Legalectric, Inc.

Carol Overland Attorney at Law, MN #254617 Energy Consultant—Transmission, Power Plants, Nuclear Waste overland@legalectric.org

1110 West Avenue Red Wing, Minnesota 55066 612.227.8638

December 14, 2022

Eric Lipman Administrative Law Judge Office of Administrative Hearings 600 Robert St. North P.O. Box 64620 St. Paul, MN 55164-0620

RE: Update and some resolution regarding Campaign Finance Reports
OAH Docket No. 8-0325-38828
Recall City Hall; Citizens for Responsible Government/Red Wing CRG;
Janie M. Farrar, Ron Goggin; Don Kliewer; Ted Seifert; and Jason Snyder

Dear Judge Lipman

I'm sending this update, after reaching out to the Respondents, to set out issues in the Complaint that have been adequately resolved and those that have not.

COMPLAINT CORRECTIONS AND UPDATES:

- "Red Wing CRG" Campaign Finance Report filed 11/14/2022 and posted on City page. On November 16, I filed report for the record as "update" in OAH file and served on all parties. Red Wing CRG has not served this Report and I do not know whether report is filed with OAH.
- The truck and trailer used in the parade belongs to Don Kliewer, per Mr. Kliewer. He stated that George Hintz, of Recall City Hall, told him during a discussion soliciting marchers in the parade unit, that they needed a truck and trailer and Mr. Kliewer's was available. The trailer was labeled "Citizens for Responsible Government," and had signs for Farrar, Goggin, Kliewer, Seifert, and Snyder displayed. See photos in Complaint.
- Janie M. Farrar did not participate in the parade, either individually or with the bloc, as she was out of town, per Ms. Farrar and Mr. Kliewer. Her campaign signs were on Mr. Kliewer's trailer in the parade.
- Neither Recall City Hall nor Citizens for Responsible Government/Red Wing CRG has

registered as a political committee or fund.

When candidates file for office in Red Wing, they are presented with a hard copy of the campaign finance rules, in this case, "2022 State of Minnesota Campaign Manual, Campaign Financial Reporting & Fair Campaign Practices." When Campaign Finance Reports are filed with the City, candidates are responsible for content, and they are not reviewed by the City Clerk for content and accuracy, merely posted on City website.

I have sent the individual candidates requests for Amended Reports, followed by comments about their Amended Reports. Recall City Hall and all candidates but Ron Goggin have filed Amended Reports which do address most of the Report issues cited in the Complaint. Ron Goggin has returned the prohibited corporate contribution, and filed a Report regarding that refund.

Category by category, numbered as in the Notice of Determination dated November 17, 2022:

II. Campaign Financial Reporting (Minn. Stat. § 211A.02)

Citizens for Responsible Government filed a Campaign Finance Report dated 11/10/2022, filed with City 11/14/2022, resolving the failure to file issue.

III. Failure to Keep Accounts of Campaign Finances (Minn. Stat. § 211A.06)

Regarding candidates **Janie M. Farrar, Ron Goggin, Donald Kliewer, Ted Seifert, and Jason J. Snyder**, each of the candidates, had errors and omissions in their Campaign Finance Reports. As of this writing, with the exception of Ron Goggin, all individual candidates and Recall City Hall have filed Amended Campaign Finance Reports that essentially correct the previous errors omissions and resolve issues raised regarding keeping of accounts, except for that of coordination with the Recall and Red Wing CRG/Citizens for Responsible Government.

Ron Goggin has filed a report covering the return of the \$100 prohibited campaign contribution, and that campaign contribution is no longer an issue. Mr. Goggin has not filed Amendments to prior Reports, and the errors and omissions, although minor, have not been corrected. The amounts reported as received do not equal disbursements, there is no report of a filing fee being paid, and donor addresses are missing. Mr. Goggin has also not addressed coordination and his participation in the parade using the Recall City Hall spot, his campaign signs on the trailer together with "Citizens for Responsible Government" and Red Wing CRG's 6,500 piece mailer.

Given the statutory focus on "the intent to conceal receipts or disbursements" or the "purpose of receipts or disbursements," scienter is a problem! A complainant has no way to know the intent of the inaccurate reports and disclosures.

