

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

**PROBABLE CAUSE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF SOREN SORENSEN REGARDING THE 2<sup>ND</sup> SENATE DISTRICT DFL; TED FISKEVOLD, CHAIR; AND LON ENGBERG, TREASURER

On May 3, 2018, the Campaign Finance and Public Disclosure Board received a complaint submitted by Soren Sorensen regarding the 2<sup>nd</sup> Senate District DFL; Ted Fiskevold, chair of the 2<sup>nd</sup> Senate District DFL; and Lon Engberg, treasurer of the 2<sup>nd</sup> Senate District DFL. Mr. Sorensen's complaint alleges that the 2<sup>nd</sup> Senate District DFL violated Minnesota Statutes section 211B.04 when the party unit sent postcards to the endorsing convention delegates and alternates that did not include the required disclaimer; that the 2<sup>nd</sup> Senate District DFL violated Minnesota Statutes section 211B.12 when it made an inappropriate charitable contribution of \$1,000 to the Red Lake Political Education Committee in 2016; and that the 2<sup>nd</sup> Senate District DFL's made false claims of support in violation of Minnesota Statutes section 211B.02.

On May 15, 2018, the Board chair determined that the complaint alleged prima facie violations of Minnesota Statutes sections 211B.04 and 211B.12, but did not allege a prima facie violation of Minnesota Statutes section 211B.02 because that statute is not under the Board's jurisdiction.

**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 (2). 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.

In response to the prima facie determination, the party unit states that the post cards contained the statement "Paid for by the SD2 DFL" which, at the time of mailing, the party unit believed was a valid disclaimer. The 2<sup>nd</sup> Senate District DFL data secretary, chair, and treasurer subsequently attended a 2018 compliance training class conducted by Board staff. The officers state that they now understand the disclaimer requirements, including the need to use the words "prepared by" and to include the party unit's mailing address.

In response to the allegation that the party unit violated Minnesota Statutes section 211B.12, the 2<sup>nd</sup> Senate District DFL acknowledges that the party unit did provide a \$1,000 donation to the Red Lake Political Education Committee in 2016. The 2<sup>nd</sup> Senate District DFL states that the treasurer did not know that the Red Lake Political Education Committee was not registered with the Board or that there is a \$100 annual limit on contributions to charities organized under section 501(c)(3) of the Internal Revenue Code. Again, the 2<sup>nd</sup> Senate District DFL data

secretary, chair, and treasurer all attended a 2018 compliance training class and state that they now understand the limit on party unit charitable contributions.

**Order:**

1. Probable cause exists to believe that the postcard sent to delegates by the 2<sup>nd</sup> Senate District DFL did not have the required disclaimer in violation of Minnesota Statutes section 211B.04.
2. Probable cause exists to believe that the 2<sup>nd</sup> Senate District DFL made an improper payment of \$1,000 to the Red Lake Political Education Committee in 2016 in violation of Minnesota Statutes section 211B.12.
3. An investigation is ordered.
4. Until the Board makes a public finding this matter is subject to the confidentiality requirements of Minnesota Statutes section 10A.022, subdivision 5.

/s/ Carolyn Flynn Date: July 11, 2018  
Carolyn Flynn, Chair  
Campaign Finance and Public Disclosure Board