

Campaign Finance & Public Disclosure Board

190 Centennial Office Building, 658 Cedar St, St Paul, MN 55155

www.cfboard.state.mn.us



Complaint for Violation of the Campaign Finance and Public Disclosure Act

All information on this form is confidential until a decision is issued by the Board.
A photocopy of the entire complaint, however, will be sent to the respondent.

Information about complaint filer

Name of complaint filer	Michael David Qualy		
Address	1314 22nd Street West	Email address	Mikequaly@yahoo.com
City, state, and zip	Hastings, MN 55033	Telephone (Daytime)	651 271 1208

Identify person/entity you are complaining about

Name of person/entity being complained about	Emily Melligen; Libertarian Party of Minnesota		
Address	880 Lyn Way #308; 3270 W Lake St Ste 9		
City, state, zip	Hastings, MN 55033; Minneapolis, MN 55416		
Title of respondent (If applicable)			
Board/Department/Agency/District # (If legislator)			

A handwritten signature in blue ink, appearing to read "Michael David Qualy".

Signature of person filing complaint

1-31-2018

Date

Send completed form to:

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

If you have questions:

Call 651-539-1190, 800-657-3889, or for TTY/TDD communication contact us through the Minnesota Relay Service at 800-627-3529. Board staff may also be reached by email at cf.board@state.mn.us.

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.

Give the statutory cite to the section of Chapter 10A, Chapter 211B, **10A.16; 10A.29; 211B.04** or Minnesota Rules you believe has been violated:

You will find the complete text of Chapter 10A, Chapter 211B, and Minnesota Rules chapters 4501 - 4525 on the Board's website at www.cfboard.state.mn.us.

Nature of complaint

Explain in detail why you believe the respondent has violated the campaign finance and public disclosure laws. Attach an extra sheet of paper if necessary. Attach any documents, materials, minutes, resolutions, or other evidence to support your allegations.

See attached documents.

Minnesota Statutes section 10A.022, subdivision 3, describes the procedures required for investigating complaints. A full description of the complaint process is available on the Board's website.

Briefly, the Board will notify you when it has received your complaint. The Board must send a copy of the complaint to the respondent. Complaints and investigations are confidential. Board members and staff cannot talk about an investigation except as required to carry out the investigation or to take action in the matter. After the Board issues a decision, the record of the investigation is public.

The law requires a complaint to go through two stages before the Board can begin an investigation: a prima facie determination and a probable cause decision. If the complaint does not pass one of the stages, it must be dismissed.

The Board has 10 business days after receiving your complaint to determine whether the complaint is sufficient to allege a prima facie violation of the campaign finance laws. If the Board determines that the complaint does allege a prima facie violation, the Board has 45 days to decide whether probable cause exists to believe a violation that warrants a formal investigation has occurred. Both you and the respondent have the right to be heard on the issue of probable cause before the Board makes this decision. The Board will notify you if the complaint moves to the probable cause stage.

If the Board determines that probable cause does not exist, the Board will dismiss the complaint. If the Board determines that probable cause exists, the Board will start an investigation. The Board will send you monthly updates regarding the status of the investigation. At the end of the investigation, the Board will offer you and the respondent the opportunity to be heard before the Board makes a final decision.

In most cases, the Board will issue findings, conclusions, and an order as its decision. For a spending or contribution limits violation, the Board can enter into a conciliation agreement with the respondent instead of issuing findings, conclusions, and an order. The Board's final decision will be sent to you and posted on the Board's website.

Nature of Complaint

On or about January 18, 2018, the Libertarian Party of Minnesota (“LPMN”) created a GoFundMe fundraising campaign page (“GoFundMe page”) in support of Candidate Emily Melligen (“Candidate Melligen”). The GoFundMe page is available at <http://www.gofundme.com/HelpEmilyWin>. Attached for your convenience are screenshots of the GoFundMe page as it appeared on January 31, 2018 at approximately 10:00 a.m.

To date, the GoFundMe page has raised \$1,054 from 20 contributions (ranging from \$5 to \$225) and seeks to raise an additional \$13,520 in order to meet the fundraising goal of \$14,574. The LPMN seeks to raise this amount to pay for campaign brochures and telemarketing services.

The express purpose of the GoFundMe page is funnel the raised funds to Candidate Melligen. Specifically, the page states: “This GoFundme [sic] page was created by the LPMN and to be clear donations will be going to the candidates [sic] (Emily) campaign committee [sic]”.

On information and belief, Candidate Melligen and the LPMN have committed violations of Minnesota campaign finance laws through the use of this GoFundMe page, including, but not limited to, the following laws:

- Minn. Stat. § 10A.16 for the LPMN’s express acceptance and solicitation of earmarked contributions;
- Minn. Stat. § 10A.29 for Candidate Melligen and the LPMN’s circumvention of campaign finance laws through the use of the GoFundMe page; and
- Minn. Stat. § 211B.04 for the LPMN’s failure to include the required disclaimer on disseminated campaign material.

