conjunction with the executive director, request assistance from MMB to support diversity recruitment efforts, as well as the retention of protected group members in hard-to-fill or executive level positions.
- In conjunction with agency management, include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

The duties of the executive director and the assistant executive director in the human resources area shall include, but not be limited to, the following:

- Work with SmART Human Resources and the Board Affirmative Action Officer to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principals.
- Work with SmART Human Resources in the recruitment and retention of protected class persons and respond to reports of existing disparities.
- Work with SmART Human Resources and the Board Affirmative Action Officer to ensure that an Affirmative Action Pre-hire Review process is implemented and followed.

Accountability

The SmART HR staff is accountable to the SmART HR Director. The executive director is accountable to the Board. The assistant executive director is accountable to the executive director.

Name of individual(s) responsible

Name: Jodie Segelstrom

Email: jodie.segelstrom@state.mn.us

Title: Human Resources Specialist 2

Phone: 651-259-3768

Name: Jeff Sigurdson

Email: jeff.sigurdson@state.mn.us

Title: Executive Director

Phone: 651-539-1189

Name: Megan Engelhardt

Email: megan.engelhardt@state.mn.us

Title: Assistant Executive Director

Phone: 651-539-1182

D. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for ensuring the agency's compliance with the ADA Title I – Employment, in accordance with the ADA - as amended, and the Minnesota Human Rights Act. The ADA Title I Coordinator is also the Affirmative Action Officer. In addition, the Department of Administration's Small Agency Resource Team (SmART) performs many human resources functions for the Board under an interagency agreement. Consequently, the ADA Title I Coordinator performs the duties listed below in conjunction with SmART according to the terms of the interagency agreement.

Duties:

The duties of the ADA Title I Coordinator include, but are not limited to:

- In conjunction with SmART, provide guidance, coordination, and direction to agency management on the ADA. The agency, in conjunction with SmART, develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- In conjunction with SmART, provide training, technical guidance, and consultation to agency management and staff on compliance and best practices for hiring and retaining individuals with disabilities, as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing agency services, and in conjunction with SmART report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update management on evolving ADA issues.

- In conjunction with SmART, ensure compliance with ADA reporting according to state and federal requirements.
- Submit reasonable accommodation reimbursement under the guidelines of the state-wide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process, perform essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator, in consultation with SmART, the employee and supervisor, and other individuals involved must:
 - Discuss the purpose and essential functions of the job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform essential functions of the job; and
 - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title I Coordinator is accountable to the executive director.

Name of individual(s) responsible

Name: Jodi Pope

Email: jodi.pope@state.mn.us

Title: Legal/Management Analyst 4

Phone: 651-539-1183

E. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible ensuring the agency’s compliance with the ADA Title II – Public Services, in accordance with the ADA as amended, and the Minnesota Human Rights Act. The ADA Title II Coordinator is also the Affirmative Action Officer. In addition, the Department of Administration’s Small Agency Resource Team (SmART) performs many human resources functions for the Board under an interagency agreement. Consequently, the ADA Title II Coordinator performs the duties listed below in conjunction with SmART according to the terms of the interagency agreement.

Duties:

The duties of the ADA Title II Coordinator include, but are not limited to:

- In conjunction with SmART, provide guidance, coordination, and direction to agency management on the ADA. The agency, in conjunction with SmART, develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- In conjunction with SmART, provide training, technical guidance, and consultation to the agency's management and staff on compliance and best practices with regards and obligations to members of the public with disabilities, as well as the provision of reasonable modifications for visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing agency services. In conjunction with SmART, report reasonable modifications annually to MMB.
- Research case law rules and regulation and update management on evolving ADA issues. Meet as necessary with SmART to learn of ADA updates and new practices.
- In conjunction with SmART, ensure compliance with ADA reporting according to state and federal requirements.
- In conjunction with SmART, design and deliver training for agency employees assisting ADA modifications for the public.
- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II Coordinator will consult with the member of the public in need of a modification and:
 - Discuss the purpose and essential functions of the reasonable modification.
 - Identify the potential modifications and assess the effectiveness each request.
 - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the agency.
 - In conjunction with SmART, document this review and reported in the State ADA Annual Report.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title II Coordinator is accountable to the executive director.

Name of individual(s) responsible

Name: Jodi Pope

Email: jodi.popr@state.mn.us

Title: Legal/Management Analyst

Phone: 651-539-1183

F. Senior Manager – Assistant Executive Director

Responsibilities

The assistant executive director is responsible, along with the executive director, for implementing all aspects of the agency Affirmative Action Plan and the agency’s commitment to affirmative action and equal opportunity.

Duties

The duties of the assistant executive director include, but are not limited to:

- Identify and alert the executive director and the Affirmative Action Officer to problem areas and barriers that prevent equal employment opportunity within the agency.
- Assist with the communication of the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Assist the Affirmative Action Officer and SmART Human Resources in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.
- Hold regular discussions with employees to ensure the agency’s equal employment opportunity policies are being followed.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

The assistant executive director is accountable directly to the executive director.

Name of individual(s) responsible

Name: Megan Engelhardt

Email: megan.engelhardt@state.mn.us

Title: Assistant Executive Director

Phone: 651-539-1182

G. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the State of Minnesota’s policy of equal employment opportunity. This includes refraining from any actions that would subject any employee to negative treatment on the basis of race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been

subjected to such discrimination or harassment are encouraged to use the agency's complaint procedure.

Duties:

The duties of all employees include, but are not limited to:

- Exhibit an attitude of respect, courtesy, and cooperation toward colleagues and the public.
- Refrain from any actions that would adversely affect a colleague on the basis of their race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the agency's executive director. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

Communication of the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item D and Minnesota Administrative Rules, part 3905.0400, subpart 1, item E

The following information describes the methods that the agency takes to communicate the Affirmative Action Plan to employees and the general public:

Internal Methods of Communication

- **Internal memorandum.** Agency leadership or the Affirmative Action Officer will send an internal memo to agency employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employees' responsibility to support and implement equal opportunity and affirmative action, will be sent from the agency's leadership or the Affirmative Action Officer, to all staff on an annual basis.
- **Intranet.** The agency's Affirmative Action Plan is available to all employees on the agency's website at <https://cfb.mn.gov/publications/legal/laws-rules-policy/policies-and-guidance/> (the agency does not have an internal website) and in print to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Printed copy.** A physical copy of the Agency's Affirmative Action Plan is available to employees at the following address: 190 Centennial Office Building, 658 Cedar St, St. Paul, MN 55155

- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

External Methods of Communication

- **Public website.** The agency's Affirmative Action Plan is available on the agency's public website at <https://cfb.mn.gov/publications/legal/laws-rules-policy/policies-and-guidance/>. Printed copies are available to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Equal opportunity employer language.** The agency's website homepage, letterhead, publications, and all job postings, includes the statement "The Campaign Finance and Public Disclosure Board is an equal opportunity employer." The agency will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- A physical copy of the Agency's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address: 190 Centennial Office Building, 658 Cedar St, St. Paul, MN 55155

Policies, Procedures, and Notice

A. Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436 (issued 6/12/2019)

Overview

Objective

To create a work environment free from harassment and discrimination based on protected class.

Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Sexual harassment is specifically addressed by HR/LR Policy #1329 Sexual Harassment Prohibited.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Terms

Complainant: An individual who reports protected class harassment, discrimination, or retaliation.

Third party: Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class: Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class: Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age

- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age: The prohibition against harassment and discrimination based on age prohibits such conduct based on a person’s age if the person is over the age of 18.

Marital status: Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment and discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Familial status: The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Disability: A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic information: Includes information about an individual’s or their family members’ genetic tests, family medical history, an individual’s request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Public service environment: A location where public service is being provided.

Membership or activity in a local human rights commission: Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

Exclusions

N/A

Statutory References

M.S. Ch. 43A

M.S. Ch. 363A

General Standards and Expectations

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited. Protected class harassment and discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment and discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

I. Employee and Third Party Responsibilities and Complaint Procedure

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's affirmative action officer
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment/discrimination
2. A description of the incident(s), including the date(s), location(s), and the identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment/discrimination
4. What, if any, steps have been taken to stop the harassment/discrimination
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), or other legal channels.

II. Manager/Supervisory Responsibility

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate harassment, discrimination, or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

III. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified
3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

IV. Affirmative Action Officer or Designees Responsibilities

Agency Affirmative Action Officer/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

Investigation and Discipline

State agencies will take seriously all reports of protected class harassment, discrimination and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

Non-Retaliation

Retaliation against any person who opposes protected class harassment or discrimination, who reports protected class harassment or discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment or discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Responsibilities

Agency Responsibility

Agencies are responsible for the following:

1. Adopting this policy as the agency HR policy.

2. Disseminating this policy to agency employees through a method whereby receipt can be verified.
3. Posting this policy in a manner that can be accessed by all employees and third parties.
4. Including this policy in their Affirmative Action Plan.
5. Implementing this policy, which includes:
 - a. Implementing an educational program
 - b. Developing and implementing a procedure for reporting complaints
 - c. Communicating the complaint procedure to employees
 - d. Developing and implementing a procedure under which reports will be addressed promptly.
6. Enforcing this policy.
7. Reporting annually dispositions of reports of protected class harassment or discrimination using the Affirmative Action Report.

MMB Responsibility

Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, HR/LR Policy #1436, Harassment and Discrimination Prohibited, including the policy’s complaint procedure. I understand that harassment and discrimination based on protected class, and retaliation, are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any “third party” as defined by the policy, I will be subject to disciplinary action, up to and including discharge. I understand that if I believe that I have been subjected to harassing, discriminatory or retaliatory conduct as defined by the policy by any State employee, or by any “third party” as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency’s managers or supervisors, the agency’s affirmative action officer, the agency’s human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: _____ Date: _____

Employee Name: _____

B. Statewide Sexual Harassment Prohibited Policy Statewide HR/LR Policy #1329: Sexual Harassment Prohibited (revised 6/12/2019)

Objective

To create a work environment free from sexual harassment of any kind.

Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment as described in this policy are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports sexual harassment, or who participates in any investigation concerning sexual harassment, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

A location that is not the workplace where public service is being provided.

Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers

- Customers
- Business Partners
- Unpaid Interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.

M.S. Ch. 363A

M.S. Ch. 43A

General Standards and Expectations

I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
4. Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment to any of the following:

1. Any agency's managers or supervisors;
2. The agency's affirmative action officer;
3. An agency's human resource office;
4. Agency management, up to and including the agency head.

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget's Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment
2. A description of the incident(s), including the date(s), location(s), and identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment
4. What, if any, steps have been taken to stop the harassment
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint or charge externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR), or other legal channels.

III. Manager/Supervisor Responsibility

Managers and Supervisors must:

1. Model appropriate behavior
2. Treat all reports of sexual harassment seriously
3. Appropriately respond to a report or problem when they receive a report of sexual harassment, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation of this policy are subject to discipline, up to and including discharge.

IV. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the sexual harassment policy to all employees, through a method whereby receipt can be verified
3. Treat all complaints of sexual harassment seriously
4. Comply with the agency's complaint and investigation procedures and/or their Affirmative Action Plan

V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee must:

- Model appropriate behavior
- Treat all complaints of sexual harassment seriously
- Comply with the agency's complaint and investigation procedures
- Keep the agency apprised of changes and developments in the law and policy

VI. Investigation and Discipline

State agencies will take seriously all reports of sexual harassment and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of sexual harassment or retaliation will be subject to disciplinary action, up to and including discharge.

VII. Non-Retaliation

Retaliation against any person who opposes sexual harassment, who reports sexual harassment, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting sexual harassment or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Responsibilities

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by all employees and third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, which includes:
 - Implementing an educational program
 - Developing and implementing a procedure for reporting complaints
 - Communicating the complaint procedure to employees
 - Developing and implementing a procedure under which reports will be addressed promptly
- Enforcing this policy.
- Reporting annually dispositions of reports of sexual harassment using the Affirmative Action Report.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, HR/LR Policy #1329, Sexual Harassment Prohibited, including the policy's complaint procedure.

understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any “third party” as defined by the policy, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by the policy by any State employee, or by any “third party” as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency’s managers or supervisors, the agency’s affirmative action officer, the agency’s human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: _____ Date: _____

Employee Name: _____

C. Complaint Procedure for Processing Complaints Under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy:

The agency has established the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Who May File:

Any individual who believes that they have been subject to harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is encouraged to use this internal complaint procedure.

If the individual chooses, a complaint can be filed externally with the Minnesota Department of Human Rights (MDHR), the U.S. Equal Employment Opportunity Commission (EEOC), or through other legal channels. The MDHR, EEOC and other legal channels have time limits for filing complaints; individuals may contact the MDHR, EEOC, or a private attorney for more information.

Retaliation against any person who has filed a complaint either internally through this complaint procedure or through an outside enforcement agency or other legal channels is prohibited.

Individuals who knowingly file a false complaint will be subject to disciplinary or corrective action.

The following are the procedures for filing a complaint:

1. The individual may, but is not required to, complete the “Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form” provided by the Affirmative Action Officer or designee. Individuals are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment

Prohibited Policy. The Affirmative Action Officer or designee will, if requested, provide assistance in filling out the form.

2. The Affirmative Action Officer or designee determines if the complainant is alleging conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy; or if the complaint instead is of a general personnel concern or a general concern of respect in the workplace.
 - If it is determined that the complaint is not related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, but rather involves general personnel concerns or general concerns of respect in the workplace, the Affirmative Action Officer or designee will inform the complainant, in writing, within ten (10) business days.
 - If it is determined that the complaint is related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, the Affirmative Action Officer or designee will determine whether corrective action may be taken without an investigation. If it is determined that an investigation is necessary, the Affirmative Action Officer or designee shall investigate the complaint. The Affirmative Action Officer may contract with an outside investigator to conduct the investigation.
3. The Affirmative Action Officer or designee shall create a written investigation report of every investigation conducted. If the investigation shows sufficient evidence to substantiate the complaint, appropriate corrective action will be taken.
4. Within (60) days after the complaint is filed, the Affirmative Action Officer or designee shall provide a written answer to the complainant, unless reasonable cause for delay exists. The complainant will be notified if the written answer is not expected to be issued within the sixty (60) day period. The written answer to the complainant must comply with the data privacy restrictions of the Minnesota Government Data Practices Act.
5. Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days after the final determination.
6. The status of the complaint may be shared with the complainant(s) and respondent(s). All data related to the complaint are subject to the provisions of the Minnesota Government Data Practices Act.

7. The Affirmative Action Officer or SmART shall maintain records of all complaints, investigation reports, and any other data or information the Affirmative Action Officer or designee deems pertinent for seven (7) years after the complaint is closed.

8. In extenuating circumstances, the employee or applicant may contact the State Affirmative Action Officer in the Office of Equal Opportunity at Minnesota Management and Budget for information regarding the filing of a complaint (for example, if the complaint is against the agency head or the agency Affirmative Action Officer).

D. Campaign Finance and Public Disclosure Board Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template - [Link to complaint form for employees](#)

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

**Harassment and Discrimination Prohibited/
Sexual Harassment Prohibited Policies
Complaint Form**

Agency _____ Name _____

Street Address _____

City, State _____ Zip _____ Code _____

Telephone Number _____

Complainant (You)

Complainant's Name _____ Job _____ Title _____

Agency _____ Telephone _____

Work Address _____ Division _____

City, State Zip Code _____ Manager _____

Respondent (Person Against whom you are filing the complaint)

Name _____ Respondent's Job _____ Title _____

Agency _____ Respondent's Telephone _____

Work Address _____ Division _____

City, State Zip Code _____ Manager _____

The Complaint

Basis of Complaint

Place an "X" in the box for all that apply:

<input type="checkbox"/> Race	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Gender Expression
<input type="checkbox"/> Sex	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Religion
<input type="checkbox"/> Familial Status	<input type="checkbox"/> National Origin	<input type="checkbox"/> Genetic Information
<input type="checkbox"/> Age	<input type="checkbox"/> Creed	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Color	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Reliance on Public Assistance	
<input type="checkbox"/> Disability		

Describe, in as much detail as possible, the conduct that you believe violates the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. List dates, locations, names and titles of people involved. Explain why you believe the conduct was based on the item(s) checked in the "Basis of Complaint" section above. Use additional paper if needed and attach to this form. Attach any documents you believe may be relevant.

Date most recent act of discrimination/ harassment in violation of policy took place: _____

If you filed this complaint with another agency, give the name of that agency: _____

Information on Witnesses Who You Believe Can Support Your Complaint

Witness Name	Witness Work Address	Witness Work Telephone

Additional witnesses may be listed in "Additional Information" or on a separate sheet attached to this form.

This complaint is being filed based on my honest belief that I have been subjected to conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.

Complainant Signature _____ Date signed _____

Complaint Received by: _____ Date signed _____
(Affirmative Action Officer Signature)

NON-RETALIATION: Retaliation against any person who reports conduct under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is strictly prohibited and will not be tolerated. If you believe that you have been subjected to retaliation, you are encouraged to report such behavior.

This material is available in alternative formats for individuals with disabilities by contacting _____

Additional Information

E. Statewide ADA Reasonable Accommodation Policy Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy

Objective

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

Applicant - A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disabilities Act (ADA) Coordinator - Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat - A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions - Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process - A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability - An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability - An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities - May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation - Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#).

Reasonable Accommodation - An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.
- Modifications or adjustments may include, but are not limited to:
 - Providing materials in alternative formats like large print or Braille;
 - Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
 - Modifying work schedules or supervisory methods;
 - Granting breaks or providing leave;
 - Altering how or when job duties are performed;
 - Removing and/or substituting a marginal function;
 - Moving to a different office space;
 - Providing telework;
 - Making changes in workplace policies;
 - Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
 - Removing an architectural barrier, including reconfiguring work spaces;
 - Providing accessible parking;
 - Providing a sign language interpreter; or
 - Providing a reassignment to a vacant position.

Reassignment - Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

Support Person - Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Undue Hardship - A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

General Standards and Expectations

Individuals who may request a reasonable accommodation include:

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;

- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the agency must make appropriate arrangements without requiring a request in advance of each occasion.

