

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF CHRISTINA OGATA REGARDING THE CAMPAIGN COMMITTEE OF ELLIOTT W ENGEN

On September 10, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by Christina Ogata regarding the Campaign Committee of Elliott W Engen. The Campaign Committee of Elliott W Engen is the principal campaign committee of Elliott Engen, a candidate for Minnesota House of Representatives District 38B.

The complaint alleges a violation of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint alleges that the committee's lawn signs do "not include a mailing address or a website address where you could find the mailing address." The complaint includes a partial photograph of a lawn sign with a disclaimer that reads "PAID FOR BY COMMITTEE TO ELECT ELLIOTT W ENGEN" and does not include a mailing or website address.

Determination

Minnesota Statutes section 211B.04 requires principal campaign committees to include on their campaign material a disclaimer substantially in the form provided in Minnesota Statutes section 211B.04, subdivision 1. The complaint alleges and provides evidence that the Engen committee prepared or disseminated campaign material containing a disclaimer that does not include the committee's mailing or website address, which is a required component of the disclaimer unless the campaign material is disseminated via broadcast media. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.04.

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 violations of Minnesota Statutes section 211B.04 alleged in the complaint warrant 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.

/s/ Gary Haugen
Gary Haugen, Chair
Campaign Finance and Public Disclosure Board

Date: September 15, 2020