

CAROLINE H. LENNON
JUDGE OF DISTRICT COURT
SCOTT COUNTY JUDICIAL CENTER
200 FOURTH AVENUE WEST
SHAKOPEE, MINNESOTA 55379



CARVER, DAKOTA, GOODHUE, LE SUEUR,
MCLEOD, SCOTT AND SIBLEY COUNTIES

(952) 496-8219
FAX: (952) 496-8211

STATE OF MINNESOTA
FIRST JUDICIAL DISTRICT

May 16, 2023

Red Wing City Council and Red Wing Charter Commission
c/o Teri Swanson, Red Wing City Clerk
315 West 4th Street
Red Wing, MN 55066

Re: Appointment of Charter Commission Members
Court File 25-C5-02-6083

Dear Council and Charter Commission Members;

This Court, in its capacity as District Chief, received and signed Orders of Appointment for new Charter Commission Members John Guerber, Thomas Drazkowski, Carol Overland, Ann Vogel, Jason Snyder, Chad Kono, Ann Robertson, and Charles Richardson on May 2, 2023. Since that time, the Court has received two written objections encompassing specific candidates and the process by which they were appointed. It is unclear as to who else has received these communications, so I am enclosing copies of all.

The Court has insufficient information to determine if these objections are a basis to deny the appointments. Further, the law does not provide a process by which the Court should gather evidence when an objection to an appointment is made. As a result, the Court is requesting information be provided in writing to the Court addressing the following issues:

1. The City Council transcript of meeting and meeting minutes from April 24, 2023.
2. Explanation by the City Council of their process of selecting and vetting potential Charter Commissioners including what notice to the public and opportunity for feedback was provided.
3. Responses from Tom Drazkowski and Jason Snyder related to their campaign finance violations from the November 8, 2022 election cycle.
4. Response from Carol Overland as to her campaign finance violations from the November 8, 2022 election cycle and her April 24, 2023 email to the Council.

Page 2
Charter Commission Letter
May 16, 2023

In the meantime, all appointment orders filed on May 2, 2023 are stayed until these issues are resolved. I am directing the City Clerk to provide copies of this letter and the enclosures to all Council and Charter Commission members.

Sincerely,

Caroline H. Lennon
Chief Judge First Judicial District

Enclosures

Lennon, Carrie

From: Carol & Dick Eick <pastordick@yahoo.com>
Sent: Wednesday, April 26, 2023 8:48 PM
To: Lennon, Carrie
Subject: [EXTERNAL] Charter Commission Recommendations from Red Wing
Attachments: Findings of Fact, Conclusions of Law, and Order.pdf

The Rev. Dr. Richard Eick
2533 Eagle Ridge Drive
Red Wing, MN 55066-6046

April 27, 2023

The Honorable Caroline Lennon.
Chief Judge of the First Judicial District

Dear Judge Lennon:

I write to express my concern about the process that the Red Wing City Council used to choose the candidates to recommend to you for the vacant seats on the Charter Commission at their April 24th meeting, and my concern about the qualifications of two of these recommended candidates.

Concern #1 - the Process: as a citizen who came to the meeting with no particular agenda about this matter, I was dismayed as the selection process unfolded. To use a Biblical term, the process was not carried out “decently and in order.” (I Corinthians 14:40) The At Large Council member jumped in first, recommending a bloc of four candidates. When a second Council member objected to voting for a bloc of candidates and requested considering one candidate a time, that suggestion was objected to as “too personal.” Eventually, the President directed the Council into a process that was, to me, befuddling and pro-forma that did nothing to clarify the qualifications of each proposed candidate. When the process concluded, I thought “WAIT, what just happened? I am confused not edified!”

Concern #2 – Candidate Qualifications: after having done some research, I also write to express grave concerns about the Council’s recommendations of Tom Drazkowski and Jason Snyder to be appointed to the Red Wing Charter Commission. Both committed campaign finance violations during the 2022 election cycle, resulting in fines. I believe these violations of Minnesota Law call into question their capacity to be fair and impartial Charter Commission Members. (A copy of these findings is attached below.)

I believe Commission members should be held to the highest professional and ethical standards, because average citizens, like me, rely on them to make reasonable and fair judgements as Charter Commission members. I want to ensure all residents continue to see the Charter Commission as an unbiased, apolitical body that understands and represents a wide variety of views and values as they make decisions about the needs of our diverse community.

The City Council Agenda for this matter explained that in Section 419.05 Subd 3 “the City Council and the Charter Commission may submit names of eligible nominees to you, the Chief Judge.” This

explanation does not say that only the City Council and the Charter Commission may make recommendations to you, thus my recommendation as a private citizen that you consider not appointing the two City Council candidates identified above.

Thank you for your careful consideration of my concerns.

