

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF JOHN DEITERING REGARDING THE MARION O'NEILL FOR HOUSE COMMITTEE

On December 19, 2016, the Campaign Finance and Public Disclosure Board received three complaints submitted by John Deitering regarding the placement of campaign signs by the Marion O'Neill for House Committee. The Marion O'Neill for House Committee is the principal campaign committee of Representative Marion O'Neill for the seat in the Minnesota House of Representatives for district 29B. All three complaints provide photographic evidence that O'Neill campaign signs were placed at locations on which businesses are located. The complaints also provide copies of tax records that identify the owners of the properties where the signs were placed. A separate complaint was filed for each company listed on the tax records as the owner of the property on which a sign was placed. One complaint lists Maverick Development Inc., one Double H Properties LLP, and one Kjellberg's Inc.

All three complaints allege the same violation. The complainant contends that when the corporations allowed the O'Neill committee to place campaign signs on their property the corporations violated Minnesota Statutes section 211B.15, subdivision 2, which prohibits a corporation from making a contribution to a principal campaign committee. The complaints contend that the contribution would be the in-kind value of allowing the sign to be displayed on property controlled by the corporation. Because all three complaints involve the same alleged violation, the same candidate's committee, and essentially the same evidence, the Board is combining the complaints for the purpose of this prima facie determination.

**Determination:**

Minnesota Statutes section 211B.15, subdivision 2, prevents corporations from giving signage space on their properties to candidates. Nothing in this statute, however, prevents candidates from buying signage space from those businesses. Although the complaints in this matter document that the corporations allowed the O'Neill committee to place signs on their properties, the complaint provides no basis for the assertion that the committee did not pay for the use of that space. Typically, the payment for the placement of small lawn signs for a limited time frame is not large enough to be itemized on a candidate's report. Consequently, the lack of an itemized expenditure on a candidate's report for low cost goods or services is not evidence that the corporation provided the goods or services as a contribution. Absent any basis for the assertion that the committee did not pay for the signage space, the complaint does not state a prima facie violation of the provisions governing corporate contributions.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (1), this prima facie determination is made by a single Board member and not by any vote of the entire Board. Based

on the above analysis, the Chair concludes that the complaints do not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. The complaints are dismissed without prejudice.

/s/ Daniel Rosen  
Daniel N. Rosen, Chair  
Campaign Finance and Public Disclosure Board

Date: 12/30/2016