

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF STEVE DRAZKOWSKI REGARDING THE NEIGHBORS FOR ILHAN (OMAR) COMMITTEE:

On August 2, 2018, the Campaign Finance and Public Disclosure Board received a supplement to the complaint filed on July 19, 2018, by Rep. Steve Drazkowski regarding the Neighbors for Ilhan (Omar) committee. The supplement alleges violations of Chapter 10A not raised in the original complaint. Therefore, a prima facie determination on the new allegations is required. Rep. Drazkowski now alleges that the Omar committee's 2016 year-end report of receipts and expenditures did not include sufficient information to justify the classification of a payment to the Kjellberg Law Firm as a noncampaign disbursement, in violation of Minnesota Rules 4503.0900, subpart 3. The complaint also alleges that the timing and completeness of the Omar committee's report disclosing the payment to the Kjellberg Law firm did not comply with the requirements of Minnesota Statutes section 10A.20.

**Determination**

Minnesota Rules 4503.0900, subpart 3, states, "[i]temization of an expense which is classified as a noncampaign disbursement must include sufficient information to justify the classification." The Omar committee's 2016 year-end report shows that on November 20, 2016, the committee made a \$2,250 payment to the Kjellberg Law Office for legal fees. The committee's report does not identify the purpose of the legal fees. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Rules 4503.0900, subpart 3.

Minnesota Statutes section 10A.20, subdivision 13, provides that when a committee reimburses someone for an expenditure, the committee can report that reimbursement in one of two ways: 1.) report the expenditure or noncampaign disbursement as if it was paid directly to the vendor who sold the good or services used; or 2.) report the name and address of the person being reimbursed as the payee and include the name and address of the vendor from which the person being reimbursed bought the good or service. The supplemental complaint includes statements made by Carla Kjellberg that the committee's payment to her law office was reimbursement for services that her firm initially paid for on behalf of the committee. The Omar committee's report, however, does not identify the payment to the Kjellberg Law Office as a reimbursement for other professional services. The chair therefore concludes that the complaint states a prima facie violation of the reporting requirements of Minnesota Statutes section 10A.20.

Minnesota Statutes section 10A.20, subdivision 4, states in relevant part, "[a] report must cover the period from January 1 of the reporting year to seven days before the filing date . . . ." In addition Minnesota Statutes section 10A.20, subdivision 3 (j), requires that the reporting entity disclose unpaid bills on a report of receipts and expenditures as those bills are incurred. The complaint alleges that the legal services were provided at least by August of 2016, and therefore were reportable on the pre-

general-election report that covered the period of January 1, 2016, through October 24, 2016. The payment to the Kjellberg Law Office was not disclosed until the 2016 year-end report. The chair therefore concludes that the complaint states a prima facie violation of the reporting requirements of Minnesota Statutes section 10A.20.

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 disclaimer and the inappropriate political contribution alleged in the complaint warrants 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/ Margaret Leppik  
Margaret Leppik, Vice Chair  
Campaign Finance and Public Disclosure Board

Date: August 7, 2018