The interactive process entails

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

Agency responsibilities for processing the request

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Executive director

The executive director of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and

Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate

specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

Analysis for processing requests

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position; or
 - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

An employee's accommodation preference is always seriously considered, but the agency is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining medical documentation in connection with a request for reasonable accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or
- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested medical information.

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted. **Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by the agency ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

The agency ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and the agency ADA Coordinator.

General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and evaluate and report on the agency's performance in hiring, retention, and processing reasonable accommodation requests.

Approval of requests for reasonable accommodation

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the agency ADA Coordinator.

Funding for reasonable accommodations

The agency must specify how the agency will pay for reasonable accommodations.

Procedures for reassignment as a reasonable accommodation

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

The agency ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the agency will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

The agency ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The agency may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of undue hardship

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

Determining direct threat

The determination that an individual poses a "direct threat," (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual's disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;

- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals process in the event of denial

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information tracking and records retention

Agencies must track reasonable accommodations requested and report once a year by September 1st to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to the agency's document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

Responsibilities

Agencies are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state agencies and maintain this policy.

Please review the following forms:

- [Employee/Applicant Request for ADA Reasonable Accommodation](#)
- [Authorization of Release of Medical Information for ADA Reasonable Accommodations](#)
- [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#)

REFERENCES

- [U.S. Equal Employment Opportunity Commission](#), *Enforcement Guidance*

- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

The [Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) and [M.S. 181.974](#) prohibit employers from using genetic information when making decisions regarding employment.

[Minnesota Human Rights Act \(MHRA\)](#) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.

The [Family and Medical Leave Act](#) is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

[Executive Order 14-14, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs agencies to make efforts to hire more individuals with disabilities and report on progress.

Contacts

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us.

Request for Reasonable Accommodation Form - [Link to form](#)

Campaign Finance and Public Disclosure Board

Employee/Applicant Request for Americans with Disabilities Act ("ADA") Reasonable Accommodation Form

The Campaign Finance and Public Disclosure Board is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of the position and 2) have a disability that substantially or materially limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee/Applicant Name: _____

Job Title: _____

Work Location: _____

Phone Number: _____

Data Privacy Statement: This information may be used by the agency human resources representative, ADA Coordinator or designee, or any other individual who is authorized by the agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, the agency may not have sufficient information to provide a reasonable accommodation.

DO NOT PROVIDE ANY INFORMATION THAT IS NOT RELATED TO YOUR REQUEST FOR REASONABLE ACCOMMODATION. DO NOT PROVIDE COPIES OF MEDICAL RECORDS.

A. Questions to clarify accommodation requested.

1. What specific accommodation are you requesting?

2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?

a. Answer yes or no: _____

b. If yes, please explain: _____

B. Questions to document the reason for the accommodation request (*please attach additional pages if necessary*).

1. If you are an employee, what, if any, job function are you having difficulty performing; or if you are an applicant, what portion of the application process are you having difficulty participating in?

1. What, if any, employment benefits are you having difficulty accessing?

2. What limitation, as result of your physical or mental impairment, is interfering with your ability to perform the functions of your job, access an employment benefit, or participate in the application process?

3. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job, access an employment benefit, or participate in the application process?

Information Pertaining to Medical Documentation: In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee/applicant has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee/applicant will be provided with the appropriate forms to submit to their medical provider. The employee/applicant has the responsibility to ensure that the requested information is returned to the ADA Coordinator or designee in a timely manner.

This form does not cover, and the information to be disclosed should not contain, genetic information. "Genetic information" includes: information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature: _____

Date: _____

F. Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the Campaign Finance and Public Disclosure Board will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Campaign Finance and Public Disclosure Board does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Campaign Finance and Public Disclosure Board will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Campaign Finance and Public Disclosure Board’s programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Campaign Finance and Public Disclosure Board will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Campaign Finance and Public Disclosure Board offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Campaign Finance and Public Disclosure Board, should contact the Board’s ADA Coordinator Jodi Pope at 651-539-1183 or jodi.pope@state.mn.us as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Campaign Finance and Public Disclosure Board to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Campaign Finance and Public Disclosure Board is not accessible to persons with disabilities should be directed to the Board’s ADA Coordinator Jodi Pope at 651-539-1183 or jodi.pope@state.mn.us.

The Campaign Finance and Public Disclosure Board will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

G. Campaign Finance and Public Disclosure Board Grievance Procedure Under Title II of the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Campaign Finance and Public Disclosure Board. The Statewide ADA Reasonable Accommodation policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Jodi Pope

Campaign Finance and Public Disclosure Board ADA Coordinator

190 Centennial Office Building

658 Cedar St

St Paul, MN 55155

Jodi.pope@state.mn.us

Within 15 calendar days after receipt of the complaint, Jodi Pope or her designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting or communication, Jodi Pope or her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Campaign Finance and Public Disclosure Board and offer options for substantive resolution of the complaint.

If the response by Jodi Pope or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the executive director or his designee.

Within 15 calendar days after receipt of the appeal, the executive director or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the executive director] or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Jodi Pope or her designee, appeals to the executive director or his designee, and responses from these two offices will be retained by the Board for at least three years.

H. Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form

A fillable form is available at <https://mn.gov/mmb-stat/equal-opportunity/ada/ada-accommodation-request-form-title-ii.pdf>.

<p>m MINNESOTA</p> <p style="text-align: center;">_____ (Agency) Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form</p> <p>The _____ (Agency) is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRRA”). The ADA Coordinator/Designee will review each request on an individualized, case-by-case, basis to determine whether an accommodation or modification can be made. Please do NOT send copies of medical records. The Agency is not authorized to have medical records and is not qualified to interpret medical records.</p> <p>General Information Date of Request: _____</p> <p>Person needing accommodation/modification Name: _____ Address: _____ Email: _____ Phone: _____</p> <p>Person making request (if different from person needing accommodation/modification) Name: _____ Email: _____ Phone: _____ Relationship to person needing accommodation/modification: _____</p> <p>Accommodation Information Date accommodation/modification is needed: _____ Address and/or room of accommodation/modification: _____ Type of accommodation/modification requested (please be specific): _____ _____</p> <p>How would you like to be notified of the status of your request? <input type="radio"/> Phone <input type="radio"/> Email <input type="radio"/> Writing <input type="radio"/> Other (specify): _____</p> <p>If someone else has completed this form on your behalf and you want that person to be notified of the status of your request, please initial here: _____</p> <p><small>Updated 08/21/2019</small></p>	<p>All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.</p> <p><input type="checkbox"/> Check this box to sign this request form electronically: By checking this box, I agree my electronic signature is the legal equivalent of my signature.</p> <p>Signature of Requestor _____ Date _____</p> <p style="text-align: center;">OFFICE USE ONLY RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION</p> <p>Date request received: _____</p> <p>The request for accommodation/modification is GRANTED. Below is a description of the accommodation/modification: _____ _____</p> <p>The request for accommodation/modification is DENIED because:</p> <p><input type="checkbox"/> The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability. <input type="checkbox"/> The requested accommodation/modification would impose an undue burden on the agency; and/or <input type="checkbox"/> The requested accommodation/modification would fundamentally alter the nature of the service, program, or activity.</p> <p>Requester notified on: (date) _____ via: _____</p> <p>Additional notes: _____ _____</p> <p>ADA Coordinator: Name _____ Signature _____ Date _____</p> <p><small>Updated 08/21/2019</small></p>
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I. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

The Board follows the emergency evacuation plan for the Centennial Office Building created by the Department of Public Safety Capitol Security and Department of Employee Relations, revised October 13, 2017.

Each employee is provided with a copy of the emergency evacuation procedures upon employment. A copy of the plan also is available to employees at [Centennial Office Building Emergency Plan 2018.pdf](#). The emergency plan is reviewed with staff, annually, at a staff meeting. Employees are informed that they also have a responsibility to develop their own personal emergency evacuation plan. Employees are informed that if assistance might be needed during an evacuation, they should contact the agency contact below to discuss the type of assistance they may need and to create a plan for ensuring that they will obtain any needed assistance.

Under the building evacuation plan, employees who are mobility or sensory impaired are assigned an individual to assist them in an evacuation. The floor wardens for the building are notified of the number of employees in the agency who will need assistance with evacuation and the type of assistance needed.

Under the building evacuation plan, Capitol Security is responsible for issuing evacuation orders and initially communicating those orders to individuals in the building. Employees with hearing disabilities are notified of evacuation orders by their supervisors/managers or by the individuals chosen to assist them.

Name: Jodi Pope

Title: Legal/Management Analyst 4

Email: jodi.pope@state.mn.us

Phone: 651-539-1183

Evacuation Options:

Individuals with disabilities have four basic evacuation options:

- **Horizontal evacuation:** Using building exit to the orange level of the parking ramp and then exit parking ramp on ground level;
- **Stairway evacuation:** Using steps to reach ground level exits from building;
- **Shelter in place:** Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire-resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;
- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or

Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.

- **Visual disabilities:** The agency’s buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

The Board’s offices are located on the first floor of the building. Individuals in need of assistance during an evacuation have two evacuation options under the building evacuation plan:

- **Horizontal evacuation:** Individuals may move to an interior area of the floor to a designated safe room; and/or
- **Stairway evacuation:** Individuals may move to the basement tunnel level using the stairwell.

Other Relevant Information

There is no other relevant information.

Robert Moilanen
12920 Woodbridge Trail
Minnetonka, Minnesota 55305

July 31, 2020

Minnesota Campaign Finance and Disclosure Board
Centennial Office Building; Suite 190
St. Paul, Minnesota 55155

Dear Board Members:

I have appreciated the opportunity to serve on the Campaign Finance and Public Disclosure Board (Board). That opportunity has brought me into contact with a professional staff who uniformly enjoy a strong commitment to public service. As I depart the Board after nearly 4 years, a transition letter seems in order. The new Board has a heavy lift ahead.

Much of the information currently compiled by the Board is not advancing the Board's main mission, namely, providing meaningful transparency. This problem is not the result of neglect by the Board or the staff. It is a problem caused by a dusty, outdated statute (Minn. Stat. Ch. 10A). Repeated efforts to amend Minn. Stat. Ch. 10A have been made by the Board in an effort to ensure that Minnesotans are provided meaningful information about candidates, lobbyists and public officials. Those efforts have included holding public hearings, meeting with the Governor's staff and legislators, writing letters to all legislators, drafting articles and hours upon hours of thoughtful discussion at the Board's monthly meetings.

Unfortunately, the Board's effort to amend Minn. Stat. Ch. 10A has not been given priority. The Board has been told that amendments must wait because it is a budget year.....because it is a bonding year..... because it is a campaign year. However, ensuring the flow of meaningful information to Minnesota voters cannot wait forever. Transparency and disclosure of relevant information is fundamental to maintain our democratic system and discourage corruption.

The Need to Amend Minn. Stat. Ch. 10A

The Board's main mission is to implement Minn. Stat. Ch. 10A by compiling meaningful information concerning public officials, lobbyists, campaigns and candidates. Ultimately, it is expected that the information compiled will be used by voters to exercise "regulatory" control at the ballot box. Of course, if the information is of limited value, the ability of voters to exercise their right is impaired. There is no doubt that much of the information gathered by the Board today concerning lobbyists and elected officials is of limited value.

The Board issues minor fines when those it regulates fail to provide timely and accurate information. While the Board's periodic enforcement activities catch the public's attention (i.e.

Ilhan Omar, Doug Wardlow), the Board's bi-partisan consensus on issues regarding amendments to Minn. Stat. Ch. 10A has been of far more consequence.

In proposing amendments to Minn. Stat. Ch. 10A, the Board recognized that the statute had not been seriously amended for over 40 years and that the world had changed. Those changes include the manner in which campaigns are financed, the increasing presence of two income households, that more than \$65 million is now spent lobbying the legislature each and every year and the explosion of independent campaign expenditures since the decision in *Citizens United*. The Board recognized that changing times require statutory change.

The Appointment/Confirmation Process Wastes Public Resources

The Board is comprised of 6 members and is balanced on a partisan basis. That bi-partisan balance has served Minnesotans well. Agreement must be reached by a majority before action can proceed. The rounding off effect of different viewpoints has created better results.

What needs review is the appointment/confirmation process. Minn. Stat. Ch. 10A.02 allows the Governor to appoint, but all appointments to the Board must be confirmed by 3/5s of the Senate and the House **or the appointment expires**. This needs correction.

Every Board member has an appointment story. Mine is not unique. I originally applied and was appointed to the Board in October 2016 by Governor Dayton. Subsequently, primarily due to a lack of legislative action, I was required to apply 3 additional times and was reappointed twice. That means that in less than 4 years, the Secretary of State had to post a membership position to the Board 4 times, people applied 4 times, the Governor had to decide who to appoint 4 times, and the legislature had to consider taking the matter up each time.

Having terms automatically expire absent legislative action is wasteful of public resources and distracts the legislature and the governor from dealing with pressing matters. Further, the Board's activities are disrupted by this "apply-appoint-expire-reapply" process. There have been several occasions in recent years where this process has caused there to be an insufficient number of Board members to permit business to be conducted.

A new approach to the appointment/confirmation process needs consideration. Changes could include having the Governor appoint, but then placing the confirmation process in the hands of the majority and minority leaders in the House and the Senate. Alternatively, in the absence of legislative action, the terms of those appointed by the Governor should be allowed to continue.

Economic Interest Statements (EIS) Fail to Disclosure Conflicts of Interests.

Over 3000 public officials file EIS forms with the Board. The main purpose of these disclosures is to allow the public to assess potential conflicts of interest. Today, EIS filings contain little relevant information. Against a federal backdrop filled with allegations of "the swamp", "crony capitalism" and self-dealing, Minnesota should lead the way in requiring meaningful conflict of interest disclosures of its public officials.

For the past several legislative sessions, the Board has proposed changes to Minn. Stat. Ch. 10A regarding EIS filings. Those changes have included reducing the regulatory burden on certain filers while increasing the amount of disclosure required by others (two-tiered system). Also, the Board has recommended, like the vast majority of states, requiring disclosure of a public officials' beneficial interests (i.e. interest in spousal assets) and contracts or licenses a public official may have with public entities the official oversees. See 8/10/18 StarTribune commentary entitled [Minnesota has fallen behind the times on disclosure laws](#). Despite the Board's effort and perhaps due to other pressing business, neither legislators nor the Governor prioritized changes to EIS disclosures.

Outside of what the Board has formally proposed, another EIS issue which needs to be addressed is the failure of the Minn. Stat. Ch. 10A to deal uniformly with public officials of large political subdivisions. Currently, the statute covers portions of the metropolitan area leaving other large political subdivisions (i.e. Duluth and Rochester) to employ their own economic interest disclosure laws. This patchwork system requires citizens to go to various places to obtain economic interest disclosure information. It would be easier for Minnesotans to have a single place to go for information. In that regard, the Board has an excellent website platform which could host additional EIS filings.

Clearer Lobbyist Reporting Needs to Occur

Board members agree that the information filed by lobbyists has limited value. Proposals to require lobbyists to clearly disclose their lobbying interests has been developed and floated by the Executive Director. The Minnesota Government Relations Council have agreed that changes to the statute are necessary and its recommendations will be forthcoming.

In addition to the specific proposal generated by the Executive Director, the Board should discuss the adoption of lobbyist regulations employed in other states. See Andrew Olson 4/29/20 memo surveying lobbyist regulations in other states. For example, should there be a cooling off period before public officials lobby the entities which they served on? Should there be disclosure when a spouse of a public official is a lobbyist? Should the Board assess a registration fee for lobbyists as done by other states and as it used to do?

Campaign Laws and Campaign Financing Needs Updating.

The Board spent hours debating the need to define "expressly advocating" to include "functionally equivalent" language as approved by the Supreme Court. The Board was presented with a slide show of how existing disclosure requirements were being end-run. Numerous legal memoranda on this issue were provided to the Board. At the end of the process, a majority of the Board determined that a proposal should be presented to the legislature to include language of functional equivalence. Bi-partisan legislative support could not be obtained. However, the legislative push for a broader definition of "expressly advocating" in Minn. Stat. Ch. 10A.01 needs to continue.

Minnesota has enjoyed public financing of campaigns/parties through a tax checkoff system and a political refund credit. These programs have incentivized small contributions from thousands

of Minnesotans. However, as a percentage of the overall money spent on campaigns, public financing is becoming increasingly irrelevant. Large, wealthy contributors are increasingly dominating state elections through independent expenditures. See 10/29/19 Star Tribune commentary entitled [Mega-donor political cash swamps state elections](#).

To date, no proposal or report has been provided by the Board to the legislature regarding public financing. The issue of excessive electoral influence by a few wealthy donors and the decline in influence of the broader public needs to be addressed. While it is up to the legislature to act, if the Board does not provide information to the legislature on the declining influence of public financing, who will?

The effort to amend Minn. Stat. Ch. 10A needs to continue. I believe that is the most important service Board members can perform in the coming months.

I have enjoyed my time on the Board. I thank both Governor Dayton and Governor Walz for giving me the opportunity to serve. I applaud those who have served and those who will now carry on. The public is indebted to you.

Best Wishes,

/s/

Robert Moilanen



MINNESOTA CAMPAIGN FINANCE BOARD

DATE: August 7, 2020

TO: Board Members

FROM: Megan Engelhardt, Assistant Executive Director **TELEPHONE:** (651) 539-1182

RE: Requests to accept affidavits of contributions after deadline

One of the requirements for a candidate to qualify for a public subsidy payment is to submit the affidavit of contributions required in Minnesota Statutes section 10A.323. The affidavit certifies that the principal campaign committee collected at least the qualifying amount of cash contributions from individuals eligible to vote in Minnesota counting only the first \$50 of the contribution. For the office of state representative, the qualifying amount is \$1,500. For the office of state senator, the qualifying amount is \$3,000.

