

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF SHARON MUELLER REGARDING THE MATT ENTENZA FOR AUDITOR COMMITTEE:

The complaint alleges that the Matt Entenza for Auditor Committee failed to include the statutorily required disclaimer on five pieces of campaign literature. Although a disclaimer was provided, and the Committee's address was included elsewhere on the literature pieces, complainant alleges that the address must be included within the disclaimer text.

On September 2, 2014, the Board Chair made a determination that the complaint stated a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction.

Minnesota Statutes section 211B.04 requires campaign material to include a disclaimer that prominently states the name and address of the person or committee causing the material to be prepared or disseminated. Section 211B.04 states that the form of disclaimer by a principal campaign committee is: "Prepared and paid for by the (name) committee, (address)."

The disclaimer on the pieces on the subject literature stated, "Paid for by Matt Entenza for Auditor." On the other side of the pieces, the address "PO Box 4503, St. Paul, MN, 55104" was listed - the Committee's registered address on file with the Board.

Findings:

1. The Matt Entenza for Auditor Committee distributed campaign literature pieces prior to the 2014 primary election.
2. The campaign literature pieces contained a disclaimer stating "Paid for by Matt Entenza for Auditor" on the front of the piece and the committee's address on the back of the piece.

Conclusions:

1. Probable cause exists to believe that the Matt Entenza for Auditor Committee violated section 211B.04 of the Minnesota Statutes because the disclaimer on the campaign literature pieces was technically not in the statutorily required form.
2. No penalty is provided for by statute for a violation of the disclaimer provision.
3. Because the campaign literature pieces have been distributed and the Board can no longer order compliance with the disclaimer provision, and because no further penalty is provided for by statute, the Board concludes that it should commit no further resources to investigating this matter.

Order:

1. The complaint in the above matter is dismissed.

/s/ Deanna Wiener

10/7/2014

Dated: _____

Deanna Wiener, Chair
Campaign Finance and Public Disclosure Board