Regarding <u>Citizens for Responsible Government</u>, it also had errors and omissions in its Campaign Finance Reports. The address provided in its Report and mailer is incorrect. The anonymous 6,500 piece mailer used the address of "P.O. Box 519" and Tom Drazkowski

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¹ Online at https://www.sos.state.mn.us/media/4908/minnesota-campaign-manual.pdf

provided the address of "P.O. Box 519" on the Campaign Finance Report he filed, reporting mailer costs and other disbursements, below:

We support Ron Goggin Ward 1& 2, Jason Snyder Ward 3, Ted Seifert Ward 4 and Janie

railer At-Large .
Thank You! Now, please go vote!
Written & produced by Citizens for Responsible Govt. P.O. Box 519 Red Wing, MN 55066 without any candidate involvement or endorsement
+++++++++++++++++++++++++++++++++++++++
I certify that this is a full and true statement. 1 10 2022 Date
Printed Name
Address Ph Par 519 Pag Wine Mal STALL

There is a claimed disbursement for a Post Office box on 10/28/2022 of \$102.00, but mail to that P. O. Box has been returned as of November 21 and 23, less than one month after the claimed disbursement.



As P.O. Box 519 was written on the Report and at the bottom of a 6,500 piece mailing, it is difficult to imagine that this is not an intentional misrepresentation. At this time, I ask that Red Wing CRG provide the October 28, 2022 receipt for \$102.00 for P.O. Box 519.

Regarding Recall City Hall, it also had errors and omissions in its Campaign Finance Reports. \$5,569.96 was missing from its 11/30/2021, covering the time period from $6/1/21 - 11/30/21.^2$ filing and another \$23.67 missing from the 8/10/2022 filing,³ this is after reporting cash on hand as of 5/31/21 of \$5,684.89. ⁴An Amended report covering the period from 6/1/21 - 11/30/21 was filed $11/17/2022^5$.

Recall City Hall reports SIX monthly disbursements for "Xero," an accounting program on that report, and another 2 months of Xero Accounting platform dated 12/16/2021 and 1/18/2022 on

Farrar "At Large"

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² See Overland Complaint, p. 29 of pdf (Complaint dated 11/11/2022, just within the 1 year window for filing a Complaint), also as Attachment A.

³ See Attachment B, also p. 30 of pdf of Overland Complaint.

⁴ See Attachment D, also p. 29 of pdf of Overland Complaint.

⁵ See Attachment C, filed 11/17/22.

the 8/10/2022 Report⁶. Unintentional failure to track and report disbursements is not plausible.

The items not in the initial report, and included in the Amended Report, are highlighted here:

Reccall City Hall Expenditures						
Date	Business	Purpose	Am	ount		
6/1/2021	Vista Print	Postcards	\$	121.30		
6/16/2021	Xero	Accounting Platform	\$	5.50		
6/16/2021	Greg Joseph	Legal Counse	\$	3,000.00		
7/15/2021	City of Red Wing	Covill Courtyard Rental	\$	350.00		
7/16/2021	Xero	Accounting Platform	\$	5.50		
8/7/2021	USPS	PO Box Rental	\$	38.00		
8/8/2021	Meatheads Meats & Deli	Meals for fundraiser	\$	327.28		
8/16/2021	Xero	Accounting Platform	\$	5.50		
9/9/2021	Meatheads Meats & Deli	Meals for fundraiser - Refund	\$	(327.28)		
9/16/2021	Xero	Accounting Platform	\$	5.50		
9/17/2021	City of Red Wing	Covill Courtyard Rental - Refund	\$	(350.00)		
10/15/2021	Kent D. Luagen	Consulting fees	\$	2,500.00		
10/16/2021	Xero	Accounting Platform	\$	5.50		
11/16/2021	Xero	Accounting Platform	\$	11.00		
			\$	5,697.80		

On March 23, 2021, Kent Laugen was identified as "an attorney who is helping the Committee to Recall City Hall," and quoted in the Post Bulletin:

Earlier Monday, Red Wing resident Kent Laugen, an attorney who is helping the Committee to Recall City Hall, said the petition statements that are part of the first step in instigating a recall have been written and are awaiting final approval from the recall committee's executive committee.

"The malfeasance is based on the violation of the open meeting law in the meeting where they terminated (Pohlman)," Laugen said.

See *Red Wing citizens ask City Council to hold in-person meetings*, March 23, 2021, Rochester Post Bulletin.⁸ At that time, Laugen was a licensed attorney in the state of Minnesota.