As provided in Minnesota Statutes section 10A.323, the affidavit must be submitted to the Board by the due date for the pre-primary election report, and for this election the deadline was July 27, 2020. Because of the importance of the deadline staff includes information about the affidavit of contributions in several ways. There is information in the filing packet they receive when they file their affidavits of candidacy. A letter is sent to all candidates in June that reminds them about the public subsidy program, estimated public subsidy payments, and deadlines for filing the public subsidy agreement and the affidavit of contributions. The June letter includes personalized information to each candidate that informs them as to whether they have formed a candidate committee, signed the public subsidy agreement, and filed the affidavit of contributions. Staff sent reports of candidates who had filed a public subsidy agreement, but had not filed the affidavit of contributions, to both house and senate party caucuses. Staff also called all the incumbents that had signed the public subsidy agreement, but had not yet filed the affidavit of contributions on July 27, 2020.

Nonetheless, some candidates do not file the affidavit. In almost all cases that is because the committee did not raise the required amount of contributions. In some cases, unfortunately, the committee did raise sufficient funds, but did not file the affidavit by the deadline. This year there are several candidates that did not file the affidavit of contributions by the deadline but did raise enough money to qualify.

In 2018, the Board accepted late affidavits of contributions from two state representative candidates. As one factor in accepting the late affidavits of contributions, the Board noted that Minnesota Statutes section 10A.323, provides that the affidavit of contributions required to qualify for a public subsidy payment must be submitted “by the deadline for reporting of receipts and expenditures before a primary under section 10A.20, subdivision 4.” The cross reference to section 10A.20 subdivision 4, is incorrect as the deadline for submitting the pre-primary report is

set in section 10A.20, subdivision 2. A change to correct the cross reference was one of the technical changes included in the Board's legislative proposals in 2019, the legislature did not take action on the proposals

The following is a list of candidates who are requesting that the Board accept their committee's affidavit of contributions. All of these candidates plan to appear before the Board in regular session to explain how the deadline was missed.

Candidates for Office of State Representative

Rep. Steve Elkins, who is a candidate in District 49B, filed the affidavit of contributions on July 28, 2020. Rep. Elkins believed that he had emailed it to the Board on July 24, 2020, to the email: cfbreports@state.mn.us; however, the correct email is: cfb.reports@state.mn.us. Rep. Elkins had mistakenly left out the period between cfb and reports. Rep. Elkins stated that the email did not bounce back as undeliverable. Staff called Rep. Elkins on July 27, 2020, to inform him that we had not received his affidavit of contributions. Rep. Elkins forwarded the email he had sent to cfbreports@state.mn.us to the email: megan.erhardt@state.mn.us; however, that is not a valid email address. Rep. Elkins states that called Megan Engelhardt after hours to state that she had not received the email from Rep. Elkins and that staff called him back Monday evening (staff recollection is slightly different than Rep. Elkins in that staff notes the call from Rep. Elkins was on Tuesday morning and was returned Tuesday morning). Rep. Elkins resent the affidavit to the correct email for Megan Engelhardt on Tuesday, July 28, 2020. If the affidavit of contributions is not accepted, Rep. Elkins' committee will not be paid a public subsidy payment of approximately \$7,163.

Susan Erickson, who is a candidate in District 41A, filed the affidavit of contributions on August 5, 2020. Staff contacted Ms. Erickson on August 5, 2020, to inform her that her committee did not file the affidavit of contributions. Ms. Erickson and her treasurer had not been meeting in person due to the COVID-19 pandemic, and each thought the other had filed the affidavit of contributions. If the affidavit of contributions is not accepted, Ms. Erickson's committee will not be paid a public subsidy payment of approximately \$3,296.

Rep. Kaohly Her, who is a candidate in District 64A, filed the affidavit of contributions on July 28, 2020. Rep. Her believed that her treasurer had filed it with the Board, however, Rep. Her's treasurer is new and thought the pre-primary report was all she needed to file. Rep. Her's treasurer was called by staff about the pre-primary report not being filed yet on July 27, 2020, and the treasurer said she had just filed it. Staff checked and saw that the pre-primary report had been filed and confirmed with the treasurer that we had the report. Staff had also called Rep. Her on July 27, 2020, and left a voicemail stating that we had not received the affidavit of contributions. Around this time, Rep. Her's mother was being admitted into the hospital, and Rep. Her did not have the ability to check voicemails as she was dealing with her mother's health issues. After listening to voicemails on July 28, 2020, she immediately had her treasurer file the affidavit of contributions. If the affidavit of contributions is not accepted, Rep. Her's committee will not be paid a public subsidy payment of approximately \$9,643.

Patrick Zurick, who is a candidate in District 51A, filed the affidavit of contributions on July 29, 2020, using the paper affidavit and on August 5, 2020, using the CFR software. Mr. Zurick contacted staff after the deadline, as he did not realize that the affidavit of contributions was

separate from the pre-primary report. Mr. Zurick had trouble getting the affidavit of contributions to file from the software as it was not showing he had raised enough contributions. Mr. Zurick insisted that his records showed that he had raised enough funds. Staff was able to assist Mr. Zurick in fixing the problem, as he had a few contributions where he had not entered the full address so the software did not know to count them towards the affidavit of contributions. If the affidavit of contributions is not accepted, Mr. Zurick's committee will not be paid a public subsidy payment of approximately \$3,567.

Candidates for Office of State Senator

Julie Dupre, who is a candidate in District 49, filed the affidavit of contributions on August 6, 2020. Staff contacted Ms. Dupre on August 5, 2020, to inform her that her committee did not file the affidavit of contributions. Ms. Dupre and her treasurer both contacted Board staff to inquire further, as the treasurer believed that the pre-primary report was sufficient. After being informed that the affidavit of contributions is separate from the pre-primary report, the treasurer filed the affidavit of contributions using the CFR software. The treasurer states that he is a new treasurer and there was a lot to learn during this difficult year and therefore missed the fact that the pre-primary report was separate from the pre-primary report. Ms. Dupre does have a primary opponent and therefore would have to win the primary in order to possibly receive the public subsidy payment. If the affidavit of contributions is not accepted, Ms. Dupre's committee will not be paid a public subsidy payment of approximately \$7,930.

Omar Fateh, who is a candidate in District 62, filed the affidavit of contributions on July 28, 2020. Mr. Fateh's treasurer states that they mailed the affidavit of contributions in prior to the deadline, but the affidavit of contributions was returned in the mail on July 28, 2020, at which time they took a picture of the affidavit of contributions and emailed the picture to staff. Staff requested that they find the return envelope to provide to staff, but the return envelope cannot be found. Mr. Fateh stated that if it was not for the COVID-19 pandemic, they would have hand delivered the affidavit instead of mailing it. Mr. Fateh does have a primary opponent and therefore would have to win the primary in order to possibly receive the public subsidy payment. If the affidavit of contributions is not accepted, Mr. Fateh's committee will not be paid a public subsidy payment of approximately \$14,150.

Rep. Mary Kunesh, who is a candidate in District 41, filed the affidavit of contributions on August 5, 2020. Staff contacted Rep. Kunesh on August 4, 2020, to inform her that her committee did not file the affidavit of contributions. Rep. Kunesh's treasurer contacted Board staff for assistance. The treasurer stated that she thought that she sent it in with the pre-primary report, but then realized that she couldn't submit it using the information she thought she needed. The treasurer was changing the amount of the contributions on the affidavit of contributions to the total contributions collected, instead of including just the small contributions from Minnesota residents. Board staff assisted the treasurer on August 5, 2020, in resolving the problem and the affidavit of contributions was submitted. If the affidavit of contributions is not accepted, Rep. Kunesh's committee will not be paid a public subsidy payment of approximately \$11,505.

Diane Napper, who is a candidate in District 63, filed the affidavit of contributions on July 30, 2020. Ms. Napper learned that the affidavit of contributions was separate from the pre-primary report around July 30, 2020, and contacted Board staff. Ms. Napper also had issues completing

her pre-primary report as she had used a Mac computer to prepare the spreadsheet, which would not load into the CFR software. Board staff was able to resolve the problem and Ms. Napper was able to file the affidavit of contributions. If the affidavit of contributions is not accepted, Ms. Napper's committee will not be paid a public subsidy payment of approximately \$5,410.

Lucia Marina Vogel, who is a candidate in District 41, filed the affidavit of contributions on August 4, 2020. Staff contacted Ms. Vogel on August 4, 2020, to inform her that her committee did not file the affidavit of contributions. Ms. Vogel was not aware that the affidavit of contributions was separate from the pre-primary report. If the affidavit of contributions is not accepted, Ms. Vogel's committee will not be paid a public subsidy payment of approximately \$6,300.

Any motion to accept any of the late affidavit of contributions from the above candidates will require a vote by the Board.

Attachments

Information from Rep. Steve Elkins
Information from Susan Erickson
Information from Rep. Kaohly Her
Information from Patrick Zurick
Information from Julie Dupre
Information from Omar Fateh
Information from Rep. Mary Kunesh
Information from Diane Napper
Information from Lucia Marina Vogel



Steve Elkins

P.O. Box 398061

Edina, MN 55439

(612) 578-2103

Steve@ElkinsforHouse.com

www.ElkinsforHouse.com

Campaign Finance & Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155-1603

August 6, 2020

Dear Board Members,

I have been advised that my 2020 Affidavit of Contributions was not received by the Midnight deadline on July 27th, despite my best efforts to submit it well in advance of the deadline. I am writing to request that you grant my campaign a dispensation to receive the campaign subsidy which we have otherwise earned.

I attempted to submit my Affidavit of Contributions early, on Friday, July 24th via e-mail and was confident that I had succeeded. On Monday, the 27th I received a Voice Mail from Megan Engelhardt at the Campaign Finance Board to let me know that they had no record of having received my affidavit, so I re-sent it to the email address for Megan, as I heard it on the voice mail (which turned out to be incorrect). Later that night, I received a second voice mail from Megan indicated that she had still not received it so I sent it, a third time, this time to her correct e-mail address; however, that e-mail arrived after the deadline. It appears that my first mail was addressed to cfbreports@state.mn.us instead of cfb.reports@state.mn.us.

The complete email thread is attached. Note that there is no indication of a "bounce message" in this thread, and I could not find one looking elsewhere in my e-mail folders. There was no reason (other than Megan's voice mails) for me to believe that my affidavit had not been received.

As indicated on the attached spreadsheet, I had received almost \$16,000 in contributions from 105 distinct non-lobbyist individuals/couples during 2019 and 2020 (through July 20th).

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Steve Elkins".

Steve Elkins

Elkins for House (Campaign Committee #18349)

P.O. Box 398061

Edina, MN 55439



Steve Elkins <steve@elkinsforhouse.com>

Affidavit of Contributions Elkins HD49B #18349

3 messages

steve@elkinsforhouse.com <steve@elkinsforhouse.com>

Fri, Jul 24, 2020 at 1:27 PM

To: "cfbreports@state.mn.us" <cfbreports@state.mn.us>, Cathy Rollefson <cathyrollefs@gmail.com>, "macy@elkinsforhouse.com" <macy@elkinsforhouse.com>

Dear Sirs,

Please find my Affidavit of Contributions attached.

Sincerely,

Steve Elkins

Representative, House District 49B

Minnesota House of Representatives

515 State Office Building

100 Rev Dr Martin Luther King Blvd

St Paul, MN 55155

651-269-7803 Ofc

**Affidavit of Contributions Elkins HD49B #18349.pdf**

297K

Steve Elkins <steve@elkinsforhouse.com>

Mon, Jul 27, 2020 at 6:03 PM

To: megan.erhardt@state.mn.us

Megan,

I received your VM, this afternoon. Here's another copy of the Affidavit that I submitted on Friday.

Steve Elkins

[Quoted text hidden]

**Affidavit of Contributions Elkins HD49B #18349.pdf**

297K

Steve Elkins <steve@elkinsforhouse.com>

Tue, Jul 28, 2020 at 10:56 AM

To: megan.engelhardt@state.mn.us

7/28/2020

Elkins for House Mail - Affidavit of Contributions Elkins HD49B #18349

----- Forwarded message -----

From: <steve@elkinsforhouse.com>

Date: Fri, Jul 24, 2020 at 1:27 PM

Subject: Affidavit of Contributions Elkins HD49B #18349

To: cfbreports@state.mn.us <cfbreports@state.mn.us>, Cathy Rollefson <cathyrollefs@gmail.com>, macy@elkinsforhouse.com <macy@elkinsforhouse.com>

[Quoted text hidden]

 **Affidavit of Contributions Elkins HD49B #18349.pdf**
297K

From: susan4house41a@gmail.com
To: [Engelhardt, Megan \(CFB\)](#)
Cc: tmskirk@gmail.com
Subject: RE: Affidavit of Contributions
Date: Wednesday, August 05, 2020 3:44:42 PM
Attachments: [Affidavit of Contributions 080520.pdf](#)
[Susan Erickson - Report of Receipts and Expenditures for Principal Campaign Committee - Period 1-1-2020 through 7-20-2020.pdf](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Dear Ms. Engelhardt:

I received your email today regarding my Affidavit of Contributions not being received on time.

I would like to submit this as an appeal to the decision and am providing the following explanation. I collected all the monies required for the subsidy payment and sent all information to my Treasurer, Tim Kirk, in plenty of time to file the required reports. Due to COVID-19 I have not been able to meet with my Treasurer in person, so I provided him with all the contribution information the week before it was due. Tim did file the Report of Receipts and Expenditures for Principal Campaign Committee which was received by the CFB on July 26th (see attached). There was a misunderstanding in our communications where we both thought each other filed the Affidavit of Contributions on July 26th. COVID-19 has certainly complicated this election year for everyone!

In making this appeal I would appreciate your consideration of accepting my attached Affidavit.

Thank you for your consideration.

Susan Erickson

cc: Tim S. Kirk, Treasurer

From: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Sent: Wednesday, August 5, 2020 10:01 AM
To: susan4house41a@gmail.com
Subject: Affidavit of Contributions
Importance: High

Dear Candidate Erickson,

Attached please find a letter being mailed to you today stating that we did not receive your affidavit

of contributions on time. Please contact me if you have any questions. Thanks!

Megan Engelhardt

Assistant Executive Director

Minnesota State Campaign Finance and Public Disclosure Board

190 Centennial Building

658 Cedar Street

St. Paul, MN 55155-1603

651-539-1182

Megan.Engelhardt@state.mn.us



Kaohly Her
48 Mississippi River Blvd N
Saint Paul, MN 55104

August 1, 2013

Campaign Finance and Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
Saint Paul, MN 55155

RE: Kaohly Her Affidavit of Contribution Late Submission

Dear Campaign Finance Board,

I am the current Minnesota State Representative for district 64A. I am serving my first term and running for my second. I am writing to you today to request an exception to my campaign team's late submission of the Affidavit of Contribution report.

Over the course of the last few weeks, there was a convergence of events and issues that led to the late submission of the affidavit. I have laid out the information in chronological order by date so that you can see how the events unfolded.

07/07/20 – I received an email from Colette Milard with the House DFL Campaign which alerted us to the pre-primary finance reporting deadline on 07/27/20. I forwarded that email to Khao Thao (Gaoseng Thao), my campaign Treasurer (**Exhibit 1**).

07/15/20 - I began working with Gaoseng on reconciling our contributions. We addressed two contributions in question by the CFB (**Exhibit 2 – 2 pages**).

07/20/20 - I followed up with Gaoseng on the two contributions. I also asked if we were on track for meeting the reporting deadline (**Exhibit 3 – 2 pages**).

07/24/20 – I followed up with Gaoseng via text clarifying other contribution and expense concerns. At the end of that communication, Gaoseng assured me not to worry and that she would get everything in (**Exhibit 4**).

On that evening, my mother was admitted to the ER. She was in critical condition and the doctors were not sure if she would regain consciousness. COVID-19 meant we couldn't be in the hospital with my mother, so we had to work with the doctors and nurses around the clock via phone. It made caring for her extremely difficult and time consuming.

07/26/20 – Gaoseng texted me saying she was entering everything into CFR and that all reports should be in by that night (**Exhibit 5**).

07/27/20 – They took out my mother’s breathing tube. All of my focus was on her so emails and voicemails went unchecked for days.

07/28/20 – My mother was still with us, breathing on her own, and regained consciousness however, she was still in critical condition.

Later that day, I finally listened to my voicemails from the past few days. Megan Engelhardt, Executive Director of the Minnesota State Campaign Finance and Public Disclosure Board, left me a voicemail on 07/27/20 letting me know that they had not received my Affidavit of Contribution or my Pre-Primary Report. I emailed Megan immediately, explained my situation and asked Megan what I could do to rectify the situation (Exhibit 6 – 2 pages).

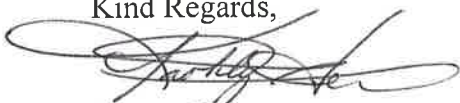
Please note that part of our confusion was a result of correspondence with staff at CFB. Gaoseng said that she spoke with Jodi and asked if she got everything and Jodi said yes. Despite this, at my request, Gaoseng submitted the missing affidavit on 7/28/20. For Gaoseng’s timeline of events, please see Exhibit 7.

All of that said, everyone on the team had the best intention to get our reporting in on time. We learned a great deal through this process. Gaoseng works in accounting but she has never worked on a campaign before. She has been learning as she goes and attends trainings to help with the process. I’m still very new at campaigning and didn’t have enough knowledge to help my campaign team navigate the system. Add on top of that my personal family issue and it created the perfect environment for overlooking the Affidavit of Contribution for submission by 07/27/20.

I do want to share that after the late submission, I spoke with my campaign manager, Halla Henderson, and Gaoseng. We talked through the process, where the break in communication occurred, and what measures we can put into place so that this doesn’t happen again. We identified two key areas. The first is that two emails are being used for communication with CFB. Emails about trainings go to our campaign address but notifications from CFB (e.g. deadlines) go to my personal email. Until we get this straightened out, both Halla and Gaoseng will have access to my personal email to ensure we don’t miss any future communication. The second is we will be more proactive. Megan sent us the calendar of deadlines and which report is due on what date. We’ve entered that information into our campaign calendar and given access to the entire campaign team.

We hope that with this experience and the processes we have put in place that we will avoid future missed deadlines. Our team greatly appreciates your consideration to grant us an exception for missing the deadline of July 27 to submit the Affidavit of Contribution. If you have any questions, I plan to attend the CFB Board meeting and can answer at that time. Again, thank you for your consideration.

