

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS**

Carol A. Overland,

Complainant,

v.

Recall City Hall, Citizens for Responsible
Government, Janie M. Farrar, Ron Goggin, Donald
Kliewer, Ted Seifert, Jason J. Snyder,

Respondents.

OVERLAND INITIAL BRIEF

This docket stems from a Fair Campaign Practices Complaint (hereinafter “Complaint”) filed by Carol A. Overland on November 14, 2022. The Complaint alleges that each of the Respondents violated reporting requirements, and that Citizens for Responsible Government/Red Wing CRG violated the disclaimer provision in a mailing, and that Respondent Goggin violated prohibition of corporate contributions. At the December 14, 2022 Prehearing Conference, Carol A. Overland (Complainant) appeared on her own behalf, without legal counsel. George Hintz and Paul Kampe appeared for Recall City Hall; Thomas Drazkowski appeared for Citizens for Responsible Government, and Janie M. Farrar, Ron Goggin, Donald Kliewer, Ted Seifert, Jason J. Snyder (Respondents) appeared, all without legal counsel. The Complaint now comes before the following panel of three Administrative Law Judges: Eric L. Lipman (Presiding Judge),

James LaFave, and Kristien R. E. Butler, of the Office of Administrative Hearings.

The claim of False Political and Campaign Material, based on Minn. Stat. § 211B.06, was dismissed, and the claim regarding Citizens for Responsible government/Red Wing CRG is moot as a report was filed, dated November 10, 2022, and filed with City of Red Wing on November 14, 2022, arguably within the 14 days allotted following disbursements over the \$750 reporting threshold on October 27, 2022.

I. RESPONDENTS' VIOLATIONS OF CAMPAIGN FINANCE LAW AND FAIR CAMPAIGN PRACTICES

The Respondents violated a number of Minnesota statutes, beginning here with failure to keep accounts by Recall City Hall, and then moving to individual candidates.¹ The common thread in the issues in reports of individual candidates is their failure to report self-financing. Because it is self-financing, it's not credible that these candidates were not aware of their contributions to their own campaigns! Taking matters statute by statute:

Minn. Stat. § 211A.06 – Failure to Keep Accounts of Campaign Finances.

A. Recall City Hall

Respondent Recall City Hall (hereinafter “Recall”) provided the most egregious example of failure to keep accounts of campaign finances, in violation of Minn. Stat. § 211A.06, with over \$5,000 unaccounted for in its reports, including two substantial payments for which there is no credible explanation of their omission in the November 30, 2011 report.

Respondent Recall City Hall is a ballot question committee, formed in February 2021 immediately after the firing of Police Chief Roger Pohlman, seeking a recall election for 6 of 7

¹ Below the references to “Complaint” consisting of the first 15 pages of the 73 page pdf, and “Exhibits” include page numbering of source of the pages up to page 73.

Red Wing City Council members who had voted for his firing.² Recall City Hall principals, donors, petition doorknockers and gatherers, and spokespeople included candidates Janie Farrar, Ron Goggin, Ted Seifert,³ Jason Snyder⁴, and Citizen for Responsible Government's Tom Drazkowski⁵. The Council members sought to be recalled were those who voted to fire Police Chief Roger Pohlman.⁶ Recall's lawsuit was dropped after threats of sanctions, and the focus of Recall's efforts changed:

We will drop our lawsuits against Council members, and focus instead on recruiting good, qualified candidates and winning in 2022.⁷

And they did! The attorney withdrew from representation and the lawsuit was voluntarily dismissed. Recall did focus on winning City Council seats in 2022, and did win two seats, Ron Goggin for Ward 2 and Janie Farrar for At-Large. Recall City Hall principals ran as candidates for City Council, ran as a united bloc, all were endorsed together by "Red Wing Community News,"⁸ and together participated in the Red Wing River City Days Parade with all of their signs on the sides of a trailer and all but Farrar marching together in the parade.⁹

Respondent Recall filed Campaign Financial Reports dated March 10, 2021 to cover February 25, 2021 to March 10, 2021 and filed Amended report for that same period dated March 29, 2021. Recall filed on May 31, 2021 for the reporting period March 10, 2021 to May 31, 2021 and filed an Amended report for that same period dated November 30, 2021. Recall filed a report on November 30, 2021 for the reporting period dated June 1, 2021 to November 30, 2021; and filed on August 22, 2022 for the reporting period from December 1, 2021 to

² Complaint & Exhibits, p. 2; Initial Recall report p. 17; Article p. 38.

³ Complaint Exhibits, Recall report donors, p. 17-30.

⁴ Snyder speaking before City Council, Complaint Exhibit p. 45.