LPMN is in violation of Minn. Stat. § 10A.16 for earmarking contributions.

1. On information and belief, the LPMN violated Minn. Stat. § 10A.16 for accepting and soliciting contributions through the GoFundMe page with the express or implied condition that the contributions will be directed to Candidate Melligen.
2. On information and belief, the LPMN knowingly accepted earmarked contributions.
3. The LPMN expressly states that contributions made to LPMN via the GoFundMe page will be earmarked for Candidate Melligen: “This GoFundme page was created by the LPMN and to be clear donations will be going to the candidates (Emily) campaign committee.”

Candidate Melligen and LPMN are in violation of Minn. Stat. § 10A.29 for circumventing various provisions of Chapter 10A.

4. On information and belief, Candidate Melligen and the LPMN violated Minn. Stat. § 10A.29 by circumventing recordkeeping requirements and prohibitions against accepting anonymous contributions.
5. Individuals making donations to a GoFundMe campaign have the option to make the donation anonymous to the public. If made anonymously, GoFundMe hides the name of the donor from public view on the GoFundMe page. However, whether or not made anonymously, the Campaign Organizer will always receive and have access to the following information: donor's name, donor's email, donation amount, and donation comment.
6. GoFundMe does not distribute, publish, or otherwise make available a donor's address or employer/occupation.
7. Minn. Stat. § 10A.13 requires party units and campaign committees to keep account of various campaign finance records, including, specifically, the name, address, amount, and date of each contribution in excess of \$20.
8. Minn. Stat. § 10A.15 makes it a violation to retain an anonymous contribution in excess of \$20.
9. Minn. Stat. § 10A.20 requires party units and campaign committees to report—in addition to the information required in Minn. Stat. § 10A.13—the employer or occupation of any contributor that in the aggregate contributes more than \$200 in a year.
10. In order to comply with Chapter 10A, LPMN must follow up with GoFundMe donors and obtain the addresses for those individuals that contributed in excess of \$20 and employer/occupation information for those individuals that contributed in aggregate and in excess of \$200 in a year – otherwise those donations must be treated as anonymous contributions.
11. On information and belief, the LPMN does not have the required addresses and/or employer/occupation information of the GoFundMe donors and the LPMN has yet to obtain such information. Consequently, all contributions in excess of \$20 made to the GoFundMe page are anonymous contributions.

12. As of January 31, 2018, 15 of the 20 contributions made through the GoFundMe page are in excess of \$20.
13. As of January 31, 2018, 1 of the 20 contributions made through the GoFundMe page are in excess of \$200.
14. On information and belief, the LPMN has retained such anonymous contributions by transferring the contributions to Candidate Mellinger.
15. By retaining and subsequently contributing the anonymous GoFundMe contributions to Candidate Mellinger, the LPMN and Candidate Mellinger have knowingly circumvented various provisions of Chapter 10A, including, but not limited to, Minn. Stat. §§ 10A.13, 10A.16, 10A.20.

LPMN is in violation of Minn. Stat. § 211B.04 for failure to display required disclaimer on disseminated campaign material.

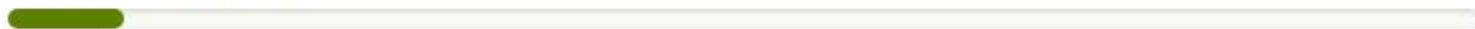
16. On information and belief, the LPMN violated Minn. Stat. § 211B.04 for preparing and disseminating campaign material that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in Minn. Stat. § 211B.04(b)-(c).
17. The GoFundMe page contains campaign material, as defined at Minn. Stat. § 211B.01, subd. 2, because the page contains material that is disseminated for the purpose of influencing voting at an election: (1) the page advocates for the election of Emily Mellinger to Minnesota State Senate; and (2) the page identifies the office and election date.
18. The GoFundMe page identifies the creator of the page as the “Libertarian Party of MN” and as the “LPMN,” however, the page does not provide the address for the LPMN.
19. The GoFundMe page does not state or otherwise indicate that the page was “Prepared and paid for” by the LPMN, as required by Minn. Stat. § 211B.04, subd. b.



Emily Mellingen

Help Emily Win!

\$1,054 of \$14,574 goal



Raised by 20 people in 12 days

[Donate Now](#)

[Share on Facebook](#)



Libertarian Party of MN

Other

MINNEAPOLIS, MN



Donate

Share

Every day millions of people wake up starving for freedom. Your donation of \$1 a day (for the next 25) can bring hope to a few thousand of them who are freezing in Minnesota.

Emily Mellingen spent 3 nights in the cold and in the dark during a Minnesota winter work week, collecting 600 signatures to get on the ballot for you. In return she now needs your help.