Kind Regards,



Kaohly Her



Fw: Finance Report Deadline: July 27th

Team Her <teamher@msn.com>

Tue 7/7/2020 1:16 PM

To: Gaoseng Thao <gaoseng@gmail.com>; hallahenderson@gmail.com <hallahenderson@gmail.com>

Just forwarding in case. Not sure if you know we have a preliminary finance reporting deadline at the end of this month. Let me know if you have any questions.

Kaohly

From: Colette Millard <colette@dfthouse.com>

Sent: Tuesday, July 7, 2020 10:34 AM

To: Melissa Hortman <repmelissahortman@gmail.com>; Ryan Winkler <rwinkler@gmail.com>

Subject: Finance Report Deadline: July 27th

Hello DFL Members and Candidates,

I hope everyone has a good 4th of July weekend. As we crest into the rest of July, I wanted to make sure you and your treasurers are aware of the upcoming **pre-primary finance reporting deadline on July 27th**. Please note the following dates, information, and links:

Due on July 27th:

Affidavit of Contributions: If you signed the public subsidy agreement, you will need to fill out the affidavit to confirm that you raised at least \$1,500 in contributions from eligible Minnesota voters between January 1, 2019, and July 20, 2020, counting only the first \$50 received from each contributor. So you need 30 names of people who donated \$50 or more to your campaign (if you have more small dollar donors, you will need more names). If you don't think you can meet this requirement yet, this is a great opportunity to fundraise using the PCR.

Campaign Finance Report: Your campaign will need to fill out a campaign finance report, we recommend starting this process early so you do not feel rushed as the deadline approaches.

The deadline for raising the money that will go into this report is July 20th. So it is a great opportunity to fundraise for your campaign as you can use it to create a sense of urgency around your ask. Please reach out to your Candidate Services Associate or Red to Blue team member with any questions.

Best,

Coco Millard

Candidate Services Director

House DFL Campaign

C: 952-221-6203

E: colette@dfthouse.com

Exhibit 2
Page 1

Re: Fw: Finance Report Deadline: July 27th

Team Her <teamher@msn.com>

Wed 7/15/2020 7:51 PM

To: Gaoseng Thao <gaoseng@gmail.com>

Cc: hallahenderson@gmail.com <hallahenderson@gmail.com>

I'm glad to hear your family is COVID-19 free. Good to know you are all safe.

As for the letter, can you check our bank records? We've kept copies of all the checks we've deposited. If not, we may need to reach out to Ed Minn and Mdewakatan Sioux to see if that check was ever cashed. I know we've had some issues with checks getting lost and never deposited.

Kaohly

From: Gaoseng Thao <gaoseng@gmail.com>

Sent: Wednesday, July 15, 2020 11:14 AM

To: Team Her <teamher@msn.com>

Cc: hallahenderson@gmail.com <hallahenderson@gmail.com>

Subject: Re: Fw: Finance Report Deadline: July 27th

Good afternoon Kaohly and Halla,

Updates on my end, after my grandmother's funeral, we were told someone who was tested positive came to the funeral. My family and I were tested and we are all negative. Thank God!

There are few things I am working on, first thing we rec'd a letter from the Campaign Finance and Public Disclosure Board that our 2019 reports had discrepancies. I have attached the letter for your review. The 2 contributions they are questioning about aren't listed on the 2019 spreadsheet. Kaohly any thoughts?

Last thing I'm working on is this pre-primary finance report that is due on the 27th.

Gao

Exhibit 2
Page 2

Khao Thao, Treasurer - 18345
Her (Kaohly) for House
1378 Bush Ave
St Paul, MN 55106

Dear Kaohly Her:

On June 08, 2020, a request for information about your Report of Receipts and Expenditures for 2019 was mailed to you. As of today, your written response either has not been received in the Campaign Finance and Public Disclosure Board office, OR additional information is still needed to resolve the discrepancy. Enclosed is a copy of the letter and a tip sheet regarding reconciliation issues.

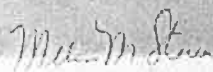
The following discrepancies remain unresolved:

- You did not report receiving anything from Education Mlnn PAC which reported contributing \$250.00 to your committee.
- You did not report receiving anything from Shakopee Mdewakanton Sioux which reported contributing \$300.00 to your committee.

Please review your records to determine if you have reported the contributions correctly. A written response or amended report should be submitted to the Board office by July 24, 2020. Failure to respond to a reconciliation notice may result in a late filing fee of \$25 per day. If you find that your report is correct as filed please email or mail me a short statement of your committee's position. Continued failure to respond to this inquiry may result in an additional civil penalty.

Mail your response to the Campaign Finance and Public Disclosure Board, Centennial Office Bldg, 658 Cedar St, St Paul, MN 55115. You may also fax your response to 651-539-1196 or 800-357-4114 or email to melissa.stevens@state.mn.us

Sincerely,



Melissa Stevens
Compliance Officer

Copy: Candidate
Enclosure

On Tue, Jul 7, 2020 at 1:16 PM Team Her <teamher@msn.com> wrote:

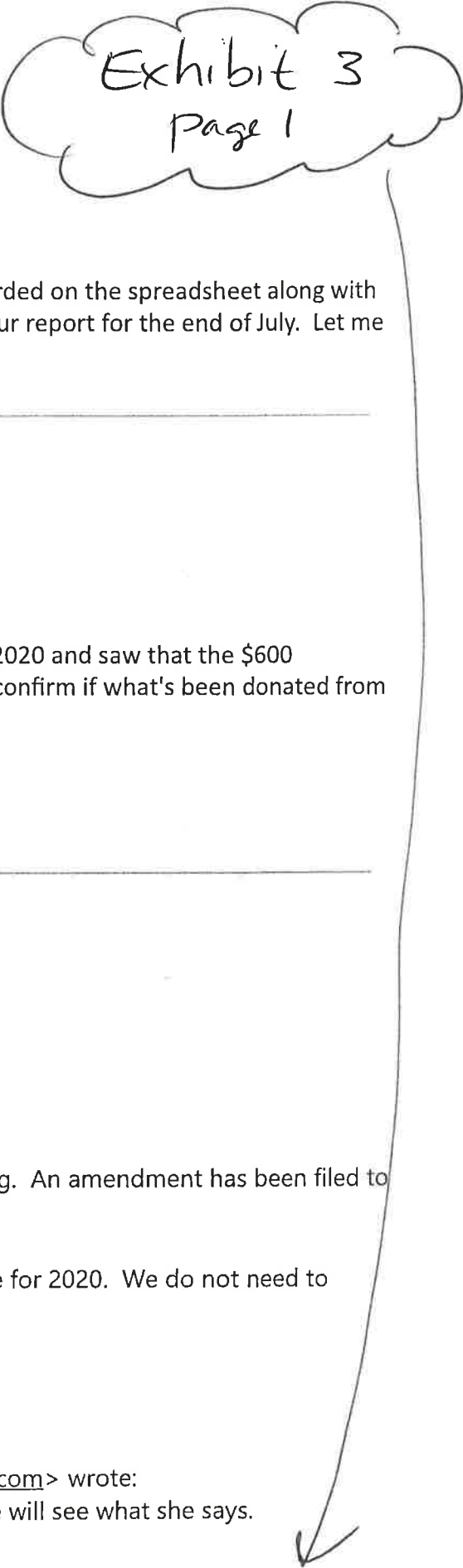


Exhibit 3
Page 1

Re: Campaign Reporting

Team Her <teamher@msn.com>

Mon 7/20/2020 7:13 PM

To: Gaoseng Thao <gaoseng@gmail.com>

Cc: Halla Henderson <hallahenderson@gmail.com>

Looks like the last few Squarespace contributions haven't been recorded on the spreadsheet along with the contributions from PayPal. I think we need to include those in our report for the end of July. Let me know if you need help recording information.

From: Team Her <teamher@msn.com>

Sent: Monday, July 20, 2020 7:01 PM

To: Gaoseng Thao <gaoseng@gmail.com>

Cc: Halla Henderson <hallahenderson@gmail.com>

Subject: Re: Campaign Reporting

Thanks for the update. I was just looking at the contributions from 2020 and saw that the \$600 contribution from Mai Moua was not on the spreadsheet. Can you confirm if what's been donated from SquareSpace has been inputted into the spreadsheet?

Thx.

Kaohly

From: Gaoseng Thao <gaoseng@gmail.com>

Sent: Monday, July 20, 2020 10:53 AM

To: Teamher <teamher@msn.com>

Cc: Halla Henderson <hallahenderson@gmail.com>

Subject: Re: Campaign Reporting

Update:

Shakopee Mdewakanton Sioux was reported but I reported it wrong. An amendment has been filed to correct from individual contribution to political party.

The other contribution from Education Minn PAC is supposed to be for 2020. We do not need to correct this.

Thanks,

Khao Thao, Treasurer 18345

On Mon, Jul 20, 2020 at 9:51 AM Gaoseng Thao <gaoseng@gmail.com> wrote:

I emailed Melissa Stevens, the compliance officer from CFPR. We will see what she says.

On Mon, Jul 20, 2020 at 12:32 AM Teamher <teamher@msn.com> wrote:

Hey. Just checking in to see if you reached out to the two entities that said they send us checks but we didn't report them. While I'm in session I can't do anything campaign related. Just

8/4/2020

Mail - Team Her - Outlook

checking into make sure we stay on track to get our report in. Thx.

Kaohly

Sent from my iPhone

Exhibit 3
page 2



GV

Gaoseng

Exhibit A

Fri, Jul 24, 12:40 PM

What is our balance in the bank account? I don't need exact. Just ball park.

- me

Gaoseng

The other before all the 7/20 deposits came through, we were at \$10,000

Awesome! Thank you.

I was just looking at the contribution report.

I haven't reconciled it yet. They have webinars tomorrow and Sunday for the reporting. So I'm gonna join and most likely send the report in this weekend.

When you make note the payments, note that \$250 was Treasurer stipend for 1/1/20-6/30/20 and other \$250 is Treasurer stipend for 7/1/20-12/31/20.

Ok

What about the payment for Halla? I paid her \$360.

Maybe ask at the testing what is the best way to code this. Since all info is public, I want to make sure people looking at my report know it was fir Halla's work as my campaign manager.

Ok

*training, not testing 😊

I'll take care of it. Don't worry too much. 😊

Exhibit 5



**Fw: Campaign Finance Filing**

Team Her <teamher@msn.com>

Tue 7/28/2020 6:58 PM

To: megan.engelhardt@state.mn.us <megan.engelhardt@state.mn.us>

Cc: gaoseng@gmail.com <gaoseng@gmail.com>; hallahenderson@gmail.com <hallahenderson@gmail.com>

📎 1 attachments (58 KB)

Affidavit of Contribution Kaohly 2020.pdf;

Hi Megan - I just received your voicemail today. My apologies for not responding sooner. My mother recently fell ill and was rushed to the ER at the end of last week. She was in critical condition and was just moved out of ICU today.

Please let me know if you still don't have everything you need. See the email below for confirmation that we submitted the Pre-Primary Report by the deadline. I thought I emailed my Affidavit of Contributions at the same time I sent my Public Subsidy form. I signed them on the same day. Attached is the signed Affidavit.

I did talk with my Treasurer today (7/28) and she said that she spoke with Jodi this morning and Jodi said we had everything in. To be safe, she went in today to also complete the Affidavit through the reporting system. I'm not sure what happened on our end here. My apologies. Let me know what I need to do to make things right regarding this issue.

Kaohly Her

From: gary.bauer@state.mn.us <gary.bauer@state.mn.us>**Sent:** Monday, July 27, 2020 3:50 PM**To:** teamher@msn.com <teamher@msn.com>**Subject:** Campaign Finance Filing

This message confirms receipt by the Campaign Finance & Public Disclosure Board of your campaign finance report described below. This message only confirms that the report was received. The Board has not yet reviewed the report for compliance with campaign finance laws. Thank you for filing electronically.

Registration Number: 18345

Committee Name: Her (Kaohly) for House

Report Year: 20

Report Type: Pre-Primary Report

File Size: 14471168

File Received: Monday, Jul 27 2020 03:25:47 PM

Please Note:

When a board report is filed using the Campaign Finance Reporter software, it may take up to 24 hours for the Board's systems to process the report. Upon successfully receiving a board report an email will be sent to the email address listed as the committee email address as an e-filing confirmation. One day after receiving this conformation, users should perform a download of information from the Board,

Exhibit 6
page 2

which will update the indicator that the report was sent/received.

While using the software, a download may be performed at any time by performing the following:

- On the top menu bar select Tools > File Transfer

- Check the Download Committee Information circle in the Download File Selection, check the All Files circle

- Click the Begin Transfer button



Appeal Notes

1 message

Gooseng Thao <gaoseng@gmail.com>

Fri, Jul 31, 2020 at 9:06 PM

To: Kaohly Her <her4house@gmail.com>, Halla Henderson <hallahenderson@gmail.com>

Kaohly and Halla,

Below is a rough timeline of events that happened on my end. I tried to be as detailed as possible. Please note that the only responses via email was between Colette Millard and I on 7/27/20 otherwise I always just called. It's easier to talk over the phone for me if I had specific questions about the reports.

Anything highlighted in yellow is just an explanation of the actions I took.

Please let me know if you have any questions.

Thanks,
Gooseng

Correspondence Timeline about Pre-Primary Report Deadline

Training email 7/10/20 (via gaoseng@gmail.com and her4house@gmail.com).

Weekend support email 7/22/20 (via gaoseng@gmail.com and her4house@gmail.com). Verbal communication over the weekend with board staff regarding questions with Squarespace and Paypal fees.

Reminder email from Jeff Sigurdson 7/24/20 (via gaoseng@gmail.com and her4house@gmail.com)

Reminder email from Colette Millard 7/27/20 (via gaoseng@gmail.com and her4house@gmail.com). Colette emailed to ask about the affidavit of contributions and pre primary. I replied back saying that the report was submitted around 2pm and asked if she could confirm it was received. Colette replied back with a thanks.

Reminder email from Gary Bauer/Megan Engelhardt (via teamher@msn.com and voicemail to Kaohly. I did not receive this email or call).

Reminder call from Jodi on 7/27/20 (voicemail from Jodi on Gooseng's cell). I returned Jodi's call but got no response, only her voicemail. I left a message asking her to give me a call back to confirm our reports. Also Jodi's voicemail included a message saying that "I know you have been in touch with Andrew and Melissa from our office and after all the reports get processed today and tomorrow I know they're going to turn their attention to that other issue you contacted us about". After I asked her for confirmation I kindly mentioned that I didn't report any issues and I was sure what she was talking about.

Jodi returned the call from Gooseng on 7/28/20. A confirmation from Jodi said reports were received and that she was sorry she had a mixup about which committee she was contacting.



August 5, 2020

Megan Engelhardt

Assistant Executive Director

Campaign Finance Board

658 Cedar Ave.

St. Paul, MN 55155

Ms. Engelhardt,

Thank you for your consideration regarding the public subsidy. As we discussed much of the issues, I had with getting the information submitted had to do with my inexperience. I had submitted all the receipts and expenditures on the evening of July 25th as part of the pre-primary reporting process on the CF Reporter software. I believed that is all that was necessary to be compliant for the Campaign Subsidy.

On Tuesday July 28th, I went into the software to enter a receipt and the message I received back said I had to send the contribution to the Campaign Finance Board. I began to investigate the issue and discovered the tab for the Affidavit of Contributions. I could not submit the Affidavit because it was showing a contribution amount \$40 less than I would need to reach the amount needed to qualify for the subsidy. I was showing an average of \$200 above the amount needed for the subsidy.

The next morning July 29th I contacted the Campaign Finance Board and talked to Melissa Stevens. She instructed me to submit my paperwork showing what I had as contributions and to go online and print out a copy of the Affidavit and submit that. I sent that in on July 30th to Melissa Stevens attention to arrive on July 31st. Melissa also informed me that I would have to go to the board meeting on August 14th to have the Subsidy approved for my campaign.

On July 29th Megan Engelhardt left me a message regarding the missing affidavit. We talked on July 30th and I added additional information to the packet including a bank statement and a summary of the discrepancy between what the Affidavit tab was showing and what I was showing. Megan was on vacation and said she would look at it on Monday August 3rd and we should touch base at that time.

On August the 3rd I was not feeling well. Between discussions with nurses, doctors, and online diagnosis it was determined that I should go in for a COVID test. It was 5:30 when everything was completed and we did not touch base. We were able to talk on August 5th and Megan went through what the problem may be. I had three contributors that did not have complete addresses and one contributor over \$200 that did not have an employer listed (she is retired thus when she was entered, I did not enter an employer). The corrections were made, and an amended Pre-primary Report was submitted along with the Affidavit of Contributions which I now could submit because I had reached the minimum requirement.

I thank you for the consideration. The expenditures and receipts were submitted in a timely manner and the minimum was reached. I am responsible for four administrative errors and believing that the submission of the pre-primary report completed my responsibility for obtaining the subsidy. The amended report utilized the same information as submitted on the original report as submitted on July 25th without changes other than addresses and the one employment addition.

I am hoping this clarifies this matter and that I will receive the Campaign Subsidy.

Thank you,

Patrick J. Zurick

Candidate for the Minnesota State House of Representatives

District 51A

From: [Wayne Wenger](#)
To: [Engelhardt, Megan \(CFB\)](#)
Subject: Affidavit of Contribution for Julie Dupre
Date: Thursday, August 06, 2020 11:36:18 AM

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Megan and the Campaign Finance Board,

I am the treasurer for Julie Dupre's campaign for Senate. It is my first time and there is much to learn. Until our campaign received a letter from Megan, I was unaware that we needed to file an Affidavit of Contribution on 7/27/2020. My focus was on the pre-primary report which we turned in on 9/24. Your online videos have been helpful to me. I reviewed the "Generating and Filing Reports" video and followed it in preparing my pre-primary report. I don't recall seeing anything there regarding the Affidavit of Contribution. I was mistaken in thinking that the pre-primary report covered what you needed in the Affidavit and didn't realize that I had missed a step.

Yesterday we received an email from Megan stating that our Affidavit was missing. I looked at the video and filled out the Affidavit. We had met our fund-raising goal.

