

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

**PROBABLE CAUSE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF GREG HENNINGSSEN REGARDING THE VOTE DUCKWORTH (ZACH) COMMITTEE

On August 17, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by Greg Henningsen regarding the placement of campaign signs by the Vote Duckworth (Zach) committee on property allegedly owned by corporations. Vote Duckworth (Zach) is the principal campaign committee of Senator Zach Duckworth, candidate for Minnesota Senate District 57.

The complaint alleges that the Duckworth committee has been allowed to place campaign signs on commercial property in violation of Minnesota Statutes section 211B.15. The complaint listed seven locations and the alleged owner of the properties where the signs were allegedly placed:

17595 Kenwood Trail, Lakeville, Minnesota—Valley Mining, LLC  
17400 Kenwood Trail, Lakeville, Minnesota—Lakeville Plaza, LLC  
9056 202<sup>nd</sup> Street W, Lakeville, Minnesota—G & F Holdings, LLP  
20944 Holyoke Avenue, Lakeville, Minnesota—Luxman Properties, LLC  
Scott Co. Road 2 and France Avenue, Elko New Market, Minnesota—Kwik Trip, Inc.  
321 Main Street, Elko New Market, Minnesota—Friedges Investment, LLC  
Scott Co. Road 21 and Natchez Avenue, Credit River, Minnesota—Legends Golf

The complaint includes photos that show a Vote Duckworth sign on the property located at 17595 Kenwood Trail, Lakeville, Minnesota (allegedly owned by Valley Mining, LLC) and at 17400 Kenwood Trail, Lakeville, Minnesota (allegedly owned by Lakeville Plaza, LLC). On August 25, 2022, Mr. Henningsen supplemented his complaint with photos of the remaining five locations.

On September 12, 2022, Mr. Duckworth responded to the complaint. Mr. Duckworth stated that the sign referred to in the complaint as being located at 20944 Holyoke Avenue, Lakeville, Minnesota, is actually located on the edge of the property next door at 20912 Holyoke Avenue, which is not owned by a corporation. Also, Mr. Duckworth stated that the Duckworth committee was aware that two signs (at 17595 Kenwood Trail, Lakeville, Minnesota—Valley Mining, LLC and 17400 Kenwood Trail, Lakeville, Minnesota—Lakeville Plaza, LLC) were going to be placed at locations owned by corporations and paid each corporation \$25 for the signs to be placed at these two locations from August through the general election. Mr. Duckworth provided a copy of a cashed check for \$25 from the Duckworth committee to Valley Commercial, LLC dated August 10, 2022, and a carbon copy of a check to Lakeville Plaza, LLC in the same amount.

Lastly, Mr. Duckworth states that various members of the public request campaign signs, but the committee is “not always privy to where they are ultimately placed, or if the land a sign is placed on is owned by a corporation or not. That is the case with many of the signs referenced in the complaint.”

Mr. Duckworth stated that after he received the complaint, he sent payment of \$25 to the other four corporations (9056 202<sup>nd</sup> Street W, Lakeville, Minnesota—G & F Holdings, LLP; Scott Co. Road 2 and France Avenue, Elko New Market, Minnesota—Kwik Trip, Inc.; 321 Main Street, Elko New Market, Minnesota—Friedges Investment, LLC; and Scott Co. Road 21 and Natchez Avenue, Credit River, Minnesota—Legends Golf) referenced in the complaint for the value of having the Duckworth committee campaign signs placed on corporate property through the general election. Mr. Duckworth's response included copies of the checks, which were dated September 8, 2022.

## **Analysis**

When the Board chair makes a finding that a complaint raises a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants an investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (d). A probable cause determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether a complaint raises sufficient questions of fact which, if true, would result in the finding of a violation.

If the Board finds that probable cause exists, the Board is required to determine whether the alleged violation warrants a formal investigation, considering the type and magnitude of the alleged violation, the knowledge of the respondents, any benefit to be gained from a formal investigation, the availability of Board resources, and whether the violation has been remedied. Minn. R. 4525.0210, subp. 5. If the Board finds that probable cause exists but does not order a formal investigation, the Board is required to either dismiss the complaint or order a staff review. Minn. R. 4525.0210, subp. 6.

Minnesota Statutes section 211B.15, subdivision 2 prevents corporations from giving contributions to candidates and prohibits candidates from accepting contributions from corporations. Minnesota Statutes section 211B.15, subdivision 2 includes within its list of prohibited corporate contributions “any money, property, free service of its officers, employees, or members, or thing of monetary value . . . .”

The placement of Duckworth committee campaign signs on the business properties in question would violate Minnesota Statutes section 211B.15, subdivision 2, unless the Duckworth committee paid for the value of that signage space. The response of Mr. Duckworth shows that the Duckworth committee did pay to place the campaign signs at two of the business locations in question (17595 Kenwood Trail, Lakeville, Minnesota—Valley Mining, LLC and 17400 Kenwood Trail, Lakeville, Minnesota—Lakeville Plaza, LLC), with the exception of the one sign that is not actually on corporate property (20944 Holyoke Avenue, Lakeville, Minnesota).

The placement of the other four signs (9056 202<sup>nd</sup> Street W, Lakeville, Minnesota—G & F Holdings, LLP; Scott Co. Road 2 and France Avenue, Elko New Market, Minnesota—Kwik Trip, Inc.; 321 Main Street, Elko New Market, Minnesota—Friedges Investment, LLC; and Scott Co. Road 21 and Natchez Avenue, Credit River, Minnesota—Legends Golf) occurred without the Duckworth committee knowing where the signs were placed. Once the Duckworth committee was informed that the signs were placed on corporate property, the Duckworth committee promptly paid for the placement of the signs. Therefore,

the record does not establish probable cause to believe that the Duckworth committee accepted corporate contributions in violation of Minnesota Statutes section 211B.15, subdivision 2.

**Order:**

1. The allegation that the Duckworth committee accepted corporate contributions in violation of Minnesota Statutes section 211B.15, subdivision 2, is dismissed without prejudice because there is not probable cause to believe that this violation occurred.

A handwritten signature in black ink, appearing to read 'F. Rashid', is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish that extends to the right.

Faris Rashid, Chair  
Campaign Finance and Public Disclosure Board

Date: October 5, 2022