

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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Campaign Finance and Public Disclosure Board,

Plaintiff,

Court File No.: 62-CV-15-7562

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER FOR JUDGMENT**

Derrick Lehrke, Candidate;  
Alicia Erickson, Treasurer; and  
Derrick Lehrke for House,

Defendants.

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Plaintiff's motion for summary judgment came on for hearing before the undersigned Judge of District Court on March 31, 2016. Assistant Minnesota Attorney General Nathan J. Hartshorn appeared on behalf of Plaintiff Campaign Finance and Public Disclosure Board ("Plaintiff" or the "Board"). Defendants Derrick Lehrke ("Lehrke") and Derrick Lehrke for House (the "Committee") did not appear, nor did they file any opposition to Plaintiff's motion. Defendant Alicia Erickson was dismissed from the action on March 28, 2016, and did not appear.

The Court, having reviewed Plaintiff's motion papers and supporting affidavits, heard the arguments of Plaintiff's counsel, and based upon the files, records, and proceedings herein, makes the following:

**STATEMENT OF UNDISPUTED FACTS**

1. The Board is an agency of the State of Minnesota created by the Minnesota Campaign Finance and Public Disclosure Act. Among the Board's responsibilities are administering and enforcing the laws governing the filing of campaign reports by every principal campaign committee.
2. The Committee is a principal campaign committee as defined by Minn. Stat. § 10A.01, subd. 34. The Committee's purpose is to promote Lehrke's candidacy.
3. Under state law, campaign committees are required to file with the Board an annual year-end report that documents, among other things, the contributions the committee

received during the previous year, the expenditures it made, and the cash it had on hand at the end of the year. See Minn. Stat. § 10A.20, subs. 1, 2(a) (2014).

4. In February 2014, the Committee filed its 2013 Year-end Report of Receipts and Expenditures (the “2013 Report”) with the Board. In the 2013 Report, Lehrke certified that the Committee’s cash balance, as of December 31, 2013, was \$1,292.21.
5. In February 2015, Lehrke filed a 2014 Year-end Report of Receipts and Expenditures (the “2014 Report”) on behalf of the Committee. In this report, Lehrke certified that (1) the report was a “no change statement” attesting that the Committee received no contributions and made no expenditures during the reporting period of calendar-year 2014; (2) that the Committee’s cash balance was “zero” on December 31, 2014; and (3) that the Committee had dissolved.
6. Board staff noted that the 2013 and 2014 Reports contained conflicting information. While the 2013 Report stated that the Committee had \$1,292.21 in cash on hand at the end of 2013, the 2014 Report asserted that there were no contributions and no expenditures during 2014. In addition, the 2014 Report asserted that the Committee no longer had any cash on hand.
7. After receiving the 2014 Report, Board staff notified Lehrke that the Committee was required to file an amended report explaining the disposition of the \$1,292.21 that the Committee had reported on its 2013 Report. The Board communicated with Lehrke on numerous occasions regarding the necessity of filing an amended report.
8. On June 3, 2015, Board Legal Analyst/Management Analyst Kyle Fisher (“Fisher”) sent Lehrke a formal letter on behalf of the Board informing Lehrke that, pursuant to Minn. Stat. § 10A.025, subd. 2, the Committee was required to submit an amended 2014 Year-end Report documenting the disposition of the \$1,292.21 that the Committee had on hand as of December 31, 2013.
9. On June 24, 2015, Fisher sent Lehrke a second letter reiterating the Board’s request that the Committee file an amended 2014 Year-end Report. Fisher also notified Lehrke that because the Board had not received an amended 2014 Year-end Report by June 18, a late-filing fee of \$25.00 per day was accruing. The letter explained that this fee would reach its \$1,000.00 maximum on August 13.
10. Although the Board had extensive further communications with Lehrke and his wife, Lehrke and the Committee have filed nothing more with the Board as of the date of the hearing on the Board’s motion. In addition, Defendants have never provided the Board with (a) any documentation explaining the disposal of the Committee’s remaining assets, or (b) any report—other than the contradictory 2014 Report—of the Committee’s activities after December 31, 2013.

11. Plaintiff's Summons and Complaint pursuant to Minn. Stat. § 10A.34 was served on Defendants on September 21, 2015. Plaintiff's Complaint seeks an injunction ordering Defendants to file an amended report and payment of the late-filing fee.
12. Lehrke responded with a letter, but has never filed an Answer with the Court or otherwise appeared in this action. See (Hartshorn Aff., Ex. 3).

### CONCLUSIONS OF LAW

1. Rule 56.03 of the Minnesota Rules of Civil Procedure provides that "Judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of any material fact, and that either party is entitled to judgment as a matter of law." If the non-moving party fails to meet its burden of coming forward with admissible evidence showing genuine issues of material fact for trial, summary judgment is mandated. Minn. R. Civ. P. 56.05; see also *Nicollet Restoration, Inc. v. City of St. Paul*, 533 N.W.2d 845 (Minn. 1995). "If the nonmoving party does not . . . respond, 'summary judgment, if appropriate, shall be entered' against the nonmoving party." *DLH, Inc. v. Russ*, 566 N.W.2d 60, 69 (Minn. 1997) (citing Minn. R. Civ. P. 56.05).
2. Minn. Stat. § 10A.20 requires that the treasurer of a "political committee, political fund, principal campaign committee, or party unit must begin to file . . . reports . . . for the first year it receives contributions or makes expenditures that require it to register under Section 10A.14 and must continue to file until the committee, or party unit is terminated." See Minn. Stat. § 10A.20, subd. 1(a).
3. The report required by Minn. Stat. § 10A.20 must include information regarding the receipts, expenditures, and identification of contributors. See Minn. Stat. § 10A.20, subd. 3.
4. Material changes in information previously submitted and corrections to a report or statement must be reported in writing to the Board within ten days following the date of the event prompting the change, or the date upon which the person filing became aware of the inaccuracy. Minn. Stat. § 10A.025, subd. 4.
5. If an individual fails to file the required report within ten business days after the notice was sent, the Board "may impose a late filing fee of \$25 per day up to \$1,000 starting on the 11th day after the notice was sent." Minn. Stat. § 10A.025, subd. 4; see also Minn. Stat. § 10A.20, subd. 12. Defendants now owe Plaintiff the maximum late-filing fee of \$1,000.

6. The Board has the authority to bring suit in the Minnesota District Courts for (a) an injunction to enforce the mandates of Chapter 10A, and (b) for late-filing fees imposed under the Chapter. See Minn. Stat. § 10A.34, subds. 1a, 2.
7. Defendants have failed to comply with the reporting requirements contained in Minnesota Statutes Chapter 10A, and Defendants have not come forward with any genuine issue of material fact to preclude granting Plaintiff's Motion for Summary Judgment.

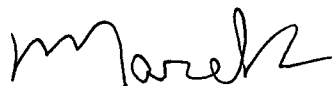
#### **ORDER FOR JUDGMENT**

1. Plaintiff's Motion for Summary Judgment against Defendants Derrick Lehrke and Derrick Lehrke for House is **GRANTED** in its entirety.
2. Judgment shall be entered in favor of Plaintiff and against Defendants Derrick Lehrke and Derrick Lehrke for House in the amount of amount of \$1,000, plus interest as Plaintiff may be entitled to by law.
3. On or before May 1, 2016, Defendants are ordered to file with the Board an Amended 2014 Year-end Report of Receipts and Expenditures documenting the disposition of the Defendant Derrick Lehrke for House committee's funds during the year 2014.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: April 6, 2016.

**BY THE COURT:**



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Lezlie Ott Marek  
Judge of District Court