

Complaint and Memorandum

To: The Campaign Finance and Public Disclosure Board

From: Steven Timmer, 5348 Oaklawn Avenue, Edina, MN 55424, 952.922.8440

Re: Complaint against Minnesota Jobs Coalition, Minnesota Jobs Coalition Legislative Fund, Ben Golnik and Kevin Magnuson (addresses at the foot of this complaint)

Date: July 14, 2014

14 JUL 17 AM 11:22
CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

The Minnesota Jobs Coalition Legislative Fund ("MJCLF") was registered with the Board as a political fund in January, 2013 (Registration # 41098). It was formed, by Ben Golnik; Kevin Magnuson is identified as the treasurer of the fund on its first annual report to the Board filed in January of this year. On information and belief, Kevin Magnuson has served continuously as the treasurer of MJCLF since it was formed.

The Minnesota Jobs Coalition ("MJC") a separate entity, was formed in April of 2013 (according to the Secretary of State). Guidestar reports no information about MJC, save for an address associated with it: 1192 Portland Avenue, St. Paul, MN 55104, an address also associated with Ben Golnik.

Somewhat confusingly, the hotlink on the Board's website "Minn Jobs Coalition" takes one to records and reports of the MJCLF, not the MJC. There is no record, that I am able to find, anyway, of a filing, registration, or report from the MJC to the Board. Because of the wording of the hotlink, it is not apparent, and I was not aware until the complaint I filed earlier was denied, that the MJC and the MJCLF were separate entities, not that they are, practically speaking.

According to the annual report referred to above, in October of 2013, the MJC contributed \$25,000 to the MJCLF, over a quarter of the total money contributed to the MJCLF that year. (This was the subject of my original complaint.) In addition, Republican candidate for governor Scott Honour contributed \$10,000 to the MJCLF and Mike McFadden, a U.S. Senate candidate, contributed \$1,000, both in February of 2013. According to a quarterly report, the MJCLF received only \$70.00 in contributions in the first quarter of this year.

There is a near identity in name, address, organizing individuals, and apparent purpose of the MJCLF and the MJC. The only material difference is that the MJCLF is registered as a political fund with the Board, and is therefore a reporting entity, with an obligation to disclosure contributors, while the MJC is not registered and has not filed reports.

The MJCLF, or the MJC, or both, I cannot tell, have undertaken activities the major purpose of which is the influencing of elections: hiring an executive director/spokesman, producing a video

critical of the health insurance exchange, MNSure, established by the current administration, and up for re-election this year, and purchasing or leasing a billboard/truck with the same criticism, displayed at the state Republican convention in Rochester, and perhaps elsewhere. There may have been additional activities of which I am unaware.

The fact that two Republican candidates for state-wide office were contributors to the MJCLF, as was the terminating Cravaack for Congress Committee, compels the conclusion that the MJCLA was formed to influence the outcome of elections.

There are no Guidestar 990 or financial statement filings for the MJC, but given the circumstances surrounding the names, formation, and principal individuals involved, it must be concluded that the MJC was formed for the same purpose that the MJCLF was: to influence the outcome of elections. There certainly is no record extant of which I am aware demonstrating any other educational or charitable activities or expenditures of MJC.

It is apparent that one of the purposes of the MJC is to fund, or reimburse for, the activities of the MJCLF.

The conclusion is likewise compelled that the MJCLF and the MJC are functionally a single organization, and that the latter was formed to avoid the disclosure of contributors; to call them two organizations and not one is a triumph of form over substance. If the MJCLF is a reporting entity – and the persons responsible for it apparently think it is – so is the MJC.

I believe these facts, on investigation, may lead to the conclusion that these laws were broken:


MJC is a reporting entity under Minn. Stat. sec. 10A.01, subd. 27 or subd. 28 (2013).

MJC's failure to register as a reporting entity is a violation of Minn. Stat. sec. 10A.14 subd. 1 (2013).

MJC's failure to file periodic reports is a violation of Minn. Stat. sec. 10A.20, subd. 1, *et seq.* (2013).

MJCLA and MJC may have co-mingled funds and assets in violation of Minn. Stat. sec. 10A.11, subd. 2 (2013).

MJC may have been established to circumvent the application of campaign finance limits or the attribution of contributions to candidates or others in violation of Minn. Stat. sec. 10A.29 (2013).


Steven J. Timmer
7/15/14

Entities and persons complained about:

Minnesota Jobs Coalition Legislative Fund
431 Seventh Street, Suite 2530
Minneapolis, MN 55415

Minnesota Jobs Coalition
1192 Portland Avenue
St. Paul, MN 55104

Kevin Magnuson – Treasurer of the MJCLA
431 Seventh Street, Suite 2530
Minneapolis, MN 55415

Ben Golnik – Exec. Dir. of MJCLA and unknown relationship with MJC
1192 Portland Avenue
St. Paul, MN 55104