I ask that you accept our Affidavit of Contribution for the Julie Dupre for Senate campaign. I apologize for not turning it in on time. It will not happen again. This is a challenging year for a new treasurer. The normal tools I would have to learn from are not available. However, when I have contacted the CFB staff, they have been extremely helpful.

Wayne Wenger
Treasurer for the Julie Dupre for Senate (SD49) campaign

My name is Omar Fateh. I'm currently a candidate for Minnesota Senate in District 62. In 2018 I was a candidate for the Minnesota House in District 62A. There are two items here we need to address pertaining to two distinct campaign committees so I will take these issues separately. Both issues have taken a toll on our volunteer treasurer. He has requested that we find a new treasurer and we are in the process of finding and onboarding somebody new.

The Omar Fateh House Committee was issued a late fee and civil penalty for a total of \$2000 for a late year-end report for the year 2018. Like many grassroots campaigns, we could not afford to hire a professional accountant and our treasurer was a volunteer and family friend. Our campaign ended in August 2018 when we lost the primary. There were no longer regular meetings with regard to the campaign, people largely moved on. We closed down our PO Box, and so on. The campaign staff was no longer on payroll and I returned to my work life. My defunct campaign committee was not the first thing on my mind, though I knew we still had to file a closing report and formally end the campaign committee from the perspective of the MN CFB. I did check in with the treasurer Mohamed Adam about filing the report. He told me he would take care of it. The subsequent notices that it had not been filed did not get to us because they were being sent either to Mohamed Adam or our old PO Box. This was an unfortunate mistake and as when we were aware of the situation we made sure to file the report. I knew we had accrued fees for the report when we started working with the CFB again in late 2019 to prepare for a new race. The CFB staff was diligent in pursuing the issue and we were talking early in the year about the process to request a waiver, but COVID-19 really disrupted a lot of the normal flow of business and normal channels. As normal business is resuming and we are in the middle of a tough election, we want to finally put this issue behind us.

The Omar Fateh Senate Committee is requesting that the CFB accept our Affidavit of Contributions which was received one day late. It was sent via mail in mid July and got returned to sender. As soon as we got word that the mail had bounced back we took a picture and emailed it. We typically would have submitted the affidavit in person if not for the issue of COVID-19. I hope you will grant us some clemency in this crazy times and accept our one-day-late affidavit.

From: [Patrice Kunesh](#)
To: [Engelhardt, Megan \(CFB\)](#)
Cc: [Patrice Kunesh](#)
Subject: Mary Kunesh Senate District 41 Committee - Affidavit of Contributions
Date: Wednesday, August 05, 2020 10:50:59 AM

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Meghan Engelhardt, Assistant Executive Director

Minnesota State Campaign Finance and Public Disclosure Board

190 Centennial Building, 658 Cedar Street

St. Paul, MN 55155-1603

Re: Mary Kunesh Senate District 41 Committee, Reg. 18500

Dear Ms. Engelhardt,

I am the treasurer for the Mary Kunesh Senate District 41 Committee. On July 24, 2020, I submitted the Committee's Campaign Finance Report, a few days before the July 27th deadline. At that time, I thought I also had submitted the affidavit of contributions for Candidate Mary Kunesh to receive the public subsidy. She has filed her application for the public subsidy and has raised sufficient funds to qualify for those funds.

Yesterday Candidate Kunesh was informed that her campaign did not qualify for the subsidy because no affidavit of contributions had been filed. I immediately contacted your office to inquire about this issue. Apparently, I did not understand how to use the campaign finance reporting program correctly, particularly with respect to the program's pre-loaded amount of qualifying contributions. I had tried changing the contribution number in the system, which it would not accept. Thus no final affidavit was submitted.

This morning, with better information, I successfully submitted the affidavit online.

I am writing today to request consideration from the Campaign Finance Board of accepting my late affidavit of contributions on behalf of the Mary Kunesh campaign due to my misunderstanding of the reporting program. Although I had tried to submit the affidavit, I should have sought further assistance from your office.

I believe this particular matter warrants reconsideration due to inadvertence and a technical miscalculation on my part. I submitted the campaign finance report on time, had attempted to submit the affidavit of contributions, and the campaign has otherwise qualified for the subsidy. If possible, I also would appreciate an opportunity to address the Board on this matter.

Sincerely yours,

Patrice Kunesh

patrice.kunesh@gmail.com

612-772-4165

From: [Diane Napper](#)
To: [Engelhardt, Megan \(CFB\)](#)
Date: Tuesday, August 04, 2020 3:12:46 PM
Attachments: [anedot_donations_20200731162602.pdf](#)

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Dear Ms. Engelhardt,

I am writing to appeal to the Campaign Finance Board that the deadline for filing my Affidavit of Contributions be waived. As a first-time Candidate and Treasurer, I was unaware of how difficult it would be to upload the contributions I received from my online processing company into the CFR software. As such, I was only able to enter \$1,660 in individual contributions (received personally) by the deadline. I was advised by a Campaign Finance Board staff member that if I was having problems, to file the Pre-Primary Report on time, and then submit an amended report, which is what I did. I began hand entering my online donations on July 28 before contacting the staffer to try again.

After several attempts to upload my file, the staffer and I determined that the trouble I was having was due to the .CSV file being created on a Mac computer and not being able to be read correctly by the CFR software. Once this was addressed, the file uploaded correctly. This explains the difference in the \$6,790 that appears on my amended report. NOTE: There was one other donation I received that I entered by hand because I wasn't sure how to enter it until July 28.

Attached is a PDF showing all of the contributions that were made online beginning in February 2020, clearly indicating that I did indeed meet the requirement for the public subsidy prior to July 20.

I ask for your consideration in waiving the deadline for the Affidavit of Contributions filing.

Thank you.

Diane

Diane Napper
Minnesota State Senate Candidate - District 63
612-361-7624
www.nappermn63.com

From: [RON VOGEL](#)
To: [Engelhardt, Megan \(CFB\)](#)
Subject: RE: Candidate Lucia Vogel senate 41
Date: Tuesday, August 04, 2020 9:25:45 PM

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Dear Megan Engelhart,

The Committee received well over the \$3,000 to qualify for the subsidy.

This is my first time running for office, and the Financial Report is rather complicated to complete with listing all the names and addresses of donors.

I did have over enough to qualify for the state subsidy, I received an email from the campaign finance filing dated July 27 at 10:35:28 PM, and I assumed because it said it stated the report was filed that it was finished and complete.

However, as you pointed out I missed submitting the Affidavit of Contributions from the Reports at the time as I was not aware of this requirement, also at the time I assumed because the donations were listed and I certified the financial report it was complete to obtain the subsidy by having well over the required amount needed in donations. So yes, I did certify by the report the donations I received in this way I believe, and ask for your reconsideration. I did go on the financial reporter tonight and checked it, and signed it and checked to certify it. Please reconsider your Board's decision after all the hard work my workers and contributors did to achieve this goal for my campaign in obtaining over the required amount needed for the state subsidy.

Thank you,

Lucia Vogel



MINNESOTA CAMPAIGN FINANCE BOARD

Date: August 7, 2020
To: Board members
Counsel Hartshorn
From: Andrew Olson, Legal/Management Analyst
Subject: Enforcement report for consideration at the August 14, 2020 Board meeting

A. Consent Items

1. Administrative termination of lobbyist Kristian Dahl (4266)

Otter Tail Power Company informed Board staff that Mr. Dahl passed away in February 2020. Board staff terminated Mr. Dahl's lobbyist registration effective February 9, 2020. A reporting lobbyist for the same principal filed a disbursement report inclusive of Mr. Dahl covering the first reporting period in 2020.

2. Administrative termination of lobbyist Simon Wlodarski (4329)

Bank of America Corporation requested that the lobbyist registration of Mr. Wlodarski be terminated as he is no longer lobbying due to being deployed overseas with the Army National Guard. The principal's Senior Vice President, Public Policy, completed a lobbyist termination statement on Mr. Wlodarski's behalf and a disbursement report was filed for Mr. Wlodarski covering the first reporting period in 2020. Board staff terminated Mr. Wlodarski's lobbyist registration effective May 31, 2020.

B. Discussion Items

1. Balance adjustment request – Otter Tail County RPM (20770)

A request for a cash balance adjustment of over \$200 must be brought to the Board for approval. This party unit reported an ending cash balance for 2018 of \$5,820.69 but only had \$4,508.81 in its bank account as of the end of 2018. The party unit's treasurer, who assumed that role in February 2019, has reviewed the financial records available to her but has been unable to ascertain the source of the discrepancy. The cash balances stated on the party unit's periodic reports have not matched its own financial records for several years. For example, there was a discrepancy of over \$1,600 at the end of 2015. The party unit is requesting that its 2018 ending cash balance be adjusted downward by \$1,311.88 from \$5,820.69 to \$4,508.81. The treasurer has provided documentation showing that \$4,508.81 was the balance in the party unit's bank account as of the end of 2018. The party unit has already filed an amended 2019 year-end report that lists a beginning cash balance of \$4,508.81.

2. Request for second residence waiver – Sue Finney

Ms. Finney is a candidate for the Minnesota House of Representatives. She filed her original statement of economic interest on June 10, 2020. Ms. Finney also submitted a request under Minnesota Statutes section 10A.09, subdivision 9, to waive the requirement that she disclose the address of her second residence. Ms. Finney stated that the property in question is located in a rural area and is sometimes occupied by her children and grandchildren. She does not want them to be exposed or approached by unknown people.

3. Request to refer matter to the Attorney General's Office – NARAL Pro-Choice Minnesota

The NARAL Pro-Choice Minnesota Election Fund (NARAL PCMEF) (30552) is a political fund and NARAL Pro-Choice Minnesota (NARAL PCM) (30638) is the name of an independent expenditure political fund. The supporting association of each fund is NARAL Pro-Choice Minnesota. Political funds are not required to file a periodic report with the Board if the fund had no financial activity during the filing period. Two candidate committees filed reports disclosing contributions given by the NARAL PCMEF in 2018, which required the NARAL PCMEF to file two reports of receipts and expenditures covering the reporting periods in which the contributions were given. Because the NARAL PCMEF had not filed any reports covering 2018, the executive director opened a staff review in August 2019. A 2018 year-end report was filed for the NARAL PCMEF in September 2019, but that report reflected a discrepancy in excess of \$750 between the 2018 beginning cash balance and the ending cash balance listed on the most recent previous report. NARAL Pro-Choice Minnesota provided a spreadsheet and bank statements for a bank account that was shared by the two funds. Those records reflect that 2016 and 2014 year-end reports were required to be filed by one of the funds. The records allowed Board staff to compile a total of seven draft reports covering the years 2013, 2014, 2016, and 2017. Those draft reports would resolve multiple cash balance discrepancies and other reporting issues, but a balance discrepancy of \$259.37 would remain between the reported 2012 ending cash balance and 2013 beginning cash balance of NARAL PCM.

A letter was emailed to NARAL Pro-Choice Minnesota's executive director, Maggie Meyer, on March 24, 2020, encouraging her to sign and return the draft amended reports along with a request for a balance adjustment, and if she wished, a request to waive or reduce the \$4,000 owed for late filing fees for required reports that were not timely filed. The letter also informed Ms. Meyer that NARAL Pro-Choice Minnesota owes a \$1,000 late filing fee and a \$1,000 civil penalty for its 2018 annual report of lobbyist principal. The March 24 letter was followed by emails on April 7, 2020, and May 15, 2020. Voicemails were left for Ms. Meyer on April 20, 2020, and May 15, 2020.

NARAL Pro-Choice Minnesota also has yet to file its 2019 annual report of lobbyist principal, which was due March 16, 2020, and the maximum late filing fee and civil penalty of \$1,000 each have accrued for that report. A letter was mailed and emailed to Ms. Meyer on May 22, 2020, stating that Board staff would request referral to the Attorney General's Office unless she filed accurate amended reports of receipts and expenditures for the two funds and filed a 2019 annual report of lobbyist principal for NARAL Pro-Choice Minnesota. Board staff has not received any response from Ms. Meyer since March 2, 2020. Staff is asking the Board to refer the matter to the Attorney General's Office to seek an order compelling:

- The filing of the following reports for the NARAL PCMEF:

- 2014 year-end report
- 2016 year-end report
- 2017 year-end report
- The filing of the following reports for NARAL PCM:
 - amended 2013 year-end no-change statement
 - 2014 year-end no-change statement
 - 2016 year-end report
 - amended 2017 year-end no-change statement
- The filing of the following report for NARAL Pro-Choice Minnesota:
 - 2019 annual report of lobbyist principal

Payment of late filing fees totaling \$6,000 and civil penalties totaling \$2,000.

4. Request to refer matter to the Attorney General’s Office – Sandra (Sandi) Blaeser

Ms. Blaeser was appointed to the Public Employment Relations Board in 2014 and was appointed again in 2017. She has failed to file annual statements of economic interest covering 2018 and 2019, which were due January 28, 2019, and January 27, 2020, respectively. Ms. Blaeser has incurred the maximum late filing fee of \$100 and the maximum civil penalty of \$1,000 for each of the two statements, making the total amount owed \$2,200. Staff is asking the Board to refer the matter to the Attorney General’s Office to seek an order compelling filing of the two EISs and payment of the balance owed.

5. Request to refer matter to the Attorney General’s Office – Steve Laitinen

Mr. Laitinen was elected to the Anoka Soil and Water Conservation District Board of Supervisors in 2016. He has failed to file annual statements of economic interest covering 2018 and 2019, which were due January 28, 2019, and January 27, 2020, respectively. Mr. Laitinen has incurred the maximum late filing fee of \$100 and the maximum civil penalty of \$1,000 for each of the two statements, making the total amount owed \$2,200. Staff is asking the Board to refer the matter to the Attorney General’s Office to seek an order compelling filing of the two EISs and payment of the balance owed.

C. Waiver Requests

#	Committee/ Entity	Late Fee/ Civil Penalty	Report Due	Factors	Prior Waivers	Recommended Action
1	Patricia Jirovec McArdell (Senate candidate)	\$50 LFF	Original EIS	Candidate filed affidavit of candidacy 5/19/2020, making the EIS due 6/2/2020. Candidate states she mailed the EIS before the due date but Board staff do not have a record of receiving it. CFB staff was not provided a copy of the affidavit in a timely manner so the candidate was not contacted until 6/30/2020, after the grace period ended, and she filed the EIS the same day.	No	Waive

2	Tyler Becvar (Senate candidate)	\$65 LFF	Original EIS	Candidate filed affidavit of candidacy 6/2/2020, making the EIS due 6/16/2020. Candidate states he provided his completed EIS by the due date to Dodge County. CFB staff was not provided a copy of the affidavit in a timely manner nor was the EIS forwarded. The candidate was not contacted until after the due date and EIS was filed 7/20/2020.	No	Waive
3	David Pulkrabek (Senate candidate)	\$5 LFF	Original EIS	Candidate filed affidavit of candidacy 5/22/2020, making the EIS due 6/5/2020. CFB staff was not provided a copy of the affidavit in a timely manner so the candidate was not contacted until 6/22/2020, after the grace period ended, and he filed the EIS the same day.	No	Waive
4	Brian Hile (Senate candidate)	\$20 LFF	Original EIS	Candidate filed affidavit of candidacy 5/20/2020, making the EIS due 6/3/2020. CFB staff was not provided a copy of the affidavit in a timely manner so the candidate was not contacted until after the grace period ended. EIS was filed 6/22/2020.	No	Waive
5	Kale Severson (Mississippi WMO)	\$100 LFF \$1,000 CP	Original/2019 Annual EIS	Official is a Minneapolis Park and Recreation Board Commissioner and he filed an EIS as a local official with the MPRB in January 2020. He did not realize he also needed to file an EIS as a public official with the CFB as a result of being appointed as an alternate Mississippi WMO Commissioner by the MPRB in 2019. The EIS was due 1/27/2020 and on 5/28/2020 Board staff was provided a copy of the EIS he filed as a local official. Official is no longer a Mississippi WMO Commissioner.	No	Waive LFF and CP
6	Tamela Walhof (3158)	\$75 LFF	1st 2020 Lobbyist	Lobbyist has been dealing with medical issues for months, likely caused by COVID-19, and has spent much of that time on leave. The report was due 6/15/2020 and was filed 6/18/2020 after the lobbyist was contacted by Board staff.	No	Waive
7	Steffany Stern (4695)	\$100 LFF	1st 2020 Lobbyist	Lobbyist went on maternity leave earlier than expected and was on leave when the report came due. The report was due 6/15/2020 and was filed 6/19/2020 after the lobbyist was contacted by Board staff.	No	Waive
8	Brian Pietsch (359)	\$100 LFF	1st 2020 Lobbyist	Lobbyist was working remotely with unreliable mail service due to COVID-19 and doesn't recall receiving an email reminder. The report was due 6/15/2020 and was filed 6/19/2020.	No	Waive
9	Benjamin Feist (3022)	\$425 LFF	1st 2020 Lobbyist	Lobbyist was working remotely due to COVID-19, missed the mailed notice, and did not receive email reminders about the report. The report was due 6/15/2020 and after receiving a letter in July he promptly filed the report 6/19/2020.	No	Waive