⁵ Complaint Exhibits, Recall report donors, p. 17-30.

⁶ Complaint Exhibits, p. 38.

⁷ Complaint, Exhibits, Recall Press Release, George Hintz, p. 34

⁸ Complaint, Screenshots of endorsements of Farrar, Goggin, Seifert, and Snyder, p. 42.

⁹ Complaint, p. 6-7. Although Farrar's signs are on the trailer, she was out of town and did not march in the parade.

August 22, 2022.¹⁰

The Amended reports dated March 29, 2021 and November 30, 2021 demonstrate that Recall City Hall discovered the March 10, 2020 and May 31, 2021 reports were inadequate, the reports were essentially corrected, and that Recall City Hall possessed at least a modicum of understanding of the reporting requirements.

However, Recall City Hall had failed to account for \$5,593.63 in expenditures as of its August 10, 2022 Report, and \$5,569.96 as of the prior report in November 30, 2021¹¹ – the numbers did not add up, even remotely.¹²

Shortly after this Complaint was filed and served, Recall City Hall filed an Amended report on November 17, 2022¹³, showing a City of Red Wing disbursement of \$350.00 and Meatheads Meats & Deli of \$327.28 which were both then refunded, and the following other significant expenditures, accounting for the missing funds:

Recall City Hall Expenditures			
Date	Business	Purpose	Amount
6/1/2021	Vista Print	Postcards	\$ 121.30
6/16/2021	Xero	Accounting Platform	\$ 5.50
6/16/2021	Greg Joseph	Legal Counsel	\$ 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

Payments of \$3,000 and \$2,000, totaling \$5,000, comprised most of that missing money. The disbursements of those amounts were omitted from the initial Recall reports, which is odd given the six expenditures for “Xero,” an accounting platform to track campaign account activity,

¹⁰ Id., and Complaint Exhibits, Recall City Hall Campaign Reports, p. 17-30..

¹¹ November 30, 2021 report is within the 1 year window for filing a Fair Campaign Practices Complaint.

¹² Id.

¹³ See OAH eFiled “Recall City Hall” Amended Report, filed 11/17/2022, also attached to Overland Update, correspondence to assure notice of amended filing.

beginning in May 2021. Paul Kampe signed the earlier May 31, 2021 report showing \$5,684.89 cash on hand. The lawsuit for which they paid counsel \$3,000 on March 24, 2021, and another \$3,000 on June 16, 2021 was on the front page of the local paper, a point of pride and then a point of shame when counsel withdrew and the lawsuit was dismissed. It's not credible that \$5,569.96 was forgotten or unintentionally omitted.

While the reasons for failure to report these expenses is not known, Recall had incentive not to disclose these payments. It wouldn't be surprising that Recall would want to omit disclosing payments to attorney Greg Joseph for their frivolous lawsuit, where counsel withdrew from representation and the lawsuit was voluntarily dismissed after threat of sanctions. It's also probable that Recall would not want to disclose the October 15, 2021 payment to Kent Laugen, publicly named as the "attorney working with recall"¹⁴ who as of July 1, 2021¹⁵, 3 months before the October Recall payment, was unauthorized to practice law due to non-payment and failure to complete Continuing Legal Education, and who on August 23, 2021, was exposed as having ex parte contact with the judge in Recall's case via his personal email¹⁶ after withdrawal of Joseph and voluntary dismissal of the case. Recall had incentive to conceal these disbursements.

Because of the concealment of substantial disbursements that lasted over one year, and because Recall had systems in place to track disbursements, and in light of the furor incited by the Recall effort, the recall petition process and campaign reporting process was corrupted and many, particularly Recall supporters, were not provided fundamental information of how contributions were spent via the campaign finance reports. A civil penalty of \$2,500,

¹⁴ Rochester 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.* <https://www.postbulletin.com/news/local/red-wing-citizens-ask-city-council-to-hold-in-person-meetings>

¹⁵ See MARS: <https://mars.courts.state.mn.us/AttorneyDetail.aspx?attyID=0181109>

¹⁶ Attachment A, August 23, 2021 Correspondence, Court File No. 25-CV-21-1564.

representing roughly one-half of the disbursements not disclosed, and referral to the County Attorney is appropriate.