Emily Mellingen, Libertarian for MN state senate district 54 is that light, and we want to shine it on everyone, who votes, in her district, in the next 25 days.

Today is January 18 and the election is in on February 12, 2018. Emily needs 6000 votes to win. Won't you help right now? Our children's futures depend on it.

\$1 a day (\$25) will pay for 250 brochures that our volunteers will hand deliver to registered voters doors for you, on Emily's behalf.

\$2 a day (\$50) will pay for 200 phone calls by telemarketing services to registered voters for you, on Emily's behalf (or it will pay for 500 brochures)

\$4 a day (\$100) will pay for 400 phone calls or 1000 brochures

\$8 a day (\$200) will pay for 800 phone calls or 2000 brochures

Shall we continue the math?



Donate

Share

There are 41,641 registered voters in Emily's district. If we can get 1 in 7 voters to go out and vote for Emily, she can win. To print enough brochures that volunteers will deliver for free to all of them will cost \$4164. To hire telemarketing services that we will arrange to call all of them will cost \$10,410.

\$14,574 seems an affordable price to bring the light of liberty to this dark corner of the world. We have collected \$1450 so far and have \$13,124 to go. Your donation is urgently needed. Make it today to the LPMN and say Emily sent me! Each donation will receive a free satisfaction of conscience. Liberty is waiting, and thanks you. Don't delay.

For the record, the state of Minnesota is giving a public subsidy (your tax money) to the DFL candidate in this race \$10,882 and to the Republican \$8222. The state has offered Emily \$147, and she told them to pound sand. You go girl!

Your support means so much! Let's show the two party duopoly that true community can change the world. We are so grateful to all that can contribute. We can't change hearts and minds without your voice.

Emily and all her supporters cannot express enough, the gratitude felt from your donation.

Let's be the change that we want to see in the world!

<https://emilymellingen.wordpress.com/>

This GoFundme page was created by the LPMN and to be clear donations will be going to the candidates (Emily) campaign committee. Maximum individual donation is \$1,000.00

Share

Tweet





Donate

Share

44 shares on Facebook

This campaign is trending!

Recent Donations



\$24
Anonymous
1 day ago



\$20
Cole Wittenberg
1 day ago



\$25
Anonymous
1 day ago



\$25
Daniel Elder
5 days ago



\$50
Chris Beaulieu
6 days ago



\$50
Dave Holsinger
6 days ago



\$30
Rosemary Sarauer
8 days ago



Donate

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\$100
Ronald Rollins
8 days ago



\$100
Christopher Chubb
9 days ago



\$100
Nicole Rude
9 days ago

+ See More

Viewing 10 of 20 Donations



Leave a comment

Add Photos

Post



Chris Beaulieu
6 days ago

Go get em Emily !! Thanks for running !

Share Like



Ronald Rollins
8 days ago

Libertarians helping libertarians! From the Foxall in Florida campaign!



Donate

Share

Share Like



Nicole Rude

9 days ago

Emily, You are something else! I'm so proud of you and this act of resistance! You got this. If anyone can, it's you.

Share Like



Marisa Patrin

11 days ago

Thanks for running Emily.

Share Like



Matt Kowalski

11 days ago

Thank you for your courage, Emily! You are an inspiration to the movement, can't stop won't stop. Cheers to victory!

Share Like

Ask GoFundMe a Question

Report Campaign



Donate

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#1 Fundraising platform

People have raised more money on GoFundMe than anywhere else.

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Your donation is protected. If anything is not right, we'll give you a full refund.

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Expert advice, 24/7

Contact us with your questions and we'll answer, day or night.

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English (US)





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Recent Donations



\$24
Anonymous
1 day ago



\$20
Cole Wittenberg
1 day ago



\$25
Anonymous
1 day ago



\$25
Daniel Elder
5 days ago



\$50
Chris Beaulieu
6 days ago



\$50
Dave Holsinger
6 days ago



\$30
Rosemary Carpenter

Viewing 10 of 20 Donations



Leave a comment



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Recent Donations ▾



\$30
Rosemary Sarauer
8 days ago



\$100
Ronald Rollins
8 days ago



\$100
Christopher Chubb
9 days ago



\$100
Nicole Rude
9 days ago



\$50
Kris G
9 days ago



\$5
Jose Palacios
10 days ago



\$25
Nathan E. Kuhlman

Viewing 10 of 20 Donations

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\$20

Justin Jelinek

11 days ago



\$50

Anonymous

11 days ago



\$20

Marisa Patrin

11 days ago



\$90

Anonymous

11 days ago



\$20

Paul Streeter

11 days ago



\$25

Edward Schofield

11 days ago



\$225

Matt Kowalski

Viewing 10 of 20 Donations



Leave a comment