

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF JAMES C. PARSONS REGARDING THE THEIS (TAMA) FOR SENATE COMMITTEE

On November 4, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by James Parsons regarding the Theis (Tama) for Senate committee, Board registration number 18895. Theis (Tama) for Senate is the principal campaign committee of Representative Tama Theis, a candidate for Minnesota Senate District 14. On November 21, 2022, the Board chair determined that the complaint states a prima facie violation of the reporting requirements under Minnesota Statutes section 10A.20, subdivision 3. The Board chair determined that the complaint did not state a prima facie violation of Minnesota Statutes section 10A.025, subdivision 2, because it did not allege that Representative Theis certified a report knowing that it was false or omitted required information. The prima facie determination was provided to both the complainant and Representative Theis.

On November 23, 2022, the Board received a supplemental complaint submitted by Mr. Parsons. The supplemental complaint alleges that Representative Theis certified her committee's original 2022 pre-general report of receipts and expenditures knowing that it was false or omitted required information. A prima facie determination regarding that allegation is now required.

The 2022 pre-general report covers the period from January 1 through October 24, 2022. Board records reflect that the Theis committee's original 2022 pre-general report was filed on the due date, October 31, and an amended report was filed on November 2, 2022. Each report was filed by Representative Theis, who is the committee's treasurer. The supplemental complaint alleges, and Board records reflect, that the amended pre-general report filed on November 2 includes \$46,856.28 in campaign expenditures that were not included within the original report that was filed two days earlier. The amended report includes campaign expenditures totaling \$60,228.75, meaning that 77.8% of the campaign expenditures included within the amended report were not included in the original report, despite those reports covering the same time period. The amended report also includes \$1,372 in receipts that were not included within the original report.

The supplemental complaint includes a list of itemized expenditures that were included in the amended 2022 pre-general report filed November 2, but not in the original 2022 pre-general report filed October 31, 2022. Some of those expenditures were reportedly made in July, August, or September, weeks or months before the report was due on October 31, 2022, and some were for several thousand dollars. The supplemental complaint asserts that "it is not reasonable to believe" that those expenditure "were not known to the candidate and treasurer (the same person, in this case) at the time the pre-General report was submitted."

The supplemental complaint also includes a list of, and hyperlinks to, invoices for radio advertisements allegedly purchased by the Theis committee. The supplemental complaint asserts that those purchases should have been included as expenditures within the Theis committee's original pre-general report. The invoice amounts exceed the amount of the single itemized expenditure included within the original pre-general report related to radio advertisements, which was a \$3,720 expenditure paid to Leighton Broadcasting.

## Determination

Minnesota Statutes section 10A.20, subdivision 3, requires that a principal campaign committee's periodic campaign reports include all expenditures made, advances of credit incurred, and contributions and other receipts received through the end of the applicable reporting period. Minnesota Statutes section 10A.025, subdivision 2, provides that "[a]n individual shall not sign and certify to be true a report or statement knowing it contains false information or knowing it omits required information."

The supplemental complaint alleges that Representative Theis certified a report knowing that it was false or omitted required information. Board records show that the Theis committee's original 2022 pre-general report, filed by Representative Theis on October 31, 2022, omitted 77.8% of the campaign expenditures included within the committee's amended 2022 pre-general report, filed by Representative Theis on November 2, 2022. The vice chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 10A.025, subdivision 2.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, 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, within 45 days of the date of this determination, the Board will make findings and conclusions as to whether probable cause exists to believe that the violation of Minnesota Statutes section 10A.025, subdivision 2, alleged in the supplemental 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.

  
George W. Soule, Vice Chair  
Campaign Finance and Public Disclosure Board

Date: November 28, 2022