B. Janie Farrar – Elected to Red Wing City Council November 8, 2022

Respondent Janie Farrar was a principal of the Recall City Hall committee, a significant monetary and in-kind donor, active in soliciting signatures, and presenting as a public face of the effort¹⁷ Farrar was a local candidate as defined¹⁷ by Minn. Stat. §10A.01, Subd. 10d, since elected to the City Council, and filed Campaign Financial Reports. Overland Complaint, Reports certified by Josephine M. Schendel, p. 44-49. Her campaign was primarily self-financed, spending over \$10,000 for her City Council campaign. In the reports, for which Farrar is responsible,

- Farrar did not report paying the nominal \$5.00 Council filing fee;
- Farrar’s signs were on the Citizens for Responsible Government trailer, and did not report paying a parade fee to the Chamber of Commerce, the Citizens for Responsible Government, or Recall City Hall for the Red Wing River City Days parade or receiving an in kind donation from same¹⁸.
- Report of 10-28-22 shows self “in-kind” contributions of \$6,752.55, but in-kind listed as \$6,935.65 with no explanation of different in-kind numbers.

The numbers reported on her Reports of 7-20-2022, 7-29-2022, and 10-29-2022 did not add up. Farrar filed and served amended reports on November 29, 2022. The numbers on the amended reports do now add up, and the amount of money spent on this campaign is high.

Farrar has filed Amended reports accounting for the discrepancies, which were primarily failure to report her self-financing of her campaign, in the amount of over \$10,000.00. It is difficult to imagine how this omission was not intentional, as she herself was pouring money into

¹⁷ See video of Farrar in “Committee outlines work needed to recall Red Wing City Council members,” March 17, 2021 Rochester Post Bulletin (online at <https://www.postbulletin.com/news/local/committee-outlines-work-needed-to-recall-red-wing-city-council-members>).

¹⁸ It is undisputed that Farrar’s signs were on the trailer but that she did not participate in the parade. Complaint, photos p. 7.

her own campaign. Farrar ran for and was elected to serve on the Red Wing School Board for eight years, and ran for Mayor of Red Wing in 2020, though lost, and for each of her campaign for these positions Farrar had to file campaign finance reports – Farrar is not new to campaigning and knows or should know the requirements of reporting. The campaign finance handbook, provided to all candidates at the time of registration, states clearly that for each in-kind contribution a disbursement must be entered.¹⁹

Because Farrar is not a novice campaigner, and because the amount not disclosed was over \$10,000.00 of her own money, and not corrected until after the election following a complaint, Farrar did fail to keep accounts of campaign finances. Taking into account that Farrar did file amended reports, this violation could be regarded as ill-considered, and a civil penalty of \$400 is appropriate.

C. Ron Goggin – Elected to Red Wing City Council November 8, 2022

Respondent Ron Goggin is a local candidate as defined by Minn. Stat. §10A.01, Subd. 10d, and filed Campaign Financial Reports²⁰. Goggin’s reports were certified by Paul Kampe, who also certified the Recall City Hall reports.

Ron Goggin did not report paying a Council filing fee or parade fee to the Chamber of Commerce for the Red Wing River City Days parade, marched in the parade with the Recall bloc of candidates, and had his campaign signs displayed on the Citizens for Responsible Government trailer.

- 7-18-22 Report shows “N/A” for addresses for 7 contributions.
- 10-29-22 Report -- The numbers on this report are significantly off.
- Goggin does not report paying a candidate filing fee.
- Goggin does not report paying for, or an in-kind donation, for the parade.

¹⁹ 2002 Campaign Manual, p. 52. <https://www.sos.state.mn.us/media/4908/minnesota-campaign-manual.pdf>

²⁰ Complaint, Exhibits, p. 51-54.

At the Prehearing Conference, Goggin stated that a \$60 parade item was included in his report, but it is not identified, and that he did pay the \$5 filing fee and that it was “prior to the campaign.” Goggin stated he would be “happy to amend the reports.” He did not. To date, there is no amended filing on the City of Red Wing Campaign Finance page and I have not been served with amended reports. Goggin’s campaign reports were certified by Paul Kampe, who was also filing the campaign finance reports for Recall City Hall, beginning November 30, 2021, and including amended reports for Recall City Hall.

Goggin was aware of discrepancies, admitted he hadn’t amended reports and said he’d be “happy to amend” his reports and did not, and also in consideration of the nominal amount at issue balanced with his failure to follow through, a civil penalty of \$250 is appropriate.