10	AIG, Inc. (2800)	\$1,000 LFF \$1,000 CP	2019 Lobbyist Principal	There was a change in the person responsible for filing the report, that person was unable to travel to obtain paper files related to filing deadlines due to COVID-19, and the receipt of mailed notices was significantly delayed due to working remotely as a result of COVID-19. The report was due 3/16/2020 and was filed 5/13/2020.	No	Waive
11	DFL Disability Caucus (41142)	\$50 LFF	2020 Pre- Primary	Treasurer was having internet connectivity issues the day the report was due and filed a paper report via email an hour after the midnight deadline. The committee reported a cash balance of \$1,057 as of 7/20/2020.	\$150 LFF waived in August 2016 because treasurer was hospitalized	Waive
12	Somali American Women PAC (41235)	\$1,000 LFF \$1,000 CP	2020 1st Quarter	Committee was registered in February 2020. Committee was in the process of creating procedures to track filing deadlines and was dealing with disruptions caused by COVID-19 when the report came due 4/14/2020. A no-change statement was filed 6/18/2020. The committee had not accepted any contributions or made any disbursements as of 7/20/2020.	No	Waive LFF and CP
13	Minnesota Farm Bureau PAC (70038)	\$425 LFF	2020 1st Quarter	Association that operates the committee closed its office in March pursuant to the stay-at-home order and its staff was unable to access the files needed to complete the report remotely. The report was due 4/14/2020 and a no-change statement was filed electronically 5/7/2020. The committee sent a check for \$425 and has reported zero financial activity since 2016 aside from that payment. The committee reported a cash balance of \$6,670 as of 7/20/2020.	\$450 LFF waived in Sept. 2012 due to software issue	Waive
14	Stinson LLP Political Fund (41121)	\$875 LFF	2020 1st Quarter	Person responsible for preparing the report overlooked the filing deadline due to disruptions caused by COVID-19. The report was due 4/14/2020 and was filed 6/3/2020. The fund reported a cash balance of \$16,270 as of 7/20/2020.	No	Waive
15	Burnsville Chamber PAC (70028)	\$400 LFF	2020 1st Quarter	Treasurer did not see the filing deadline reminder email while working remotely due to COVID-19. The report was due 4/14/2020 and a no-change statement was filed 5/26/2020. The committee reported a cash balance of \$183 as of 7/20/2020.	No	Waive

16	Leech Lake PAC (40889)	\$900 LFF	2020 1st Quarter	Person responsible for preparing the report overlooked the filing deadline due to disruptions caused by COVID-19 including staff furloughs. The report was due 4/14/2020 and a no-change statement was filed 6/4/2020. The committee reported a cash balance of \$14,923 as of 7/20/2020.	\$225 LFF waived in Mar. 2020 due to cyberattack; \$350 in LFFs waived in October 2014 due to staff turnover; \$450 LFF waived in June 2014 due to death of employee who assisted with reports	Waive
17	Republican Liberty Caucus of Minnesota (41012)	\$200 LFF	June 2020	Treasurer didn't receive the mailed notice and didn't see the email reminders prior to the deadline because he had set up a filter to only capture emails from a former Board staff member. He was also distracted by recent civil unrest and COVID-19. The report was due 6/15/2020 and was filed 6/25/2020. The committee reported a cash balance of \$3,850 as of 7/20/2020.	\$50 LFF waived in June 2013 due to Treasurer's health issues	Waive
18	Building a Greater Minnesota (41151)	\$1,000 LFF	2020 1st Quarter	Treasurer thought he had terminated the committee and was preoccupied with trying to save his business during the COVID-19 pandemic. The committee didn't have any financial activity in 2018 or 2019. Once the treasurer realized the committee was still active he spent \$100 to get below the threshold needed to terminate and filed the 2020 1st Quarter report and a termination report 6/11/2020. The report was due 4/14/2020.	No	Waive
19	Patrick Murphy (House staff)	\$100 LFF \$1,000 CP	2019 Annual EIS	Official is the chief clerk of the House of Representatives. The delay in filing the EIS was due in part to disruptions caused by COVID-19. The EIS was due 1/27/2020 and was filed 4/1/2020, shortly after the civil penalty was imposed.	No	Waive LFF and CP
20	Veterans Party of Minnesota (41178)	\$1,000 LFF \$1,000 CP	2020 1st Quarter	Treasurer has been deployed overseas on active military duty since early 2020. Deputy treasurer states that the treasurer doesn't receive email in a timely manner and his mail isn't being forwarded, thus he didn't know a report was due. The deputy treasurer likewise didn't know that a report was due and the committee wasn't holding meetings when the report came due as a result of COVID-19. The report was due 4/14/2020 and a no-change statement was filed 6/15/2020, at the same time as filing the June 2020 report. The committee reported a cash balance of \$835 as of 7/20/2020.	\$1,600 consisting of LFFs and a CP for 2 reports waived in Nov. 2018 because treasurer and chair were both on active military duty	Waive LFF and CP

21	Constitution Party of Minnesota (40855)	\$1,000 LFF \$1,000 CP	2020 1st Quarter	Treasurer said there was confusion as to who would be responsible for filing reports covering 2020. The report was due 4/14/2020 and was filed 6/13/2020, at the same time as filing the June 2020 report. The only transaction disclosed by the report was a \$227 expenditure for web hosting. The committee reported a cash balance of \$744 as of 7/20/2020.	No	Waive CP and reduce LFF to \$250
22	SE MN DFL Senior Caucus (41065)	\$200 LFF	June 2020	New treasurer overlooked the due date of the report, which was 6/15/2020. A no-change statement listing a cash balance of \$1,379 was filed 6/24/2020. Over the past 4 years the committee has averaged approximately \$280 in total receipts per year.	\$1,200 consisting of LFF and CP for 1 report waived in May 2018 due to illness and death of Chair	Reduce LFF to \$50
23	Fateh (Omar) for House LLC (18178)	\$1,000 LFF \$1,000 CP	2018 Year-End	Candidate states treasurer told him he would file the report and candidate didn't receive notices informing him the report was not filed because he closed his PO Box which was the mailing address the Board was provided for candidate. A 2018 year-end report as well as a termination report were filed 11/1/2019. The 2018 year-end report disclosed over \$25,000 in contributions and over \$39,000 in expenditures that occurred after the period covered by the committee's pre-primary report. The candidate's Senate committee reported a cash balance of \$1,767 as of 7/20/2020.	No	Waive CP leaving \$1,000 LFF

D. Informational Items

1. Payment of civil penalty for contribution from unregistered association without required disclosure

Minnesota Horsemen's Benevolent & Protective Association, Inc., \$375
 Bakk (Thomas) for Senate, \$100
 Mike Nelson Volunteer Committee, \$100
 Elect Albright (Tony) Committee, \$100
 Citizens for (Dan) Sparks, \$100
 Tabke (Brad) for MN, \$100

2. Payment of late filing fee for 2020 pre-primary report of receipts and expenditures

Metro Grassroots Outreach Partnership, \$50
 Lyon County DFL, \$50

3. Payment of late filing fee for June 2020 report of receipts and expenditures

Friends of Minnesota Nurse Anesthetists, \$75
 PROGRESSPPAC, \$25

Painters Union Local No 61 Political Action, \$25
TwinWest Chamber of Commerce PAC, \$25
TwinWest Business Advocacy Fund, \$25

4. Payment of late filing fee for 2020 1st quarter report of receipts and expenditures

Minnesota Farm Bureau PAC, \$425
TwinWest Chamber of Commerce PAC, \$400
TwinWest Business Advocacy Fund, \$400
Minnesota Thoroughbred Association PAC Fund, \$350
Committee of Thirteen Legislative Fund, \$75
Plumbers & Steamfitters Local 11 PAC Fund, \$75

5. Payment of of late filing fee for special election cycle-end report of receipts and expenditures due March 2, 2020

Neighbors for Sonia (Neculescu), \$175

6. Payment of late filing fee for 2019 year-end report of receipts and expenditures

Neighbors for Ruben (Vazquez), \$575
Nels (Pierson III) for House, \$450 (failure to timely file an amended report)
Lower Sioux Political Education Fund, \$350
Bonita Jones for House, \$225
Volunteers for Phyllis Kahn, \$75
Dolly Matten for House of Representatives Dist 10A, \$50
Mahlstedt (Dean) for Senate, \$25
Friends of (Frank) Crusing for MN State Representative, \$25
Gary Porter For House, \$25
Carolyn Laine for Senate, \$25

7. Payment of late filing fee for special election pre-primary report of receipts and expenditures due January 14, 2020

Neighbors for Sonia (Neculescu), \$50

8. Payment of late filing fee for 2018 year-end report of receipts and expenditures

Diesslin (Elise) for 21B, \$25

9. Payment of late filing fee for 2018 pre-general report of receipts and expenditures

Pine County DFL (HD 11B), \$500

10. Payment of late filing fee for lobbyist disbursement report due 6/15/2020

Charles Weaver (Coalition of MN Businesses, Inc.), \$75

Charles Weaver (MN Business Partnership, Inc.), \$75

11. Payment of late filing fee for lobbyist principal report due 3/16/2020

LifeSource, Inc., \$800

Campus Management, \$50

Minnesota Association of Naturopathic Physicians, \$25

12. Payment of late filing fee for original EIS

Rep. Carlos Mariani, \$100

David Lion, \$65

Erin Murphy, \$5

Chris Wright, \$5

Eric Wessels, \$5

13. Forwarded anonymous contribution

Kelly Morrison for Minnesota House, \$100

Jon Olson for MN Senate, \$50



June 23, 2020

Marcia Waller
Programs Administrator
marcia.j.waller@state.mn.us

Subject: Removal of Registered Lobbyist – Kristian Dahl (#4266)

Dear Marcia:

Mr. Kristian Dahl has been registered to lobby for Otter Tail Power Company on Administrative Issues at the Minnesota Public Utility Commission. Unfortunately, Mr. Dahl passed away on February 9, 2020. His name should be removed from Otter Tail's list of registered lobbyists.

Sincerely,

Loren Laugtug
Principal Lobbyist
Otter Tail Power Company
218-205-0162

Minnesota Campaign Finance Board

190 Centennial Office Building, 658 Cedar St, St Paul, MN 55155 <https://cfb.mn.gov/>



STATE OF MINNESOTA
CAMPAIGN FINANCE BOARD

Lobbyist Termination Statement

Filing instructions

- This statement must be completed and filed with a Lobbyist Disbursement Report when terminating a lobbyist registration.
- This form may be emailed to cf.board@state.mn.us or faxed to 651-539-1196 or 800-357-4114.
- All information on this form or report is public information and may be published on the Board's website at <https://cfb.mn.gov/>
- Do not use pencil or red ink to complete this form.
- Board staff may also be reached by phone at 651-539-1187 or 800-657-3889 or by email at cf.board@state.mn.us.

Lobbyist information

Name of lobbyist Simon Wlodarski		Registration number 4329	
Address 135 S La Salle St, 3rd Floor, IL4-135-03-62			
City, state, zip Chicago, IL 60603		Telephone (Daytime) 312-992-2362	
Name of association, individual, political subdivision or public higher education system represented Bank of America Corporation		Registration number 6657	

Date of termination: May 31, 2020

Certification

Wendy Y. Jamison on behalf of Simon Wlodarski
I, Wendy Y. Jamison, certify that this report is complete, true, and correct.
Print or type name of lobbyist

Wendy Y. Jamison
Signature of lobbyist

6/16/2020
Date

Any person who signs and certifies to be true a report or statement which the person knows contains false information, or who knowingly omits required information, is subject to a civil penalty imposed by the Board of up to \$3,000 and is subject to criminal prosecution for a gross misdemeanor.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180, 800-657-3889, or through the Minnesota Relay Service at 800-627-3529.

Designated lobbyist status

I was the designated lobbyist for this association.

Lobbyist reporting status

Complete one of the following three sections

I was a self-reporting lobbyist and:

I have no disbursements to report for the current reporting period.

OR

I have enclosed a Lobbyist Disbursement Report disclosing disbursements made during the current reporting period.

Lobbying disbursements made by me during the period from the last report filed through my termination are being reported by:

Name of lobbyist: _____ Lobbyist registration #: _____

I was the reporting lobbyist for:

Name of lobbyist(s) I reported for	Lobbyist reg. #

The enclosed Lobbyist Disbursement Report includes disbursements made by the lobbyists I am authorized to report for.

OR

The enclosed Lobbyist Disbursement Report does not include disbursements made by the lobbyists I am authorized to report for.

Otter Tail County RPM (20770)

From: dawn anderson <dawnanderson0071@gmail.com>

Sent: Monday, July 27, 2020 11:19 AM

To: Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us>

Subject: Re: MN Campaign Finance Board-2019 Year-End Report-Incorrect Beginning Balance-Otter Tail County RPM #200770

Yes, Andrew. Please adjust the balance by the \$1,311.88 that you mentioned in your email below.

Thank you for all your help!!

Dawn Anderson

On Mon, Jul 6, 2020 at 2:06 PM Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us> wrote:

Hello Dawn,

Can you get back to me and confirm whether you are asking the Board to adjust your party unit's 2018 ending cash balance downward from \$5,820.69 to \$4,508.81? Materials regarding upcoming Board meetings are sent out to Board members a week in advance so in order for the Board to consider your request at its next meeting on July 15, I need to know by tomorrow what the numbers are.

Respectfully,

Andrew Olson

February 29, 2020

Campaign Finance Board

To Whom It May Concern:

I am writing this to explain why I adjusted our starting balance and ask for a Balance Adjustment.

I took over as Treasurer for our BPOU in February 2019. At the time, I was not given any bank statements, no reports showing monthly balancing of our account or any year end reports from the Campaign Finance Reporter. All that was provided was a few years' worth of reports that shows all the ins and outs to the BPOU, which I found out did not balance to the checkbook or to CFR.

I obtained Bank Statements for the 2018 and used them along with viewing the transaction history as far back as I could and was not able to account for every penny missing. I found that deposits did not match what was in the register, checks that were missed from being entered into the register, checks that had never cleared, etc. It was such a mess; I knew I would never find everything. After spending hours and hours over several weeks, I reduced the amount we needed to adjust to \$558.24. We made that adjustment in the February 2019 report. Because I have no access to any CFR prior to 2019's that was started by the former treasurer, I have no idea how the starting balance came about. Thus, when I sent in my 2019 reports, I changed the starting balance to \$3,875.57. I now realize that I am questioning if I made entries to void the outstanding check from 2018 or for the \$558.24 adjustment so my ending balance ends up correct, but I am not sure how to do that either. I might need more help with that.

I will be going to the training just announced in Alexandria in April. But if there is a way to fix these two from 2019 before then, I'd be happy to find out how and do that if you wish.

I hope this explains what I did and why when I took over as the Treasurer. I will be happy to go thru this all with someone if they need me to. I'm including as much of the documentation I have available to me to show this.

Sincerely,

Dawn Anderson

Dawn Anderson
Treasurer
Republican Party of Otter Tail County

Sue Finney (House candidate)

6-10-20

Attn: CF Board

I am requesting a 2nd residence waiver. This property is sometimes occupied by my children and grandchildren, is in a rural area and I do not want them to be exposed or approached by unknown entities for their protection as minors.

Sincerely
Sue Finney



MINNESOTA

CAMPAIGN FINANCE BOARD

May 22, 2020

Maggie Meyer
NARAL Pro-Choice Minnesota
2300 Myrtle Ave Ste 120
St Paul, MN 55114

Sent via U.S. Mail and email to:
maggiemeyer@prochoiceminnesota.org

Dear Ms. Meyer:

The NARAL Pro-Choice Minnesota Election Fund (NARAL PCMEF) (30552) and the independent expenditure political fund named NARAL Pro-Choice Minnesota (NARAL PCM) (30638) have failed to file reports of receipts and expenditures that address the issues described below. NARAL Pro-Choice Minnesota has failed to file its 2019 annual report of lobbyist principal, which was due March 16, 2020. That report may be filed electronically on our website at cfb.mn.gov/reports/#/principal_reporting.

A 2016 year-end report and a 2014 year-end report are required to be filed pursuant to Minnesota Statutes section 10A.20, subdivision 2. Amendments to multiple other reports need to be filed pursuant to Minnesota Statutes section 10A.025, subdivision 4, which requires a treasurer to file an amendment within ten days of becoming aware of an inaccuracy in a previously filed report. We informed you of the need to file multiple year-end reports via emails sent on March 24, April 17, and May 15, 2020, and via voicemails left for you on April 20 and May 15, 2020.

1. The 2018 year-end report of the NARAL PCMEF listed a beginning cash balance of \$20.84, while the most recent previous report of that fund, which covered all of 2015, listed an ending cash balance of \$782.60. Those amounts should match but instead differ by \$761.76.
2. The bank statements show that in 2017 a total of \$305.20 was withdrawn from the bank account shared by the two funds, but the NARAL PCMEF didn't file a report covering 2017 and NARAL PCM reported disbursements totaling \$374, leaving a discrepancy of \$68.80.
3. The 2017 year-end report of NARAL PCM listed a beginning cash balance of \$344.84, while the most recent previous report of that fund, which covered the period through October 24, 2016, listed an ending cash balance of \$254.37. Those amounts should match but instead differ by \$90.47. Also, that report listed a beginning cash balance of \$344.84, despite the fact that the bank account shared by the two funds had a balance of only \$276.04 at the beginning of 2017.
4. Neither fund filed a 2016 year-end report despite there being \$68.80 in disbursements in 2016 after October 24, 2016, which was the end of the period covered by the 2016 pre-general report

of NARAL PCM. Relatedly, the bank statements show that in 2016 a total of \$506.56 was withdrawn from the bank account shared by the two funds, but the NARAL PCMEF didn't file any reports and NARAL PCM reported disbursements totaling \$432.52, leaving a discrepancy of \$74.04.

5. The bank statements show that in 2016, there were no deposits into the bank account shared by the two funds, but NARAL PCM reported receiving a cash contribution of \$517.99. Also, the 2016 pre-general report of NARAL PCM listed a beginning cash balance of \$259.37, receipts totaling \$517.99, disbursements totaling \$432.52, and an ending cash balance of \$254.37, which is incorrect because $259.37 + 517.99 - 432.52 = 344.84$, rather than 254.37.
6. The 2015 year-end report of the NARAL PCMEF listed a beginning cash balance of 1,327.80, while the most recent previous report of that fund, which covered the period through October 20, 2014, listed an ending cash balance of \$1,247.12. Those amounts should match but instead differ by \$80.68.
7. Neither fund filed a 2014 year-end report despite there being \$200 in deposits and \$114.17 in withdrawals in 2014 after October 20, 2014, which was the end of the period covered by the 2014 pre-general reports of the NARAL PCMEF and NARAL PCM. Relatedly, the bank statements show that in 2014 a total of \$1,611 was deposited into the bank account shared by the two funds, but NARAL PCM reported no receipts and the NARAL PCMEF reported receipts totaling \$1,321, leaving a discrepancy of \$290. Also, the bank statements show that in 2014 a total of \$397.12 was withdrawn from the bank account shared by the two funds, but NARAL PCM reported no disbursements and the NARAL PCMEF reported disbursements totaling \$187.79, leaving a discrepancy of \$209.33.
8. The 2013 year-end report of NARAL PCM listed an ending cash balance of \$259.37, despite the fact that the bank account shared by the two funds had a balance of only \$113.92.