Laugen received two payments from Recall City Hall, one near the time of the Post Bulletin article, and the other payment the following October (Attachments A and C):

3/20/2021 Kent Laugen Resource \$200 10/15/2021 Kent D. Luagen (sic) Consulting fees \$2,000.00

As of July, 2021, Kent Laugen had not paid his license fee, and as of that date, is unauthorized to practice law in Minnesota.⁹

In looking at Recall City Hall's failure to disclose over \$5,600 of disbursements, it's not plausible that these were unintentional omissions. In particular, the committee has incentive not to disclose payment to someone who was no longer an attorney authorized to practice in Minnesota.

What was Laugen doing for Recall City Hall? Did the Recall City Hall committee know that

⁷ The notion that termination of an employee in a closed meeting is a violation of open meeting law is contrary to Minnesota law, something a licensed attorney should know. This trope served as the basis of Recall's efforts.

⁶ See Attachment D.

⁸ Online at: https://www.postbulletin.com/news/local/red-wing-citizens-ask-city-council-to-hold-in-person-meetings

⁹ See MARS: https://mars.courts.state.mn.us/AttorneyDetail.aspx?attyID=0181109

Laugen was not authorized to practice law? How and when did Recall learn of Laugen's suspension? Is Recall City Hall aware that unauthorized practice of law is a criminal offense? These questions go to intent of the omission.

Going forward, I request opportunity for limited Discovery regarding Laugen's work for Recall City Hall and other disbursements, as below.

Intent, whether the omission is to "conceal receipts or disbursements," or the source or purpose of contributions or disbursements" is an issue in this Complaint. Unauthorized practice of law is not an issue in this Complaint, that is separate, and under the jurisdiction of the County Attorney.

IV. Independent expenditures and Disclaimer (Minn. Stat. §211B.04)

Two committees were involved, Recall City Hall and Citizens for Responsible Government. Neither entity has registered as a Committee¹⁰. ().

Recall City Hall reports \$300 paid to Red Wing Chamber of Commerce for a place in the Red Wing River City Days parade, but there was no "Recall City Hall" unit, there is no "disbursement" to candidates for their participation, no apportionment, nor is there any report of an in-kind contribution from candidates for their apportioned share of the cost of parade spot. The joint activities of Recall City Hall, Citizens for Responsible Government, and four of the five candidates present and marching together, Recall's solicitation of a truck and trailer by George Hintz (per Don Kliewer), affixing all of the candidates signs and "Citizens for Responsible Government" on the side and back of the trailer, are evidence of prohibited committee (plural), and candidate coordination.

I, Carol A. Overland, the Complainant in this OAH docket, certify that the above statements are true and correct, and those statements noted as "upon information and belief" are made to the best of my knowledge.

Bottom line, while Amended Reports have been filed, apparently correcting the errors and omissions, the Respondents Janie M. Farrar, Donald Kliewer, Ted Seifert, and Jason J. Snyder, should be held accountable for their failure to keep accounts of campaign finances. Minn. Stat. §211A.06.

Ron Goggin has not filed Amended Reports correcting his errors and omissions, and should be held accountable to a higher degree than the others. Minn. Stat. §211A.06.

At this time, I request:

¹⁰ The registered Citizens for Responsible Government (#41324) is not the one in Red Wing https://www.citizensforresgov.com/

 Limited Discovery request with a reasonable turn-around, followed by limited briefing, mindful that Respondents are likely unrepresented and unfamiliar with administrative process.

• Discovery sought:

- Citizens for Responsible Government/Red Wing CRG -- provide the October 28, 2022 receipt for \$102.00 for this P.O. Box.
- CRG provide a working email and address.
- CRG disclose contributions/disbursements to and from candidates and Recall City Hall for parade spot.
- o CRG disclose any and all communications with candidates and Recall City Hall regarding the 10/31/22 flyer.
- CRG disclose soliciting of candidate signs, asks and permissions for placement of candidate signs on trailer, and any consideration for same, and name person(s) who put signs on trailer. Upon information and belief, George Hintz of Recall was one who was soliciting candidate participation and a truck and trailer.
- o CRG disclose permissions obtained for "Citizens for Responsible Government" lettering on trailer, and name of person(s) who paid for and put letters on trailer.
- o Recall City Hall was all Recall activity tracked in Xero?
- o Recall provide dates and descriptions of services rendered by Laugen.
- o Recall From who and how did they learn, and on what date did they learn, that Laugen was not authorized to practice law in Minnesota?
- o Recall- provide copy of Chamber of Commerce receipt for parade.
- Recall disclose contributions/disbursements to and from candidates and Citizens for Responsible Government for parade spot.
- Recall disclose information about recruiting candidates to march in parade, ID parties on both sides of discussions, and any consideration for same.
- Recall disclose information about solicitation of truck and trailer and any consideration for same.
- Recall disclose solicitation of candidate signs, asks and permissions for placement of candidate signs on trailer, and any consideration for same, and name person(s) collected candidate signs and put signs on trailer.
- Recall were all Recall disbursements made from one account? If more than one, identify the different accounts and use of each.
- All 5 candidates if you reported an in-kind contribution or disbursement of \$60 for the parade, what party was donor or recipient?
- O All 5 candidates identify party/parties with whom you had discussions regarding the parade and participation, and/or the 10/31/2022 flyer, and/or any other campaign activity or funding, the content /substance of those discussions, and value of any in-kind contribution and/or disbursement regarding same.
- Ron Goggin provide Amended Campaign Financial Reports correcting errors and omissions.