D. Don Kliewer – Elected to City Council August 9, 2022

Don Kliewer, elected to Red Wing City Council, in a 2022 Special Election, was a candidate as defined by Minn. Stat. §10A.01, Subd. 10d. Don Kliewer ran for the vacant Ward 2 City Council seat and was elected in the August 9, 2022 Special Election. He filed three Campaign Financial Reports, certified by Kliewer, with the following issues identified:

- Kliewer’s 7-15-22 Report shows \$900 in cash raised, \$232 of in-kind contributions, totaling \$1,132, claims expenditures of \$806.60, but states an ending balance of \$900 cash-on-hand. The numbers do not add up, and there is no explanation of the roughly \$320 difference.
- 7-29-22 Report for time period of 7-15-22 to 7-29-22 reports \$876.60 cash contributions, but page 2 shows \$2,008.60.
- 7-29-22 page to shows four of the contributions should have been included on the 7-15-22 Report, totaling \$1,738.60, and that report has not been amended.
- 7-29-22 Report shows 7-12-22 in-kind donation of \$232 which is also listed on page 1 of the 7-15-22 Report.
- 7-29-22 Report page 2 should only include the 7-17-22 contribution of \$200 and arguably the undated \$20 and \$50 cash donations, totaling \$270.
- 7-29-22 Report shows cash contributions received as \$876.60, which apparently represents the 7-8-22 loan of \$806.60 plus the cash donations of \$20 and \$50 that total \$876.60.

- 7-29-22 Report claims \$185 cash-on-hand, which, subtracted from the \$876.60 collected, is \$691.60, yet disbursements for this same period are \$1,012.
- 7-29-22 Report shows total disbursements of \$1,823.60, which is the total of the 7-15-22 and 7-29-22 reports, not the \$1,012 disbursements in the 7-29-22 report time period.
- 7-29-22 Report, based on dates of attachment, disbursements should be corrected.
- 8-12-22 Report shows no cash or in-kind contributions. From the \$185 (erroneously) reported on the 7-29-22 report, with no revenue and \$243.83 expenses on 8-1-22, the balance would be -\$58.83.
- 8-12-22 Report states cash-on-hand is \$106.17, with no explanation.
- Reports of 7-29 and 8-12-22 show contributions of \$2,008.60 and disbursements of \$2,067.43, with apparent balance of \$58.83.

Don Kliewer did not report paying a Council candidate filing fee or parade fee for the Red Wing River City Days parade and marched in the parade (his campaign signs were displayed on the “Citizens for Responsible Government trailer) which was his truck and trailer. The numbers in his campaign finance report did not add up.

Kliewer contacted Complainant immediately to discuss the issues raised, and quickly filed an amended report, followed by a second amended report, that did satisfactorily address issues raised. Based on his best efforts and attention to issues, and the amended filings, no civil penalty is warranted.

E. Ted Seifert

Respondent Ted Seifert is a perennial local candidate as defined by Minn. Stat. §10A.01, Subd. 10d, and filed Campaign Financial Reports. The reports included in the Complaint exhibits and those filed afterward in response to the Complaint were certified by Seifert.

Respondent Seifert’s Campaign Financial Reports²¹ are deficient, spending far more than was taken in, with no explanation:

- 7-29-22 Report states report covers 5-31-22 to 6-29-22, which appears a simple error.
- 7-29-22 Report shows no income.
- 7-29-22 Report shows \$126 in expenses but no indication of how paid.
- 7-29-22 report total is -\$126.00.

²¹ Complaint, Exhibits p. 64 and 65.

- 10-29-22 Report shows \$100 cash contribution, with \$655.86 in expenses, and no indication how expenses were paid.
- 10-29-22 numbers total -\$555.86 deficit.
- 7-29-22 and 10-29-22 reports total deficiency of \$681.86.

Respondent Seifert did not report paying a parade fee to the Chamber of Commerce for the Red Wing River City Days parade, and the numbers on his Reports show extreme deficits. During the Prehearing Conference, Seifert expressed belief that non-campaign expenses are not reported, which is contrary to procedures laid out in the 2022 Campaign Manual.²²

On November 21, 2022, after service of the Complaint, Seifert filed this certification²³:

Received 11-21-2022

Office of the Minnesota Secretary of State

CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING

Instructions

Each county, municipal or school district candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by *Minnesota Statutes* 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer not later than seven days after the general or special election. (*Minnesota Statutes* 211A.05, subdivision 1)

Campaign Information

Name of candidate or committee Ted Seifert
 Office sought by candidate (if applicable) Red Wing City Council Ward 4
 Identification of ballot question (if applicable)

Certification

Select the appropriate choice below, and sign.

- I do swear (or affirm) that all campaign financial reports required by Minnesota Statutes 211A.02 have been submitted to the filing officer.
- I do swear (or affirm) that all campaign contributions or disbursements did not exceed \$750 in the calendar year.