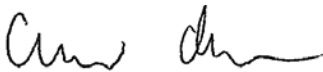
Using the bank statements that you provided I compiled seven draft reports that address the issues listed above. Copies of the draft reports were provided to you on March 24. If the draft reports appear to you to be accurate, please sign and return them to me along with a request to administratively adjust the reported 2012 ending cash balance of NARAL PCM downward from \$259.37 to \$0. Email is preferred as much of our staff is currently working remotely. Our fax numbers are 651-539-1196 or 800-357-4114.

NARAL PCMEF owes a total of \$3,000 in late filing fees, including fees of \$1,000 each for the 2018 pre-general report, 2018 pre-primary report, and 2014 year-end report. NARAL PCM owes \$1,000 for a late filing fee for the 2016 year-end report. NARAL Pro-Choice Minnesota has accrued a late filing fee of \$1,000 and a civil penalty of \$1,000 for the 2019 annual report of lobbyist principal, which has yet to be filed. NARAL Pro-Choice Minnesota also owes a late filing fee of \$1,000 and a civil penalty of \$1,000 for its 2018 annual report of lobbyist principal, which was due March 15, 2019, and was not filed until July 31, 2019. If you wish to request a waiver or reduction of the amounts owed, which total \$8,000 including the amounts owed for each fund and as a lobbyist principal, please provide me with a

written request, which will then be considered by the Board. The request should explain, to the best of your knowledge, why the reports were not timely filed.

If year-end reports of receipts and expenditures addressing the issues listed above, and a 2019 annual report of lobbyist principal, are not filed by June 12, 2020, Board staff will ask the Board at its next scheduled meeting for authorization to refer the matter to the Minnesota Attorney General's Office to pursue legal action compelling the filing of those reports and payment of the balance owed. I have enclosed a copy of the letter that was emailed to you in March, as well as copies of the draft reports of receipts and expenditures. If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



Andrew Olson
Legal/Management Analyst
651-539-1190
andrew.d.olson@state.mn.us

Enclosures

Letter dated March 24, 2020
Seven draft reports of receipts and expenditures



MINNESOTA

CAMPAIGN FINANCE BOARD

May 28, 2020

Sandi Blaeser
4712 Covington Court
Eagan, MN, 55122

Sent by US mail and email to
sandi.blaeser@ramseycounty.us

Re: Annual statement of economic interest due January 28, 2019
Annual statement of economic interest due January 27, 2020
Alternate Public Employers Representative – Public Employment Relations Board

Sandi Blaeser

You have failed to file with the Board your 2018 and 2019 annual statements of economic interest. The annual filing is a statutory requirement of the position listed above. Because you served in the position listed above during all of 2018 and part of 2019, you are required to review and certify your statement of economic interest for each year even if nothing on it changed since your last statement or you left the position during one of those years.

To date you have accrued the maximum \$100 late filing fee and the maximum \$1,000 civil penalty due to your failure to file the 2018 annual. You also have accrued the maximum \$100 late filing fee and the maximum \$1,000 civil penalty for the 2019 annual. If you do not file both annual statements by June 2, 2020, the Board will refer the matter to the Minnesota Attorney General at its July 1, 2020, meeting for legal action to obtain the statements and collect the amounts owed.

Please complete the enclosed forms for 2018 and 2019 and return them, along with a check for \$2,200 payable to the State of Minnesota, to the Board at the address listed below by June 11, 2020. Under Minnesota Statutes, all fees are deposited in the general fund of the state.

The Board may reduce or waive late filing fees upon written request for good cause. A waiver request should explain in detail the reasons why the Board should waive or reduce the late filing fees. You may mail or email the request to the Board. The waiver request will be public information and will be reviewed by the Board at the next scheduled meeting after the request is received.

If you have any questions about filing your statement or the assessment of late filing fees, please contact me at 651-539-1183, 800-657-3889, or jodi.pope@state.mn.us.

Sincerely,

Jodi Pope
Legal/Management Analyst



MINNESOTA

CAMPAIGN FINANCE BOARD

May 28, 2020

Steve Laitinen
500 Greenhaven Rd #203
Anoka, MN, 55303

Sent by US mail and email to
slaitinen.anokaswcd@gmail.com

Re: Annual statement of economic interest due January 28, 2019
Annual statement of economic interest due January 27, 2020
Supervisor – Anoka County SWCD

Steve Laitinen

You have failed to file with the Board your 2018 and 2019 annual statements of economic interest. The annual filing is a statutory requirement of the position listed above. Because you served in the position listed above during all of 2018 and 2019, you are required to review and certify your statement of economic interest for each year even if nothing on it changed since your last statement or you left the position during one of those years.

To date you have accrued the maximum \$100 late filing fee and the maximum \$1,000 civil penalty due to your failure to file the 2018 annual. You also have accrued the maximum \$100 late filing fee and the maximum \$1,000 civil penalty for the 2019 annual. If you do not file both annual statements by June 2, 2020, the Board will refer the matter to the Minnesota Attorney General at its July 1, 2020, meeting for legal action to obtain the statements and collect the amounts owed.

Please complete the enclosed forms for 2018 and 2019 and return them, along with a check for \$2,200 payable to the State of Minnesota, to the Board at the address listed below by June 11, 2020. Under Minnesota Statutes, all fees are deposited in the general fund of the state.

The Board may reduce or waive late filing fees upon written request for good cause. A waiver request should explain in detail the reasons why the Board should waive or reduce the late filing fees. You may mail or email the request to the Board. The waiver request will be public information and will be reviewed by the Board at the next scheduled meeting after the request is received.

If you have any questions about filing your statement or the assessment of late filing fees, please contact me at 651-539-1183, 800-657-3889, or jodi.pope@state.mn.us.

Sincerely,

Jodi Pope
Legal/Management Analyst

Patricia Jirovec McArdell (Senate candidate)

From: Patti Jirovec <pattijirovec@gmail.com>
Sent: Tuesday, June 30, 2020 11:39 AM
To: Pope, Jodi (CFB) <jodi.pope@state.mn.us>
Subject: eis_candidates.pdf - signed with DocuSign

I hope I filled it out correctly. Please waive late fee, as there was no notice that this hadn't been received yet, despite my having sent in in the mail.

Any questions, please let me know.
Patricia Jirovec McArdell

Tyler Becvar (Senate candidate)

From: Tyler Becvar <tylerbecvar@gmail.com>

Sent: Monday, July 20, 2020 11:47 PM

To: Pope, Jodi (CFB) <jodi.pope@state.mn.us>

Subject: Re: economic interest statement link

Jodi, I finally got time to get this form filled out again. I hope its done correctly.

I did turn this form in completed by the due date to the Dodge County courthouse. I later recieved a letter in the mail saying I had not completed the form. I then called Jodi to let her know and was told I was to turn it into her not the courthouse. With that being said I was hoping the late fee could be waived. Best way to get ahold of me would be my cell (507) 438-4203 as I don`t check my email on a regular basis. Thank you and I hope you understand.

David Pulkrabek (Senate candidate)

From: Dave Pulkrabek <davepulkrabek@gmail.com>

Sent: Monday, June 22, 2020 4:11 PM

To: Pope, Jodi (CFB) <jodi.pope@state.mn.us>

Subject:

To whom it may concern,

I just received the first notice for the deadline for these documents and it wasn't explained to me when I received my packet, this is all new to me and I would appreciate if you could wave the fee, thank you.


David Pulkrabek

To: Megan Engelhardt,

Hello, my name is Brian Hile. I myself am deaf speaking American Sign Language to communicate. I have filed and paid \$100.00 for me to become candidate for state senate seat. I was unaware of that there are another affidavit document that I was required to fill out and file it. I have been informed by Assistant Executive Director from Minnesota Campaign Finance Board office that I was supposed to file Campaign Finance and Public Disclosure Board but it was too late and that there is \$20.00 dollars fee for being late. So, I would like to make an request to waive those fee however, I would be more than happy to pay \$20.00 dollars fee if it can not be waived. Also, I have not receive anything from Washington County. Maybe they forgot or could not process document due to COVID-19 outbreak, that probably reason why I have not receive anything from them. so, please be kindly to let me know if this letter are approved to waive those late fee at amount of \$20.00. otherwise if letter is not approved, please be kindly to let me know with an full address where I would be able to send a check of \$20.00 in mail and the name that I should write the check to. I apologize for misunderstood and confusion.

Sincerely,

Brian Hile
Candidate for 39th State Senate seat
1440 4th street southeast
Apt # 315
Forest Lake, Minn. 55025
bdh200@midco.net
612-285-3461



June 22, 2020

Kale Severson (Mississippi WMO)

From: Kale Severson <kale.severson@yahoo.com>

Sent: Friday, May 29, 2020 9:28 AM

To: Pope, Jodi (CFB) <jodi.pope@state.mn.us>

Subject: RE: [External]RE: Statement of economic interest for 2019 service on Mississippi WMO

Appreciate your help with this Jodi. I would like to file for the waiver. Please accept my apology. I need to get a better understanding of what I need to file and with whom. After these crazy times maybe I can reach out and have a quick conversation with you so I can get a better understanding and get dates on my calendar of what is due. Thanks Jodi, please stay safe during these uncertain times.

-Kale

[Sent from Yahoo Mail on Android](#)

On Fri, May 29, 2020 at 8:50 AM, Pope, Jodi (CFB) <jodi.pope@state.mn.us> wrote:

Mr. Severson,

It appears that there has been confusion here about which statement needed to be filed where.

The statement below that was sent to me yesterday was for local officials and must be filed by Park Board members with the Park Board.

The statement the Campaign Finance Board (CFB) is seeking is for public officials and is filed by members of the WMO with the CFB. Both statements need to be filed with the appropriate agency.

Because the statements collect similar information, I can accept the statement that you filed with the Park Board back in January as your WMO statement.

However, because the WMO statement was not filed with the CFB until yesterday, you still have incurred \$1,100 in late filing fees and civil penalties for that statement.

If you want, you could ask the CFB to waive those amounts by arguing that you had good cause for not filing the WMO statement on time. It's possible that the CFB would find that the misunderstanding

about which statement was supposed to be filed with which entity constituted good cause if you made that argument. The waiver request would need to be in writing (an email is fine) and would be considered by the CFB at its next meeting.

Mr. Severson, please let me know whether you will be submitting a waiver request.

Jodi

From: Ringold, Jennifer B. <JRingold@minneapolisparcs.org>
Sent: Thursday, May 28, 2020 2:36 PM
To: kale.severson@yahoo.com; Pope, Jodi (CFB) <jodi.pope@state.mn.us>; Goodrich, John T. <JGoodrich@minneapolisparcs.org>
Subject: RE: [External]RE: Statement of economic interest for 2019 service on Mississippi WMO

Jodi,

Attached is the document that we have for Com. Severson. Please let us know if you need additional information. Best, jbr

From: Kale Severson <kale.severson@yahoo.com>
Sent: Thursday, May 28, 2020 2:22 PM
To: jodi.pope@state.mn.us; Ringold, Jennifer B. <JRingold@minneapolisparcs.org>; Goodrich, John T. <JGoodrich@minneapolisparcs.org>
Subject: [External]RE: Statement of economic interest for 2019 service on Mississippi WMO

With the park board. Let me add our staff to this email. John or Jennifer, I believe I gave you my statement before a board meeting in January. Am I correct?

-Kale

On Thu, May 28, 2020 at 2:17 PM, Pope, Jodi (CFB)

[<jodi.pope@state.mn.us>](mailto:jodi.pope@state.mn.us) wrote:

Did you file it with Minneapolis or the Park Board?

Where did you send it.

Jodi

From: Kale Severson <kale.severson@yahoo.com>

Sent: Thursday, May 28, 2020 2:10 PM

To: Pope, Jodi (CFB) <jodi.pope@state.mn.us>

Subject: Re: Statement of economic interest for 2019 service on Mississippi WMO

Hello Jodi,

I filed this a while back.

[Sent from Yahoo Mail on Android](#)

On Thu, May 28, 2020 at 12:06 PM, Pope, Jodi (CFB)

[<jodi.pope@state.mn.us>](mailto:jodi.pope@state.mn.us) wrote:

Mr. Severson,

Attached is a letter regarding the need to file a statement of economic interest form with the Minnesota Campaign Finance Board due to your service as an alternate member of the Mississippi WMO in 2019.

Please let me know if you have any questions. Thank you.

Jodi Pope

Legal/Management Analyst

Minnesota Campaign Finance and Public Disclosure Board

651-539-1183

[External] This email originated from outside of the Minneapolis Park & Recreation Board. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lobbyist Tamela Walhof (3158)

From: Tammy Walhof <tammy@lcppm.org>

Sent: Thursday, June 18, 2020 11:42 PM

To: Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us>

Cc: Vernita Kennen <dvkennen@aol.com>

Subject: Request for Waiver of Lobbyist Report Late Fee for Lutheran Advocacy - Minnesota

Mr. Andrew Olson & Campaign Finance Board -

I would like to request a waiver of the \$25/day late filing fee, as I've filed a few days late. I'd also like to thank Mr. Olson for his call to my cell phone late this afternoon, as this deadline and nearly everything else has fallen off my radar over the last three months.

On April 14, I was diagnosed with "Presumptive COVID-19" following several really difficult days. Tests were not available through Fairview at that time, since I was not considered to be in the "at-risk" population, nor am I a front-line worker. However, I had what the healthcare provider considered to be the major known symptoms. Although I no longer have the virus, I continue to struggle daily with difficult respiratory issues and extreme fatigue. I'm taking regular naps for the first time since age 3 or 4, and feel like I've slept more in the last 3 months than I did in the last 3 years. I'm usually a high energy person working 55-75 hours a week, but this spring I've used all of my "Family First COVID-19 sick time, and close to half the regular sick time I've accrued over the last several years.

Thank you for your consideration of this request! Please take great care for your own health, since COVID-19 is capable of turning your life upside-down, even without being most at-risk or in need of hospitalization.

Sincerely,
Tammy Walhof

Tamela K. Walhof, Director
Lutheran Advocacy - Minnesota

105 University Ave. W.

St. Paul, MN 55103

Email: tammy@lutheranadvocacymn.org

Cell Phone: 651-238-6506

Lobbyist Steffany Stern (4695)

From: Steffany Stern <stern.steffany@gmail.com>
Sent: Friday, June 19, 2020 9:44 AM
To: Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us>
Subject: Fwd: Lobbyist Disbursement Report

Andrew,

Thank you for your call yesterday. See below/attached--I have submitted my Lobbyist Disbursement Report.

As I mentioned, I am on maternity leave a little earlier than anticipated, which is why I missed the deadline. My apologies!

I will pay the late fee, unless the Board determines that they can waive my late fee. Just let me know what is best (and where to direct the fees, if needed).

Thanks again for your help,

Steffany Stern

----- Forwarded message -----

From: **Steffany Stern** <stern.steffany@gmail.com>
Date: Fri, Jun 19, 2020 at 9:42 AM
Subject: Lobbyist Disbursement Report
To: <cf.board@state.mn.us>

Good morning,

Please see attached for my lobbyist disbursement form for the first half of the year. My sincere apologies for being late; I am on maternity leave, having given birth to my twins a month early, and I was unable to complete this on time!

Please let me know if there's anything else you need from me.

Many thanks,

Steffany Stern

Lobbyist Brian Pietsch (359)

From: Pietsch, Brian <brian.pietsch@ampf.com>
Sent: Monday, June 29, 2020 2:36 PM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Lobbying report late fee

Dear Megan,

I hope this finds you well and hanging in there during this crazy time! I am writing to ask that you consider waiving the late fee for my submission of the lobbying report that was due on June 15, 2020. Our office mail during the pandemic, has been unreliable and we have been receiving it sporadically as we have been working from home since March. Our office doesn't recall receiving any reminder emails that would have prompted us to file but we did file as soon as we were aware of the issue.

THANK YOU for your consideration!

Regards,
Brian Pietsch

Brian Pietsch

Senior Vice President | Community Relations and Public Affairs

.....

O: 612.671.6837 | F: 612.671.5112 | M: 612.396.7940

Ameriprise Financial
531 Ameriprise Financial Center, Routing: H26/531
Minneapolis, MN 55474



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From: Feist, Ben <bfeist@aclu-mn.org>
Sent: Friday, July 17, 2020 11:46 AM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Request for waiver of late filing fee

Dear Ms. Engelhardt,

I am writing today to apply for a waiver of the late filing fee related to my last lobbyist disbursement report. Please forward this request to the Campaign Finance and Public Disclosure Board (CFB) as appropriate.

By way of introduction, the ACLU of Minnesota is a non-partisan, non-profit organization that lobbies to advance and protect the civil rights and civil liberties of all Minnesotans. Like other non-profits, we have limited resources and face financial uncertainty given the COVID-19 pandemic.

I take campaign finance requirements seriously and acknowledge that my June 2020 report was filed after the deadline. Unfortunately, the COVID-19 pandemic has upended our standard office procedures during this period of remote work and I did not receive several attempted reminders from the CFB. We received your letter regarding failure to report (dated June 30, 2020) on July 8. Upon receiving that reminder, I promptly filed the required report on July 9 and immediately reached out to CFB staff to discuss the situation. This is the only time that my lobbyist disbursement report was not filed in a timely manner since I became a registered lobbyist in 2013.

Our office is currently closed due to the COVID-19 pandemic. Correspondence received through U.S. mail is now scanned by remote staff and emailed to the recipient in PDF format. Looking back, I see that I received the initial filing notice (dated May 15, 2020) via email from another staff member on June 1; however, due to the increased volume of emails I receive while working remotely, I missed the notice and did not place a reminder on my calendar to file the June report.

I understand from your letter dated June 30, 2020 that CFB staff attempted to send reminder emails on June 12 and June 15. Neither of these emails were delivered to my inbox or junk folder. I investigated this issue with our IT provider, which ran a report to confirm that my email address, bfeist@aclu-mn.org, did not receive any emails from the CFB or anyone else with an "@state.mn.us" address on or around June 12 or June 15, 2020.

