

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF STEVE DRAZKOWSKI REGARDING THE NEIGHBORS FOR ILHAN (OMAR) COMMITTEE:

On August 16, 2018, the Campaign Finance and Public Disclosure Board found probable cause for an investigation regarding the Neighbors for Ilhan (Omar) committee's possible violations of Minnesota Statutes sections 10A.20 and 211B.12 and Minnesota Rules 4503.0900 based on two complaints by Rep. Steve Drazkowski. Neighbors for Ilhan (Omar) is the principal campaign committee of Rep. Ilhan Omar. The August 16, 2018, probable cause determination combined the two complaints into one investigation because they involved the same facts.

While conducting the investigation, staff reviewed the Omar committee's 2017 year-end report of receipts and expenditures and discovered multiple noncampaign disbursements and one campaign expenditure that appear to be related to Rep. Omar's out-of-state travel. The noncampaign disbursements include airfare, hotel accommodations, and other expenses related to attending five out-of-state events, all categorized as expenses of serving in public office.

The campaign expenditure was for airfare to attend a political rally in Boston, Massachusetts. It is unclear to staff how that expenditure relates to the re-election of Rep. Omar. Principal campaign committee funds may not be used to support the election of a candidate for any level of office in another state.

Staff believes that the out-of-state travel related expenditures reported by the Omar committee in 2017 should be examined, and included in the ongoing investigation. However, Board staff may not expand the scope of the investigation to include the payments for out-of-state travel without approval from the Board. Minnesota Statutes section 10A.022, subdivision 3, paragraph (b), sets forth a process for expanding the scope of an investigation:

When the board investigates the allegations made in a written complaint and the investigation reveals other potential violations that were not included in the complaint, the board may investigate the potential violations not alleged in the complaint only after making a determination under paragraph (d) that probable cause exists to believe a violation that warrants a formal investigation has occurred.

Therefore, staff is bringing this request for a probable cause determination to the Board.

The Omar committee was notified of staff's intent to bring this matter before the Board. On September 25, 2018, the Omar committee submitted a response providing more details about

Rep. Omar's out-of-state travel. The response states that the trip to Boston was a campaign expenditure but does not explain how this expense was related to Rep. Omar's re-election. The response further claims that the remaining trips were permitted noncampaign disbursements for the costs of serving in office. Although the response states that Rep. Omar would not have taken these trips if she were not a legislator, the response does not explain how four of the five trips assisted Rep. Omar in the performance of her duties as a state representative.

Analysis

Minnesota Statutes section 211B.12 provides that funds raised for political purposes must be used for expenses “. . . reasonably related to the conduct of election campaigns, or . . . a noncampaign disbursement.” This statute also provides that principal campaign committee funds may not be converted to personal use.

Minnesota Statutes section 10A.27, subdivision 9, bars a candidate or treasurer from making “a contribution from the principal campaign committee to a candidate for political subdivision office in any state.” There is reason to believe that the political rally that Rep. Omar attended in Boston was for a Boston City Council candidate. While Rep. Omar's appearance in itself likely would not constitute a contribution to the Boston city council candidate's campaign, the expenditure of committee funds to pay for Rep. Omar to travel to Boston, thereby enabling her to speak at the candidate's campaign rally, would constitute an in-kind contribution from the Omar committee to the candidate for Boston City Council.

Minnesota Statutes section 10A.01, subdivision 26, paragraph (10), provides that noncampaign disbursements include payment for the candidate's expenses for serving in public office. Travel expenses can fall within this category when the reason for the candidate's attendance at the event is to help the candidate in the performance of the duties of the office held and the candidate would not have attended the event if the candidate were not an office holder. See Findings in the matter of People for (Gregory) Davids Committee (Aug. 15, 2006); Advisory Opinion 277 (Oct. 31, 1997); 2018 Minn. Laws ch. 119, § 21. Based on the descriptions of the events provided on the report and in the Omar response, most of the out-of-state travel does not appear to have been to events that would have helped a candidate in the performance of state representative duties. Of particular concern are the committee funds that were used to pay for international travel by Rep. Omar. Again, international travel has no apparent relation to duties performed by the Minnesota legislature, and therefore may be either miscategorized, or represent an inappropriate use of campaign funds.

Order:

1. Probable cause exists to believe that the Omar committee's payments for Rep. Omar's out-of-state travel expenses may be miscategorized as a cost of serving in office and may constitute an impermissible use of committee funds in violation of Minnesota Statutes section 211B.12.

2. Probable cause exists to believe that the Omar committee's payment of expenses for Rep. Omar to travel to Boston may have constituted an in-kind contribution to a candidate in another state, in violation of Minnesota Statutes section 10A.27, subdivision 9.
3. An expansion of the investigation initiated by Rep. Drazkowski's complaints to include the out-of-state travel expenditures reported by the Omar committee in 2017 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
Carolyn Flynn, Chair
Campaign Finance and Public Disclosure Board

Date: October 3, 2018