Signature of candidate or committee treasurer 
 Date 11/21/2022

Then, on December 6, 2022, Seifert did file Amended Campaign Financial Reports, declaring that his campaign was self-financed and including his contributions, balancing out contributions and disbursements, and declaring the \$60 parade fee. The amended reports dated

²² “The report must disclose the sum of all noncampaign disbursements made within the year by or on behalf of the reporting entity.” p. 54 <https://www.sos.state.mn.us/media/4908/minnesota-campaign-manual.pdf>

²³ From City of Red Wing filings: <https://www.red-wing.org/DocumentCenter/View/6172/Ted-Seifert---Campaign-Financial-Report-Certification-of-Filing-11-21-2022-PDF>

December 6, 2022 were not served on Complainant until December 13, 2022 at 12:29 p.m., just prior to the Prehearing Conference, following inquiry by Complaint the previous day²⁴.

Seifert is not a novice campaigner and his multiple campaigns, including election to County Board, and unsuccessful campaigns for City Council, all require campaign finance reporting. Considering Seifert's self-financing, the false certification filed, and failure to serve Complainant with amended reports until after inquiry about his intent to amend and served moments before the Prehearing Conference, a civil penalty of \$300 is appropriate.

F. Jason Snyder

Respondent Jason Snyder is a local candidate as defined by Minn. Stat. §10A.01, Subd. 10d, and Snyder filed Campaign Financial Reports with the City²⁵. Snyder also self-financed his campaign, but did not report it until his first amended report.

After receiving the Complaint, Snyder filed an amended report for periods ending October 4, 2022 and October 25, 2022 on November 28, 2022, served on Complainant December 2, 2022, and another on December 13, 2022, hours after the Prehearing Conference.

The amended reports did disclose contributions and that the campaign was self-financed, and resolved the balancing of contributions and disbursements.

Because Snyder is a novice campaigner, and did make best efforts to rectify the disclosure and balance of contributions and disbursements, and there does not appear to be incentive or intent to conceal, it's appropriate that no civil penalty be assessed.

Minn. Stat §211B.15 Corporate Political Contributions.

Minnesota Statute §211B.15 prohibits corporation donations and prohibits acceptance of a corporate donation – this is a binary prohibition, and Respondent Goggin is in violation.

²⁴ See Attachment B, Seifert email 5:28 p.m. December 12, 2022.

²⁵ Complaint, Exhibits pps. 67-69.

On 7-18-22 Respondent Goggin reported a prohibited corporate contribution from Demorett Enterprises Inc in the amount of \$100²⁶. This error was not corrected until after the Complaint was filed, and the contribution was immediately returned to Demorett Enterprises.

Because the law is clear, and the corporate contribution was made, and it was accepted, and not returned until after notice to Respondent Goggin with service of the Complaint, the violation of Minnesota Statute §211B.15, Subd. (b) on the part of Respondent Goggin is documented, and a civil penalty of \$100 is appropriate.

Minn. Stat. §211B.04 – Disclaimer Requirement.

Minnesota Statute §211B.04 requires disclaimers on all campaign materials, both produced by a campaign and for independent expenditures, and violation is a misdemeanor:

211B.04 CAMPAIGN MATERIAL MUST INCLUDE DISCLAIMER.

Subdivision 1. **Campaign material.** (a) A person who participates in the preparation or dissemination of campaign material other than as provided in section [211B.05, subdivision 1](#), that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is: "Prepared and paid for by the committee, (address)" for material prepared and paid for by a principal campaign committee, or "Prepared and paid for by the committee, (address)" for material prepared and paid for by a person or committee other than a principal campaign committee. The address must be either the committee's mailing address or the committee's website, if the website includes the committee's mailing address. If the material is produced and disseminated without cost, the words "paid for" may be omitted from the disclaimer.

(c) In the case of broadcast media, the required form of disclaimer is: "Paid for by the committee." If the material is produced and broadcast without cost, the required form of the disclaimer is: "The committee is responsible for the content of this message." ...

Subd. 2. **Independent expenditures.** (a) The required form of the disclaimer on a written independent expenditure is: "This is an independent expenditure prepared and paid for by (name of entity participating in the expenditure), (address). It is not coordinated with or approved by any candidate nor is any candidate responsible for it." The address must be either the entity's mailing address or the entity's website, if the website includes the entity's mailing address. When a written independent expenditure is produced and disseminated without cost, the words "and paid for" may be omitted from the disclaimer.

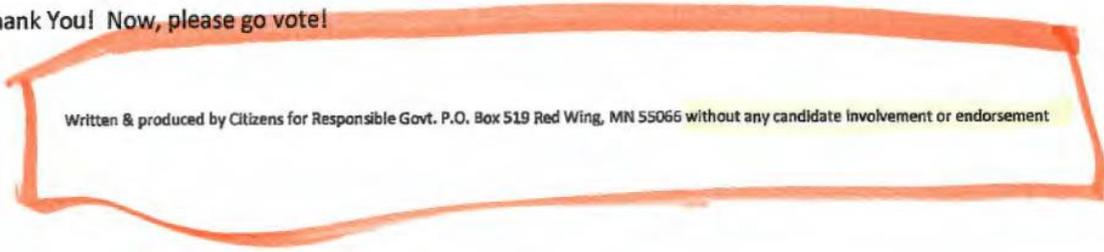
²⁶ Complaint, p. 42.

