

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF JAMES FLAHERTY REGARDING THE DAVID BLY COMMITTEE  
20B

On August 15, 2016, the Campaign Finance and Public Disclosure Board received a complaint submitted by James Flaherty regarding the David Bly Committee 20B. The David Bly Committee 20B is the principal campaign committee of David Bly for the seat in the House of Representatives for district 20B.

The complaint alleges the following violation:

1. Rep. Bly used his campaign committee's funds to prepare and publish a book. The cost of producing the book is listed as a campaign expenditure on the committee's 2015 year-end Report of Receipts and Expenditures. The book does not include the required disclaimer for campaign material, in violation of Minnesota Statutes section 211B.04; and

**Determination:**

The claimed violation is based on the fact that the book does not include the disclaimer that is in some cases required under Minnesota Statutes section 211B.04. With a few exceptions not likely relevant to this determination, that section requires a "person" who distributes campaign material to include a disclaimer. Campaign material is defined by statute as "any literature, publication, or material that is disseminated for the purpose of influencing voting at a primary or other election."

The complaint included a copy of the book as an attachment. No disclaimer is found in the copy of the book provided to the Board. The author of the book is listed as David Bly. In the acknowledgements the author also states, "I thank my constituents in Minnesota House District 20B for the great privilege of serving them in the Minnesota House of Representatives." The complaint further states that the committee reported a campaign expenditure of \$8,495.00 made to L&K Enterprises, LLC for the purpose of "Printing and Photocopying: Publishing of Book" on its 2015 year-end report. These facts support the assertion that Rep. Bly or his committee was responsible for the book's preparation and dissemination.

Based on the above analysis, the chair concludes that the allegations and book submitted set forth sufficient evidence on which to make a prima facie determination that the complaint states a violation of the disclaimer requirement, and should proceed to the probable cause determination stage.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (1), this prima facie determination is made by a single Board member and not by any vote of the entire Board. This

prima facie determination does not mean that the Board has commenced, or will commence, an investigation or has made any determination of a violation by any of the individuals or entities named in the complaint.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (2), within 45 days of the date of this determination the Board will make findings and conclusions as to whether probable cause exists to believe the violations alleged in the complaint warrant a formal investigation. The complainant and the respondents named in this prima facie determination will be given an opportunity to be heard by the Board prior to any decision on probable cause.

Until the Board makes a public finding or enters into a conciliation agreement, this matter is subject to the confidentiality requirements of Minnesota Statutes section 10A.022, subdivision 5.

/s/ Daniel Rosen  
Daniel N. Rosen, Chair  
Campaign Finance and Public Disclosure Board

Date: 8/29/2016