Respectfully submitted,

Dick Eick

The Rev. Dr. Richard Eick
(651)-385-7844

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MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620

PH (651) 361-7900

Saint Paul, MN 55164-0620

mn.gov/osh

February 3, 2023

VIA EMAIL ONLY

Carol A. Overland
Overland Law Office
1110 West Ave
Red Wing, MN 55066
Overland@legalelectric.org

VIA EMAIL ONLY

Ron Goggin
4263 Hickory St
Red Wing, MN 55066
rongogginforrw@gmail.com

VIA EMAIL ONLY

Donald Kliever
1851 Woodland Drive
Red Wing, MN 55066
ddkliever@gmail.com

VIA EMAIL ONLY

Recall City Hall
c/o Paul Kampe
149 Spring Creek
Red Wing, MN 55066
Recallcityhall@gmail.com

VIA EMAIL ONLY

Janie M. Farrar
City Council-Red Wing
2663 Ridge View Court
Red Wing, MN 55066
farrarforcouncil@gmail.com

VIA EMAIL & US MAIL

Jason J. Snyder
P.O. Box 153
Red Wing, MN 55066
snyderforredwingcc@gmail.com

VIA EMAIL & US MAIL

Recall City Hall
c/o George Hintz
128 Johnson Avenue
Red Wing, MN 55066
recallcityhall@gmail.com

VIA EMAIL & US MAIL

Ted Seifert
521 – 17th Street
Red Wing, MN 55066
teds@hiawathamedical.com

VIA EMAIL & US MAIL

Citizens for Responsible Govt
Red Wing CRG
c/o Tom Drazkowski
901 Central Ave
Red Wing, MN 55066
tdraz@yahoo.com

Re: *In the Matter of Carol A. Overland (Recall City Hall, Citizens for Responsible Government, Janie M. Farrar, Ron Goggin, Donald Kliever, Ted Seifert, and Jason Snyder*
OAH 8-0325-38828

Dear Parties:

Enclosed and served upon you please find the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** in the above-entitled matter.

Parties
February 3, 2023
Page 2

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Michelle Severson". The signature is written in a cursive, flowing style.

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Carol A. Overland,

Complainant,

vs.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

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

Respondents.

This Fair Campaign Practices complaint (Complaint) is pending before the following panel of three Administrative Law Judges: Eric L. Lipman (Presiding Judge), James E. LaFave, and Kristien R. E. Butler (Panel).

This matter was submitted to the Panel based upon the record from the probable cause hearing and the underlying written record; which includes the Complaint, the Prima Facie Determination, the Probable Cause Order, and final written argument. The record closed on January 20, 2023.

Carol A. Overland, the Complainant, appeared on her own behalf and without counsel. Paul Kampe, Founder, appeared on behalf of the Recall City Hall committee. Thomas Drazkowski, Organizer, appeared on behalf of the Citizens for Responsible Government committee. Janie M. Farrar, Ron Goggin, Donald Kliewer, Ted Seifert, and Jason J. Snyder, each appeared on their own behalf and without counsel.

STATEMENT OF THE ISSUES

1. Did Complainant demonstrate by a preponderance of the evidence that the Respondents, in their separate campaign finance reports, failed to report correct amounts, as required by Minn. Stat. § 211A.02, subd. 2 (2022)?

2. Did Complainant demonstrate by a preponderance of the evidence that the Respondents, in their separate campaign finance reports, failed to report correct amounts "with the intent to conceal receipts or disbursements" or "the purpose of receipts or disbursements," in violation of Minn. Stat. § 211A.06 (2022)?

3. Did Complainant demonstrate by a preponderance of the evidence that the Respondents failed to include proper disclaimers on campaign material in violation of Minn. Stat. § 211B.04 (2022)?

4. Did Complainant demonstrate by a preponderance of the evidence that Respondent Goggin, accepted a prohibited corporate contribution in violation of Minn. Stat. § 211B.15, subd. 2 (2022)?

5. If any violation was established, what penalty is appropriate?

SUMMARY OF CONCLUSIONS

The Complainant, Ms. Overland, established that Respondents, in their separate campaign finance reports, failed to report contributions and disbursements accurately. Ms. Overland did not, however, establish that the misreporting was done deliberately to conceal the nature of those amounts.

Ms. Overland established that Respondent Citizens for Responsible Government circulated campaign material in support of certain candidates for local office, that was created independently of those candidates, but did not include a proper disclaimer.

Lastly, Complainant did establish that Respondent Goggin accepted a prohibited corporate contribution in violation of Minn. Stat. § 211B.15, subd. 2.

The Panel concludes that monetary penalties, as imposed separately below, are appropriate for these violations.

Based upon the record and proceedings herein, the undersigned Panel of Administrative Law Judges makes the following:

FINDINGS OF FACT

1. Respondents Janie M. Farrar, Ron Goggin, Ted Seifert and Jason J. Snyder were each candidates for election to the City Council of Red Wing, Minnesota, in the General Election on November 8, 2022. Respondent Don Kliewer was elected to the Red Wing City Council at a Special Election held on August 9, 2022.¹

2. Respondent Recall City Hall is a political committee that supported recall of incumbent members of the Red Wing City Council in 2021 and through the Special Election in 2022.²

3. Respondent Citizens for Responsible Government is the political committee that advocated for election of Ms. Farrar and Messrs. Goggin, Seifert and Snyder to the Red Wing City Council in the November 2022 General Election.³

¹ Complaint at 9.