A. Citizens for Responsible Government

“Citizens for Responsible Government” a/k/a “Red Wing CRG” sent a flyer to 6,500 Red Wing Homes on or about October 31, 2022²⁷. The flyer had this notice at the bottom:

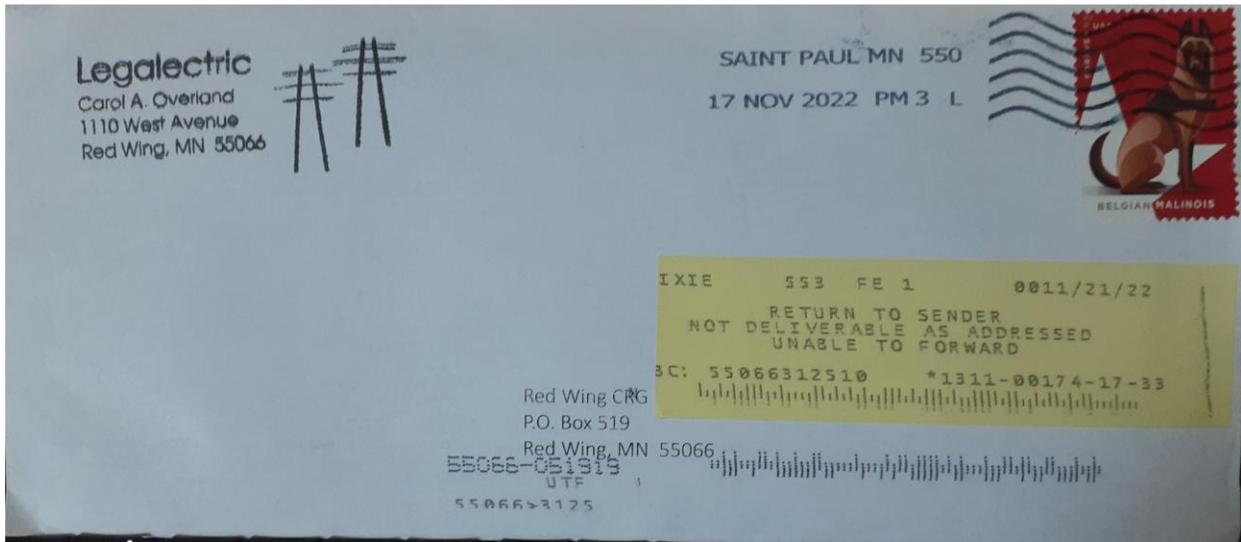
We support Ron Goggin Ward 1& 2, Jason Snyder Ward 3, Ted Seifert Ward 4 and Janie Farrer “At-Large”.

Thank You! Now, please go vote!



The flyer is not compliant with Minn. Stat. §211B.04, Subd. 2.

In addition to this failure to use the statutory disclaimer, beyond this statement, there is no indication of who “we” supporting these candidates is or how to reach them, which presented a problem during this Complaint process. Mailed service of the Complaint and correspondence to Respondent Citizens for Responsible Government/Red Wing CRG P.O. Box 519 , and service by Office of Administrative Hearings was returned, undeliverable. Complainant’s mail returned:



²⁷ Complaint, p. 32.



Despite repeated requests for a working mailing address, and requests for an email, including during the prehearing conference, when Respondent stated he would provide email, none was provided. Despite another text request at 11:06 a.m. December 17, 2022, no email has been received by Complaint from Respondent²⁸. In addition to the returned mail, Respondent’s failure to provide email on the campaign finance report, and repeated failure to provide an email despite requests and a statement in the prehearing conference that an email would be provided. This is non-compliance and indicative of intent to obstruct this process.

Respondent’s report states a flyer was sent to 6,500 Red Wing homes²⁹. The election results for Red Wing municipal elections show that 6,489 voters voted in the “At Large” race, and 6,937 voted in the Wards 172, Ward 3, and Ward 4 races³⁰. The 6,500 flyers produced and mailed represents a large disbursement and an effort that may have mislead many voters. The mailing address was not functional, there was no website or email on the flyer, and there was no

²⁸ The OAH mailing of January 4, 2022 does have an email of tdraz@yahoo.com which will be used now for service.

²⁹ See Citizens for Responsible Government/Red Wing CRG report, attached to Overland Correspondence November 16, 2022 (cannot access OAH files and do not know if it has been filed with OAH).

