

**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 October 8, 2018, the Campaign Finance and Public Disclosure Board received another complaint submitted by Rep. Steve Drazkowski regarding the Neighbors for Ilhan (Omar) committee. This new complaint alleges violations of Minnesota Statutes Chapter 211B and Chapter 10A not raised in the earlier complaints. Therefore, a prima facie determination on the new allegations is required. Rep. Drazkowski now alleges that the Omar committee's 2017 year-end report of receipts and expenditures shows several out-of-state trips paid for by the committee. Rep. Drazkowski alleges that these various disbursements by the committee are not allowed as campaign committee expenditures or noncampaign disbursements, and therefore the committee violated Minnesota Chapter 10A and Minnesota Statutes section 211B.12.

Determination

Minnesota Statutes section 211B.12 states provides that funds raised for political purposes must be used for expenses “. . . reasonably related to the conduct of election campaigns, or . . . a noncampaign disbursement.” This statute also provides that principal campaign committee funds may not be converted to personal use.

Minnesota Statutes section 10A.27, subdivision 9, bars a candidate or treasurer from making “a contribution from the principal campaign committee to a candidate for political subdivision office in any state.” The Omar committee's 2017 year-end report shows one campaign expenditure for travel costs for Rep. Omar to travel to Boston, MA for a rally. The complaint alleges that the rally was to assist a Boston city councilor in her election. The complaint further alleges that the campaign expenditures to assist a candidate in another state is in violation of Minnesota law. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 10A.27, subdivision 9.

Minnesota Statutes section 10A.01, subdivision 26, paragraph (10), provides that noncampaign disbursements include payment for the candidate's expenses for serving in public office. Travel expenses can fall within this category when the reason for the candidate's attendance at the event is to help the candidate in the performance of the duties of office held and the candidate would not have attended the event if the candidate were not an office holder. See Findings in the matter of People for (Gregory) Davids Committee (Aug. 15, 2006); Minnesota Statutes section 10A.173, subd. 4 (effective June 1, 2018). The Omar committee's 2017 year-end report shows several noncampaign disbursements for out-of-state travel for Rep. Omar to attend various events. The complaint alleges that the events attended by Rep. Omar were not designed to help her in her legislative duties. The information on the committee's 2017 year-end report does not indicate how attendance at these events would have helped Rep. Omar in the performance of her legislative duties. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.12.

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 violations of Minnesota Statutes 10A.27 and 211B.12 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/ Carolyn Flynn
Carolyn Flynn, Chair
Campaign Finance and Public Disclosure Board

Date: October 12, 2018