At this time, as Complainant, understanding that the dollar amounts are small, and desiring an informal process, I request that after completion of the above limited Discovery, a short Comment period be established, followed by a recommendation made on the filings.

Complainant has narrowed issues and seeks:

- 1. A recommendation, mindful that candidates Farrar, Kliewer, Seifert and Snyder have filed Amended Reports, that each of the candidate Respondents be held accountable through a nominal penalty for failure to keep accounts (Minn. Stat. §§ 211A.02; 211A.05; commensurate with the varying degrees of omissions and errors of each (Minn. Stat. § 211A.06); and
- 2. A recommendation that Respondent Goggin be held accountable through a penalty for failure to keep accounts commensurate with the degree of omissions and errors and Goggin's failure to file and serve any Amended Reports with the City and OAH (Minn. Stat. § 211A.06); and
- 3. A recommendation that Recall City Hall and its Treasurer, mindful that Amended Reports have been filed, be held accountable through a penalty for failure to keep accounts commensurate with the material errors and omissions and whether full disclosures have been made (Minn. Stat. § 211A.06); and
- 4. A recommendation that Citizens for Responsible Government's treasurer, Tom Drazkowski, who certified the Campaign Financial Report, be prosecuted for violation of Minn. Stat. §211B.04, Subd. 1, Disclaimer Requirement, and failure to keep accounts due to false reporting of address and failure to report email (Minn. Stat. § 211A.06).

Thank you for your consideration in this matter.

and Advuland

Very truly yours,

Carol A. Overland Attorney at Law

cc: eFiled and served via email and text photos for "Citizens For Responsible Government" as no email has been provided despite requests.

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CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information) Name of candidate, committee or corporation Office sought or ballot question District Type of Candidate report Period of time covered by report. report Campaign committee report Association or corporation report Final report **CONTRIBUTIONS RECEIVED** Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions **CASH TOTAL CASH-ON-HAND** IN-KIND **TOTAL AMOUNT RECEIVED DISBURSEMENTS** Include the amount, date and purpose for all disbursements made during the period of time covered by report Attach additional sheets if necessary Amount TOTAL **CORPORATE PROJECT EXPENDITURES** Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary. Project title or description Name and Address Date Purpose Expenditure or of Recipient Contribution **Amount** TOTAL I certify that this is a full and true statement Telephone 65/3887884 Email (if available)______

Report

Office

Name

For Office Use Only

CAMPAIGN FINANCIAL REPORT



All of the information in this report is public information

Office sought or ballot	question		District	
Type of report	Candidate report Campaign com Association or Final report		1	2/to 8/10/22
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For Office Use Only:

June 4

CAMPAIGN FINANCIAL REPORT

AMENDED

(All of the information in this report is public information) Name of candidate, committee or corporation District Office sought or ballot question _ Period of time covered by report Candidate report Type of Campaign committee report report from 3/10/21 to 5/31/21 Association or corporation report Final report **CONTRIBUTIONS RECEIVED** Give the total for all contributions received during the period of time covered by this report Contributions should be listed by type (money or in-kind) rather than contributor See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions 5684.89 TOTAL CASH-ON-HAND CASH IN-KIND \$ 10,216.50 TOTAL AMOUNT RECEIVED **DISBURSEMENTS** Include the amount, date and purpose for all disbursements made during the period of time covered by report Attach additional sheets if necessary. **Amount** Purpose Date **CORPORATE PROJECT EXPENDITURES** Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project Attach additional sheets if necessary. Project title or description Expenditure or Name and Address **Purpose** Date of Recipient Contribution **Amount** TOTAL I certify that this is a full and true statement. AMPE_ Telephone 65/3807891 Email (if available)_____

