

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF MARK LIEBOW REGARDING THE MELIN (GARY) FOR MN HOUSE 26A COMMITTEE

On August 10, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by Mark Liebow regarding the Melin (Gary) for MN House 26A committee. Melin (Gary) for MN House 26A is the principal campaign committee of Gary Melin, a candidate for Minnesota House District 26A.

The complaint alleges that Gary Melin filed to run for office in 2020 and, according to election officials, he did not file by petition. Therefore, either the Melin committee must have paid the \$100 filing fee or someone must have paid that fee on the committee's behalf. The complaint states that either option would have resulted in a transaction that should have been reported on the Melin committee's pre-primary report of receipts and expenditures. That report, however, declares that the committee had no disbursements of any kind during the reporting period. The complaint therefore alleges that the Melin committee violated Minnesota Statutes section 10A.025, subdivision 2, paragraph (b), by omitting the \$100 filing fee from its pre-primary report.

Determination

Minnesota Statutes section 10A.20, subdivision 3, requires a committee to disclose all of its financial activity on its reports to the Board, including in-kind transactions. Minnesota Statutes section 10A.025, subdivision 2, paragraph (b), provides that a person "shall not sign and certify to be true a report or statement knowing it contains false information or knowing it omits required information." The complaint alleges that a filing fee was paid so that Gary Melin could run for office. Filing fees should be reported either as a cash noncampaign disbursement by the committee or as an in-kind contribution to the committee with a corresponding in-kind noncampaign disbursement. The Melin committee's pre-primary report, however, does not disclose any disbursements or expenditures for the reporting period. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes sections 10A.20, subdivision 3, and 10A.025, subdivision 2, paragraph (b).

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, 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, within 45 days of the date of this determination, the Board will make findings and conclusions as to whether probable cause exists

to believe that the violations of Minnesota Statutes sections 10A.20 and 10A.025 alleged in the complaint warrant a formal investigation. The complainant and the respondent 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/ Gary Haugen _____
Gary Haugen, Chair
Campaign Finance and Public Disclosure Board

Date: August 17, 2020