³⁰ Attachment C, online at <https://electionresults.sos.state.mn.us/results/Index?ErsElectionId=149&scenario=LocalMunicipality&FipsCode=53620&show=Go>

way for voters to tell “who” had produced it. There was also no way for complainant to serve the Complaint until it was learned that Tom Drazkowski was the party taking responsibility for the mailing and mail could be sent to his home address.

The statute is clear, Respondent is unapologetic about this failure to comply, many voters were misled by failure to identify the source of the mailing, and an unfair advantage could be created through the inflammatory and false statements in the flyer coupled with the **boldly** stated endorsements of the Recall block of candidates Farrar, Goggin, Seifert and Snyder. Because the Recall principals and candidates are concentric, and the language in the flyer is language and phrasing of the Recall statements and materials, it is also not credible that there was no “Citizens for Responsible Government/Red Wing CRG” Tom Drazkowski interactions and involvement³¹ and an unfair advantage created. In this case, a fine of \$4,620.83 and a referral to the county attorney is warranted.

B. Candidates Farrar, Goggin, Kliewer, Seifert and Snyder

Minnesota Statute §211B.04, Subd. 1 requires a disclaimer on all campaign materials. The Respondent candidates did not have disclaimers on their signs, which are campaign material within the meaning of Minn. Stat. §211B.01, Subd. 2. See Complaint, page 4.



³¹ See Drazkowski donations to Recall, (Complaint, Exhibits, p. 18/20, 24); Goggin (Id., p. 54); Kliewer (Id., p. 58) and \$4,620.83 via “Citizens for Responsible Government/Red Wing CRG.”

None of the Respondent candidates' signs have the required disclaimer, nor is there any disclaimer regarding the Citizens for Responsible Government lettering placed on the trailer by Hintz, of Recall.³²

Due to the relatively minor nature of this violation, Respondents should be put on notice of this statutory requirement of disclaimers on signs, and fined \$5 each.

II. THE RANGE OF VIOLATIONS AND IMPACTS REQUIRE A RANGE OF PENALTIES

The violations of Respondent Recall City Hall of Minnesota Statute §211A.06 is material, and Recall should be assessed a civil penalty of \$2,500, roughly half of the amount not reported, and referred to the County Attorney.

The violations of Minnesota Statute §211A.06, by candidates Farrar, Goggin, and Seifert have been demonstrated and they should be assessed civil penalties: Janie Farrar \$400; Ron Goggin \$200; and Ted Seifert, \$300. Because Respondents Kliewer and Snyder were novice campaigners, no civil penalty should be assessed, in hopes this Complaint is sufficient notice of candidate responsibilities.

Because Minnesota Statute §211B.015(b) is binary and proven, and the corporate donation was not returned until after Complaint filed, Respondent Goggin should be assessed a civil penalty of \$100.

The disclaimer violation of Citizens for Responsible Government/Red Wing CRG of Minn. Stat. §211B.04, a misdemeanor, is substantial due to the high dollar amount disbursed and the number of mailers sent in this local race, that Respondent is unapologetic regarding the violations, and has not followed through on facilitating communications. In this case, a fine of \$4,620.83 and a referral to the county attorney is warranted.

³² Admission by Hintz on record, prehearing conference.

Respectfully submitted:

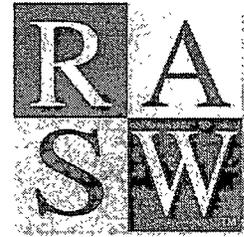
January 13, 2023



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ATTACHMENT A
RUPP, ANDERSON, SQUIRES
& WALDSPURGER, P. A.



*Also Admitted in Wisconsin

†Real Property Specialist Certified by
 the MN State Bar Association

August 23, 2021

VIA E-FILING ONLY

Judge Patrick M. Biron
 Goodhue County Justice Center
 454 West Sixth Street
 Red Wing, MN 55066

RE: George Hintz et al. v. City of Red Wing et al.
 Our File No. 4001(2)-0382
 Court file No. 25-CV-21-1564

Dear Judge Biron:

We represent the City of Red Wing and all named Respondents in the above-referenced case. The purpose of this correspondence is to request that if the Court is considering reversing its dismissal of this matter that Respondents have an opportunity to respond to any ex parte communications about this case before any decision is made.

Currently, we are aware that the public docket provides that this case has been dismissed without prejudice. Prior to a phone call we made to the Court this morning, August 23, Respondents were only aware of one letter sent directly to the Judge, via the Judge's personal court email address, by Kent Laugen, which was made after the dismissal. Court administration advised us this morning that individuals have made multiple ex parte communications with the Court regarding this case. We also learned that the Court may be considering the best way to proceed in light of receiving such communications.

