

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF MATTHEW T. WERDEN REGARDING THE DIPPEL (TOM) FOR SENATE COMMITTEE AND ACTION 4 LIBERTY

On April 11, 2023, the Campaign Finance and Public Disclosure Board received a complaint submitted by counsel for Matthew Werden regarding the Dippel (Tom) for Senate committee and Action 4 Liberty. The Dippel (Tom) for Senate committee is the principal campaign committee of Tom Dippel, a 2022 candidate for Minnesota Senate District 41. Action 4 Liberty is a nonprofit 501(c)(4) association not registered with the Board.

The complaint alleges that Action 4 Liberty, as a nonprofit corporation, violated Minnesota Statutes section 211B.15, subdivision 2, by making prohibited contributions to the Dippel committee. The complaint alleges that the Dippel committee violated the same statute by accepting those contributions. The complaint asserts that Action 4 Liberty provided corporate contributions to the Dippel committee in the form of the free services performed by its paid employee, William Beck. The complaint alleges that Mr. Beck managed the Dippel committee's social media page, drafted campaign material for the Dippel committee, and scheduled meetings for the Dippel committee's staff and volunteers.

The complaint includes an affidavit from Marissa Manteufel, a staff member of the Senate Victory Fund, who was assigned to provide staff services to the Dippel committee. The Senate Victory Fund is the Republican legislative party unit for the state senate. Ms. Manteufel states that on May 11, 2022, she was present at a Dippel campaign meeting with Mr. Beck. Ms. Manteufel stated that Mr. Beck told her that he worked for Action 4 Liberty and was a paid intern to "help campaigns." Ms. Manteufel said that she was instructed by Mr. Dippel to copy Mr. Beck on all emails. Ms. Manteufel stated that Mr. Beck had administrative access to the Dippel committee's Facebook page and provided a screenshot showing that Mr. Beck granted her partial access to manage the Dippel for Senate Facebook page (Attachment A). Ms. Manteufel stated that Mr. Beck helped the Dippel committee write several pieces of campaign material and provided a copy of an email from Mr. Beck discussing the design of new campaign literature for the Dippel committee (Attachment B). Ms. Manteufel further alleged that Mr. Beck scheduled meetings with Dippel campaign staff and volunteers and provided a copy of an email from Google Docs showing that Mr. Beck shared a document titled "Dippel Kickoff Event Invite" (Attachment C). The complaint alleges that Ms. Manteufel's affidavit and attachments show that Action 4 Liberty provided a corporate contribution in the form of paid staff time to the Dippel committee in violation of Minnesota Statutes section 211B.15.

The complaint also alleges that Action 4 Liberty and the Dippel committee each violated the individual contribution limit in Minnesota Statutes section 10A.27, subdivision 1. The individual

contribution limit for a candidate for state senator was \$1,000 during the 2021-2022 election cycle. The complaint alleges that the value of Mr. Beck's substantial time and services provided to the Dippel committee was in excess of the \$1,000 limit.

The complaint also notes that Action 4 Liberty "operates the Action 4 Liberty PAC, a political committee" registered with the Board.

Determination

Corporate Contributions

Minnesota Statutes section 10A.01, subdivision 11, defines the term contribution, in relevant part, to mean "money, a negotiable instrument, or a donation in kind that is given to a political committee, political fund, principal campaign committee, local candidate, or party unit."

Minnesota Statutes section 10A.01, subdivision 13, defines the term donation in kind to mean "anything of value that is given, other than money or negotiable instruments. An approved expenditure is a donation in kind."

Minnesota Statutes section 211B.15, subdivision 1, defines the term corporation to mean "(1) a corporation organized for profit that does business in this state; (2) a nonprofit corporation that carries out activities in this state; or (3) a limited liability company formed under chapter 322C, or under similar laws of another state, that does business in this state." Minnesota Statutes section 211B.15, subdivision 2, provides that:

- (a) A corporation may not make a contribution or offer or agree to make a contribution directly or indirectly, of any money, property, free service of its officers, employees, or members, or thing of monetary value to a political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office.
- (b) A political party, organization, committee, or individual may not accept a contribution or an offer or agreement to make a contribution that a corporation is prohibited from making under paragraph (a).
- (c) For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate but does not include an independent expenditure authorized by subdivision 3.

A corporation that has violated the prohibition on corporate contributions is subject to a civil penalty imposed by the Board. Minn. Stat. § 211B.15, subd. 7. An individual representative of a corporation who has violated the prohibition while acting on behalf of the corporation is likewise subject to a civil penalty imposed by the Board. Minn. Stat. § 211B.15, subd. 6. An individual or other entity that has accepted a contribution or an offer or agreement to make a

contribution prohibited by Minnesota Statutes section 211B.15 is also subject to a civil penalty imposed by the Board. Minn. Stat. § 10A.34, subd. 4.

The complaint alleges that Action 4 Liberty is registered as a Minnesota nonprofit corporation. The complaint alleges and contains evidence that Action 4 Liberty made an in-kind contribution to the Dippel committee by providing a paid intern to perform services for the Dippel committee. The chair therefore concludes that the complaint states a prima facie violation of the corporate contribution prohibition in Minnesota Statutes section 211B.15, subdivision 2, as to Action 4 Liberty and the Dippel committee.


Individual Contribution Limit

Minnesota Statutes section 10A.27, subdivision 1, states that during a two-year election segment, a candidate for state senator “must not permit the candidate’s principal campaign committee to accept aggregate contributions made or delivered by any individual, political committee, political fund, or association not registered with the board in excess of” \$1,000. Paragraph (c) of that subdivision states that a “lobbyist, political committee, political party unit, an association that has a political fund, or an association not registered with the board must not make a contribution a candidate is prohibited from accepting.” The complaint does not provide evidence as to the value of the services provided to the Dippel committee to indicate that the alleged in-kind contribution exceeded the individual contribution limit of \$1,000. The chair therefore concludes that the complaint does not state a prima facie violation of the individual contribution limit imposed by Minnesota Statutes section 10A.27, subdivision 1.

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 violation of Minnesota Statutes section 211B.15 alleged in the complaint has occurred and warrants 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.



George W. Soule, Chair
Campaign Finance and Public Disclosure Board

Date: April 25, 2023