I also understand the CFB staff attempted to leave a reminder voicemail at my office phone number of June 18, but my voicemail box was full. Again, due to the unique, remote-work circumstances of the COVID-19 pandemic, I was not aware or alerted to the fact that my office-based voicemail was full and not accepting new messages at that time.

Had I received any of these reminder communications from the CFB, I would have filed the report immediately. Unfortunately, I did not. This explanation is not meant to imply any wrongdoing or failure on the part of CFB staff members, who have always been extremely helpful and professional. I understand that filing is my responsibility and now have all of the future filing dates saved on my calendar to avoid the chance of similar issues going forward.

Given the unique challenges of the COVID-19 pandemic, not receiving the standard reminders, and my immediate efforts to address the issue upon receiving the letter on July 8, I ask that the CFB waive the

late filing fee. I am happy to provide additional documentation or answer any questions you might have. Thank you for your time and consideration.

Sincerely,

Benjamin Feist (*he/his*)

Chief Programs Officer

American Civil Liberties Union of Minnesota

P.O. Box 14720, Minneapolis, MN 55414

■ 651.529.1694 ■ bfeist@aclu-mn.org

www.aclu-mn.org   



The ACLU of Minnesota staff will be working remotely for the next few weeks to keep workers and our larger community safe and healthy in response to the outbreak of the Coronavirus. We will promptly respond to phone calls, emails and other modes of communication to ensure we remain fierce in our fight for the civil liberties of all Minnesotans.

From: King, Jill <Jill.King@aig.com>
Sent: Wednesday, July 08, 2020 2:04 PM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Request for reduction or waiver of late filing fee

Megan,

This e-mail is in response to your letter dated May 27, 2020 (not received until July 7, 2020) regarding the late filing of our Lobbyist Principal Report which was due on March 16, 2020. The report was not filed until May 13, 2020, resulting in the assessment of a \$1,000 late fee and \$1,000 civil penalty. I would like to offer you the following explanation for this late filing.

Marcia Powell, who was the Office Administrator for the Government Affairs team for 21 years, retired on October 31, 2019. Due to many extenuating circumstances, her position was not filled until I assumed the role in February, 2020. I was able to access many of Marcia's electronic files, however, she maintained a great deal of paper files in her Houston office which included a notebook outlining the scheduled filing due dates for the various state filings. I am located in Nashville, Tennessee, and my manager and I had planned for me to travel to Houston in early March to review and obtain Marcia's files.

Unfortunately, due to the COVID-19 outbreak, in March AIG put in place a travel ban for all employees and I was unable to travel to Houston. Shortly after this, the company moved all employees to work-from-home. Due to this change, the receipt of mail was greatly delayed. Your letter of April 3, 2020 addressed to Marcia Powell was not received by me until May 13, 2020 and I immediately filed this report on that same day. This letter allowed for a 7 day grace period before incurring the civil penalty. Had we been working a normal in-office situation, I would have received this letter prior to the 7 day cut-off.

Since taking on this new role, I am working diligently to make sure all required filings are done in a timely manner. I do not anticipate there will ever be a reason for our filing to be late again, and I appreciate your consideration of these unusual circumstances and possibly waiving or reducing our penalty.

If you have any questions please let me know and thank you again for your consideration.

Jill King
State Government Affairs Administrator
340 Seven Springs Way, Brentwood, TN 37027
Cell: 615-627-7634
Jill.King@aig.com

This message and any files or text attached to it are intended only for the recipients named above, and may contain information that is confidential or privileged. If you received this communication in error, please notify me immediately by e-mail, and delete the original message. Thank you in advance for your diligent handling and response.

DFL Disability Caucus (41142)

From: Alison Canty <alison.canty@hotmail.com>
Sent: Tuesday, July 28, 2020 12:59 AM
To: Stevens, Melissa (CFB) <melissa.stevens@state.mn.us>; Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Mn Disability Caucus Reporting July 27, 2020
Importance: High

Hi,

Attached is our reporting. After working on my internet connect for over an hour - I can finally send you our reporting. Hoping you can waive the late fee. Anyway, the packet I received had the wrong ending balance for our caucus. I corrected the page so it aligns with what we submitted in June.

If you have questions, please let me know.

Alison Canty

From: Alison Canty <alison.canty@hotmail.com>
Sent: Sunday, August 2, 2020 2:04 PM
To: Stevens, Melissa (CFB) <melissa.stevens@state.mn.us>; Sigurdson, Jeff (CFB) <jeff.sigurdson@state.mn.us>
Subject: Amended Report for Disability DFL Caucus 8/2/2020
Importance: High

Hi,

Our report was an hour late due to having technical difficulties with the electronic submission. I am asking for a waiver of the 50.00 late fee. Attached is our amended report.

Alison Canty

Somali American Women Political Action Committee (41235)

From: Davis Senseman <davis@davismeanbusiness.com>
Sent: Thursday, June 18, 2020 3:56 PM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Cc: Fartun Weli <fartun.weli@isuroon.org>; Yassin Qanyare <yassin.qanyare@hotmail.com>
Subject: Late April 2020 CFPB Filing SAWPAC

Megan:

Attached please find a copy of our client Somali American Women Political Action Committee's CFPB filing due in April 2020. The filing is being sent in paper under the previously filed request for exemption for electronic filing, but let me know if another exemption request needs to be filed or if this should be faxed or emailed in to the Board's general accounts.

SAWPAC is requesting a waiver of the late fees for this filing as they are a newly formed entity that was still setting up their systems for tracking these due dates when the April filing came due. The filing was also due at a time when this office and many others were closed, making it difficult to obtain signatures and information for filing. Finally, the organization has not raised or spent any money to date so the filing that was due did not hide any donation or expense information from the public at any point.

If you require additional information please let me know.

Thank you,
Davis Senseman



K. DAVIS SENSEMAN | FOUNDER
they / them

Davis Law Office

612.293.9308 | davis@davismeanbusiness.com

[Click here to schedule a meeting.](#)

MAKE A PAYMENT

FIND US



Minnesota Farm Bureau PAC (70038)

May 28, 2020

Megan Engelhardt
Assistant Executive Director
Minnesota State Campaign Finance and Public Disclosure Board
190 Centennial Building
658 Cedar Street
St. Paul, MN 55155-1603

Dear Ms. Engelhardt and Board,

Please accept this letter as a request of waiver of late filing fees of \$425 for the 2020 First Quarter Report of receipts and expenditures from the MN Farm Bureau PAC – 70038.

Due to the State of Minnesota Executive Order, our office was ordered closed on March 16, 2020 and employees were not allowed into the office during this reporting time and continues to be closed.

Office of Governor Tim Walz:

On March 16, 2020, I issued Executive Order 20-04 ordering the closure of bars, restaurants, and other places of public accommodation.

Because of the closure, our files were not accessible to complete the filing. All staff has been working from their home offices.

We entered our office against the Executive Order to obtain the records to complete the 2020 first quarter report. Our report was filed on May 7, 2020.

Thank you for your consideration. If you have any questions, please feel free to contact me on my cell at 612-805-4298.

Regards,

David Johnson, Treasurer
3080 Eagandale Pl, St Paul, MN 55164
David.Johnson@fbmn.org

Stinson LLP Political Fund (41121)

From: Kennedy, Suzanna <suzanna.kennedy@stinson.com>
Sent: Wednesday, June 03, 2020 11:57 AM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Stinson Political Fund

Good morning Megan – I am writing on behalf of the Stinson Political Fund #41121, as the First Report of Receipts and Expenditures was filed today. I did just realize that I missed the deadline, and spoke with Melissa Stevens with your office, who advised that I complete the report immediately and e-mail you with some background about the situation. The reasons for this delinquency in large part lie simply with the disruptions of everyday life over the last few months and the preoccupation with so many other things. I know that is truly no excuse to miss an important deadline, however, every aspect of our personal and professional lives have been greatly impacted by these events. Of course, we do understand that the responsibility for timely filing falls squarely on us, however, I would like to ask that the Board consider either waiving or reducing the penalties in connection with this late filing. If you have any questions for me, please do not hesitate to call or e-mail – I am more than happy to give you any additional information or clarification of the situation.

Thank you so much for your consideration in this matter.

Suzanna E. Kennedy
Legislative Coordinator

STINSON LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Direct: 612.335.7078 \ Mobile: 612.419.7467 \ [Bio](#)

STINSON.COM

This communication (including any attachments) is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

From: Jennifer Harmening <jennifer@Burnsvillechamber.com>
Sent: Monday, June 08, 2020 8:38 AM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Burnsville Chamber Late Filing Fee

Dear Campaign Finance Board,

My sincere apologies for the late filing of our no change report for the Burnsville Chamber Political Action Committee that was due on April 14th. Like most people, I have been working from home since mid-March due to the pandemic stay-at-home orders and I'm afraid this disruption contributed to the delay. My filters for my remote email are different than on my desktop computer at the office and the email reminder for the April 14th filing went to my junk mail, so I was not aware of the missed deadline until I received a registered letter at my house in early May.

With the unique circumstances of the pandemic I hope you can waive the late filing fee for this one time.

Thank you for your consideration and please let me know if you have any questions about the circumstances or if you are able to waive this fee.

Jennifer Harmening

Jennifer Harmening
President
Burnsville Chamber of Commerce
Direct: 952-898-5641
General 952-435-6000
Email: jennifer@burnsvillechamber.com





LEECH LAKE BAND OF OJIBWE

Faron Jackson Sr, Chairman
Arthur LaRose, Secretary-Treasurer
Robbie Howe, District I Representative
Steve White, District II Representative
LeRoy Staples Fairbanks III, District III Representative

To whom it may concern,

I am writing to request a late filing fee waiver for the Leech Lake PAC March report. The March report was submitted late due to the COVID-19 pandemic. At the onset of the pandemic the Leech Lake Band of Ojibwe was forced to furlough over half of our staff members due to cash flow constraints and safety concerns. The accounting department in particular actually furloughed closer to 2/3 of our staff.

During this time, I had to take on the roles and responsibilities of several staff members while working with management to draft a return to work plan. This made it extremely difficult to meet all of my deadlines and inevitably; some were missed. Unfortunately, the Leech Lake PAC was one that simply fell off my radar in the midst of the chaos.

Please feel free to contact me with any questions or concerns,

Thank you,

A handwritten signature in black ink, appearing to read "Robert Washington".

Robert Washington
Cash Management Team Leader
Leech Lake Band of Ojibwe
Office: 218-335-4437
Cell: 218-553-0071

Republican Liberty Caucus of Minnesota (41012)

From: Thomas Willenbring <tom@warpfactor9.com>
Sent: Thursday, June 25, 2020 7:00 PM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: request the late filing fee to be waived

Hi Megan,

I'd like to request the late filing fee to be waived.

I did not receive the US mail notice for this report. I'm used to getting them a few weeks prior to the filing deadline. Also I had my email filter for the CFB set up to filter emails from Joyce Larson, she was the person that used to send out the notices so I did not see the notice reminders in my CFB inbox. I realize this onus is on me to get the dates right, but I've been a little distracted these past few weeks with all the riots and the covid 19 situation. \$200 dollars for me would also cause me financial hardship in these times of unknown financial situations due to the governor shutting down a big part of our Minnesota economy.

I have consistently filed these reports on time and would ask for leniency from the Board.

Respectfully Submitted,

Thomas Willenbring
Treasurer RLCMN

Building a Greater Minnesota (41151)

TO: Campaign Finance Board
RE: Building A Greater Minnesota

Building a Greater Minnesota has not been active, for all intents and purposes, since 2016. I have given it my best effort to keep it afloat by filing reports and no change reports. Earlier this year I thought I had sent in the dissolution paperwork, I missed it while I was trying to save my business. The other members of the organization have chosen to leave. I was hoping to that 2020 would be different being a presidential election year, however with the pandemic, has actually been worse. I am requesting a waiver on the fines so that I can shutter Building a Greater MN. I have also been forced to shutter my regular consulting business as a result of the effects of the pandemic.

Regards,

Derek Gunderson

Patrick Murphy (House of Representatives staff)

From: Pat Murphy <Pat.Murphy@house.mn>
Sent: Wednesday, April 01, 2020 6:39 PM
To: Pope, Jodi (CFB) <jodi.pope@state.mn.us>
Subject: Statement of Economic Interest

Jodi,

Here is my Campaign Finance and Disclosure Board Annual Statement of Economic Interest for Public Officials.

Once again I am truly sorry and apologize for this delay in filing my report. The delay is entirely my fault and I take full responsibility for the lateness of my filing. This is no excuse but the last five weeks around here have been without precedent and this just sadly fell to the bottom of my priority list. Jodi you did your due diligence with emails and phone calls to remind me and for that I am appreciative and grateful.

I am truly sorry for the inconvenience I have caused you and the Board.

Sincerely,

Pat

Patrick Duffy Murphy
Chief Clerk
Minnesota House of Representatives
211 State Capitol
St. Paul, MN 55155
651-296-0719

From: 211copier@house.mn <211copier@house.mn>
Sent: Wednesday, April 1, 2020 6:30 PM
To: Pat Murphy <Pat.Murphy@house.mn>
Subject: Attached Image

Veterans Party of Minnesota (41178)

From: COURTNEY MERRY <courtney@cjmerry.com>
Sent: Tuesday, June 16, 2020 3:01 PM
To: Stevens, Melissa (CFB) <melissa.stevens@state.mn.us>
Cc: End Apportionment Act of 1911 <aneros13@gmail.com>
Subject: Fee abatement request for Veterans Party of Minnesota #41178

Dear Melissa,

I am writing on behalf of the Veterans Party of Minnesota (VPoM) to request a fee abatement for the April 2020 financial report. We realize and acknowledge that we missed the filing deadline but sincerely ask you (and the other board members) to consider a reduction / waiver of these fees for several reasons:

- 1) The Treasurer has been on active duty overseas since the beginning of 2020. He is unable to receive mail / email that might be sent to him in a timely manner and as such was unable to notify other party members that this report was due until well past the due date. The VPoM sent in the missing report as soon as we were notified that it was missing.
- 2) The Treasurer's wife filed for divorce prior to him being deployed in early 2020. All mail that she receives that is addressed to him does not get forwarded on and, as such, any mailed notices / communications were likely missed.
- 3) Covid19 has added chaos to every party member's life. As the report was due in the midst of stay-at-home orders, schools being cancelled, etc., normal VPoM meetings / communications did not occur, therefore no one was able to discuss recent happening and the report filing deadline went unnoticed.

For these reasons, we request that you consider our request for a full fee abatement for any fees resulting from our missed April 2020 filing. We have made the deputy treasurer aware of future filing deadlines and anticipate making all future filings in a timely manner.

Thank you for your consideration,

Courtney Merry
Deputy Treasurer, Veterans Party of Minnesota

Constitution Party of Minnesota (40855)

From: James Niemackl <jamesniemackl@yahoo.com>
Sent: Tuesday, July 28, 2020 7:27 PM
To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Re: Reminder - Pre-Primary Report Due Monday July 27

Thank you for alerting us to the fine amount due for the late financial report. The reason for the late financial report was that there was some confusion as to who was going to be filing the reports after the 2019 year end report. When I saw that the 1st quarter report had not been filed, I immediately submitted a report and have continued to file the reports to date.

We request the waiver or reduction of the fines due for the late report as the current fines imposed would bankrupt the committee. Our current balance is \$744.05, which is not enough to pay the fines imposed. Please consider waiving or reducing the fine amount to lessen the impact on our finances. Thank you for your consideration.

James Niemackl
Constitution Party of Minnesota

June 27, 2020

Megan Engelhardt
Assistant Executive Director
Minnesota State Campaign Finance and Public Disclosure Board
190 Centennial Building
658 Cedar Street
St. Paul, MN 55155-1603

Dear Ms. Engelhardt:

As the new treasurer for the SE Minnesota Senior DFL Caucus, I write to request that the Board waive the late fee for the Report of Receipts and Expenditures for Political Committees and Political Funds that was due June 15th, 2020. I was not thinking correctly about the due date or aware the filing date had passed. Once you brought the lack of filing to my attention I promptly filed the report. I now understand the importance of filing the report before the due date and the consequences of failing to do so.

Thank you for the consideration of this request.

Sincerely,

Rhonda Lorenz
Treasurer
SE MN DFL Senior Caucus

Fateh (Omar) for House LLC (18178)

My name is Omar Fateh. I'm currently a candidate for Minnesota Senate in District 62. In 2018 I was a candidate for the Minnesota House in District 62A. There are two items here we need to address pertaining to two distinct campaign committees so I will take these issues separately. Both issues have taken a toll on our volunteer treasurer. He has requested that we find a new treasurer and we are in the process of finding and onboarding somebody new.

The Omar Fateh House Committee was issued a late fee and civil penalty for a total of \$2000 for a late year-end report for the year 2018. Like many grassroots campaigns, we could not afford to hire a professional accountant and our treasurer was a volunteer and family friend. Our campaign ended in August 2018 when we lost the primary. There were no longer regular meetings with regard to the campaign, people largely moved on. We closed down our PO Box, and so on. The campaign staff was no longer on payroll and I returned to my work life. My defunct campaign committee was not the first thing on my mind, though I knew we still had to file a closing report and formally end the campaign committee from the perspective of the MN CFB. I did check in with the treasurer Mohamed Adam about filing the report. He told me he would take care of it. The subsequent notices that it had not been filed did not get to us because they were being sent either to Mohamed Adam or our old PO Box. This was an unfortunate mistake and as when we were aware of the situation we made sure to file the report. I knew we had accrued fees for the report when we started working with the CFB again in late 2019 to prepare for a new race. The CFB staff was diligent in pursuing the issue and we were talking early in the year about the process to request a waiver, but COVID-19 really disrupted a lot of the normal flow of business and normal channels. As normal business is resuming and we are in the middle of a tough election, we want to finally put this issue behind us.

The Omar Fateh Senate Committee is requesting that the CFB accept our Affidavit of Contributions which was received one day late. It was sent via mail in mid July and got returned to sender. As soon as we got word that the mail had bounced back we took a picture and emailed it. We typically would have submitted the affidavit in person if not for the issue of COVID-19. I hope you will grant us some clemency in this crazy times and accept our one-day-late affidavit.