If the Court is considering a reversal of its disposition in this case, Respondents respectfully request to have an opportunity to review all ex parte communications made with the Court and an opportunity to respond before a decision is made. We are copying

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[Type here]

ATTACHMENT A

[Type here]

ATTACHMENT A

August 23, 2021

Page 2

the Petitioners' former counsel, Gregory Joseph, on this communication, as well as George Hintz, a Petitioner who appears to be the spokesperson for the Recall City Hall effort. We are assuming that the Petitioners are no longer represented given the notice of withdrawal that Mr. Joseph filed with the Court as we have not received any other notification of representation.

Very Truly Yours,

/s/ Amy E. Mace

Amy E. Mace

Marcus B. Jardine

cc: Gregory Joseph, former counsel for Petitioners
George Hintz, Petitioner
Carol Overland, Proposed Intervener

RASW: 194110

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ATTACHMENT A

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ATTACHMENT B

Subject: RE: Prep for Prehearing Conference - Campaign Finance Complaint OAH 08-0325-38828

From: Ted Seifert <TedS@Hiawathahomecare.com>

Date: 12/13/2022, 12:29 PM

To: "Carol A. Overland" <overland@legalelectric.org>

I Faxed amended finance reports to the Office of Administrative Hearings, Att: Dara Xiong Legal Assistant. She confirmed that she received them. She should have forwarded them to you as my response to the court.

Ted

Ted Seifert

Founder

(M)651-442-3205

(O)651-388-2223

(F)651-388-2227

www.hiawathahomecare.com

-----Original Message-----

From: Carol A. Overland <overland@legalelectric.org>

Sent: Monday, December 12, 2022 5:29 PM

To: Ted Seifert <TedS@Hiawathahomecare.com>

Subject: Prep for Prehearing Conference - Campaign Finance Complaint OAH 08-0325-38828

Ted (only) -

I'm going over what's been received from each of you in prep for the Prehearing Conference on Wednesday.

I've received nothing from you, no amended reports, nothing new filed on City website, and no email service.

If you're planning on filing amended reports before the Prehearing Conference, do send them to me at your earliest convenience

(overland@legalelectric.org) so that I may review and see if all issues are addressed.

Carol

--

"Our lives begin to end the day we become silent about the things that matter." Dr. Martin Luther King, Jr.

Carol A. Overland

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https://url.emailprotection.link/?bfI0TNBMjy0PVY7x2H_zPgPuvzFPXAL_-ctNSozXAaAhDu-acc2CWUggON52h5zi_84drDj8hW9Du68_M4KPpbQ~~

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— Attachments: —

docAmendedFiling2022.pdf

456 KB

ATTACHMENT B

ATTACHMENT C

OFFICE OF THE MINNESOTA
SECRETARY OF STATE STEVE SIMON

[Español](#) [Hmoob](#) [Soomaali](#) [Tiếng Việt](#) [Русский](#) [中文](#) [ພາສາລາວ](#) [Afaan Oromo](#) [မြို့](#) [አማርኛ](#)

Unofficial Results Tuesday, November 8, 2022

[Results Home](#) [Previous Page](#)

Precincts Reporting in Municipality: 100% 8 of 8

Last Updated: 12/16/22 12:01 PM

Voters Registered at 7AM: 10,415

Results for Selected Contests in 53620 - Red Wing

Council Member at Large (Red Wing)

[Results By Precinct](#)

8 precincts in contest. 8 of 8 precincts reported in municipality.

Party	Candidate	Totals	Pct
NP	Chad Kono	2,961	43.23%
NP	Janie M. Farrar	3,870	56.50%
WI	WRITE-IN	18	0.26%

Council Member Wards 1 & 2 (Red Wing)

[Results By Precinct](#)

4 precincts in contest. 4 of 4 precincts reported in municipality.

Party	Candidate	Totals	Pct
NP	Dean Hove	1,520	40.72%
NP	Ron Goggin	2,205	59.07%
WI	WRITE-IN	8	0.21%

Council Member Ward 3 (Red Wing)

[Results By Precinct](#)

2 precincts in contest. 2 of 2 precincts reported in municipality.

Party	Candidate	Totals	Pct
NP	Becky Norton	894	51.35%
NP	Jason J. Snyder	845	48.54%
WI	WRITE-IN	2	0.11%

Council Member Ward 4 (Red Wing)

[Results By Precinct](#)

2 precincts in contest. 2 of 2 precincts reported in municipality.

Party	Candidate	Totals	Pct
NP	Ted Seifert	642	43.91%
NP	Vicki Jo Lambert	817	55.88%
WI	WRITE-IN	3	0.21%