Report

Office

Name

For Office Use Only

Attachment C

Reccall City Hall Expenditures

Date	Business	Purpose An		nount
3/16/2021 And	hor Promotions	Lawn Signs	\$	1,233 30
3/16/2021 Aleg	gra	Brochures	\$	299.73
3/20/2021 Ken	t Laugen	Resource		\$200 00
3/24/2021 Gre	g Joseph	Legal Counsel		\$3,000.00
4/6/2021 Aleg	gra	Petitions	\$	84 84
4/15/2021 And	hor Promotions	Lawn Signs	\$	1,233 47
4/16/2021 Targ	et	Paper/Pens/Rubber Bands	\$	38 90
Doll	ar Tree	Jumbo Salıder Bags	\$	18 25
Wal	lmart	BinderClips/Nane b/ Rubber Ba	\$	22 26
4/19/2021 Alle	gra	Printing	\$	32 64
4/22/2021 Alle	gra	Business Cards/ Door Hangers	\$	479 00
4/27/2021 Alle	gra	Door Hangers	\$	381 72
5/17/2021 Xero)	Accounting Platform	\$	5.00
5/27/2021 USP	S	Postage	\$	360 00
5/31/2021 O'Ro	ourke Media	RE web advertising	\$	404 00
			\$	7,793 11

Attachment C

Committee to Recall City Hall Campaign Finance Report for 3/11/21 to 5/31/21 Contributions that exceed \$100.00

Amour

					1	
\$ 250 00	Charles Eidem	49685 Cty 55 Blvd	Pine Island	MN	55963	Retired
\$ 250 00	William & Janie Farrar	2663 Ridge View Court	Red Wing	MN	55066	Physican/Homemaker
\$ 150 00	Teresa Gadient	1623 Siewart St	Red Wing	MN	55066	Self Employed
\$ 200 00	Karen (Kıki) Gheen	318 Bush St	Red Wing	MN	55066	Retired
\$ 130 00	William & Sandy Hasselblad	5560 Mt Carmel Rd	Welch	MN	55089	Retired
\$ 200 00	George Hintz	128 Johnson Ave	Red Wing	MN	55066	Retired
\$ 150 00	Richard & Laura Johnson	2533 Eagle Ridge Dr	Red Wing	MN	55066	Retired
\$ 200 00	Sandy Lacourciere	1622 Hill View Ct	Red Wing	MN	55066	Retired
\$ 500 00	Merle Larson '	6815 Skunk Hollow Trl	Cannon Falls	MN	55009	Retired
\$ 500 00	Gregory Roe	4794 Mt. Hood Lane	Red Wing	MN	55066	Insurance/Financial
\$ 350 00	George & Patrica Schammel	1917 Grand View Ave	Red Wing			Retired
\$ 250 00	George Snyder	2466 Sunny Meadow Ln	Red Wing	MN	55066	Retired
\$ 200 00	Vickı Weckerling	1203 Peaceful Ridge Rd	Red Wing			Retired
\$ 125 00	Denny & Donna Yecke	2533 Eagle Ridge Blvd	Red Wing			Retired
			_			

- \$ 3,455 00 Contributions greater than \$100 00 per individual
- \$ 2,644 00 Contributions less than \$100 00 per individual
- \$ 3,759.00 Cash contributions were collected on different days as an aggregate
- \$ 9,858 00 Total
- \$ 358 50 In-Kind Donations
- \$ 10,216 50 Total Amount Recieved

Attachment C

\$ 90 00	Paul Kampe
\$ 20 00	George Hintz
\$ 18 50	Tom Drazkowski
\$ 90.00	Ernie Stone
\$ 40.00	Janie Farrar
\$ 100.00	Janie Farrar
\$ 358.50	

In-kind Donations

149 Spring Creek Rd	State Fileing Fee
128 Johnson Ave	Boxes u-line
901 Central Ave	labels
647 21st St	Sign
2663 Ridge View Ct	Name tags
2663 Ridge View Ct	Vests

For Office Use Only: Name

CAMPAIGN FINANCIAL REPORT

AMENDED

Received 11/17/2022

Office sought or ballot	question	District	
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Attachment D

Reccall City Hall Expenditures

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			\$	5,697.80