² *Id.* at 30.

³ *Id.* at 6, 32.

Campaign Finance Reporting Obligations Under Minn. Stat. §§ 211A.06, 211A.06

4. The hearing record establishes that each of the Respondents – Recall City Hall, Citizens for Responsible Government, Ms. Farrar and Messrs. Goggin, Seifert and Snyder – filed campaign finance reports between 2021 and 2022 that did not accurately state the nature of the contributions received or disbursements made.⁴

5. Each of the Respondents made reporting errors and was obliged to file an amended report that retabulated and restated the contributions received and disbursements made.⁵

6. It is clear from the hearing record that the reporting obligations for Respondents were undertaken by local volunteers who did not have strong backgrounds in either accounting or campaign finance reporting before making the filings. The best understanding of the evidence in the hearing record is that the reporting errors were unintentional.⁶

7. Ms. Overland did not establish by a preponderance of the evidence that any of the misreported detail was submitted with the intent to “conceal receipts or disbursements” or “the purpose of receipts or disbursements....”⁷

Disclaimer Practice Under Minn. Stat. § 211B.04

8. In October of 2022, Thomas Drazkowski, operating as the organizer of the Citizens for Responsible Government, circulated a mailer that urged the election of Respondents Farrar, Goggin, Seifert and Snyder.⁸

9. Citizens for Responsible Government prepared and circulated 6,500 copies of the mailer, which, among other matters, asserted that it was:

[W]ritten [and] produced by Citizens for Responsible [Government] P.O. Box 519 Red Wing, MN 55066[,] without any candidate involvement or endorsement.⁹

10. Minn. Stat. § 211B.04, subd. 2, requires the following disclaimer be placed on written campaign material that follows from an independent expenditure:

⁴ See Complaint at 17-30, 48-69; Response of Recall City Hall; Response of Janie Farrar; Response of Ronald Goggin; Response of Ted Siewert; Response of Jason Snyder.

⁵ See *e.g.*, Complaint at 17-30, 48-69.

⁶ *Id.*; Prehearing Conference Digital Recording (Dec. 14, 2022) (on file with the Minn. Office of Admin. Hearings).

⁷ Minn. Stat. § 211A.06(4).

⁸ See Response of Response of Recall City Hall.

⁹ *Id.* at 1, 5-6; see *also* Complaint at 32.

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.¹⁰

11. The October 31, 2022, mailer developed by Thomas Drazkowski and Citizens for Responsible Government did not include the disclaimer text required by Minn. Stat. § 211B.04, subd. 2.¹¹

12. Likewise, for the first time in her response papers, Ms. Overland asserts that the disclaimer used by the Citizens for Responsible Government was defective, because mail sent to the referenced Post Office Box in November of 2022, was returned as undeliverable.¹² In light of its holding in Finding 11, finding the disclaimer defective, the Panel does not reach the question of whether the Post Office Box was operational at the time the campaign literature was circulated.

13. Ms. Overland maintains for the first time in her response papers that Respondents Farrar, Goggin, Kliewer, Seifert and Snyder failed to have proper disclaimers on their respective lawn signs, in violation of Minn. Stat. § 211B.04. Yet, these claims were not pled in her original Complaint.¹³

14. Even if those claims had been properly included in the Complaint, the photographs referenced by Ms. Overland¹⁴ do not establish that the lawn signs depicted in those photos did not have the required disclaimers.

Receipt of Prohibited Contributions Under Minn. Stat. § 211B.15

15. In the Complaint, Ms. Overland asserted that Mr. Goggin's receipt of a \$100 campaign contribution from Demorett Enterprises, Inc., violated Minn. Stat. § 211B.15.¹⁵

16. Under Minn. Stat. § 211B.15, subd. 2, a "political party, organization, committee, or individual may not accept a contribution" from a corporation "to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office."¹⁶

17. The claim is uncontested, although Mr. Goggin notes that when the error was called to his attention, the contribution was promptly returned to Demorett Enterprises, Inc.¹⁷

¹⁰ Minn. Stat. § 211B.04, subd. 2.

¹¹ Complaint at 32.

¹² Complainant's Response at 13.

¹³ *Compare* Complaint at 7 with Complainant's Response at 15.

¹⁴ See Complaint at 7; Complainant's Response at 15.

¹⁵ Complaint at 10.

¹⁶ Minn. Stat. § 211B.15, subd. 2(a),(b).

¹⁷ See Response of Ronald Goggin at 2.

Based upon the foregoing Findings of Fact, the undersigned Panel of Administrative Law Judges makes the following:

CONCLUSIONS OF LAW

1. The Panel is authorized to consider this matter pursuant to Minn. Stat. § 211B.35 (2022).

2. As the Complainant, Ms. Overland bears the burden to prove the claimed violations of Chapters 211A and 211B by a preponderance of the evidence.¹⁸

3. Ms. Overland demonstrated by a preponderance of the evidence that the Respondents, in their separate campaign finance reports, failed to report correct amounts, as required by Minn. Stat. § 211A.02, subd. 2.

4. The Panel concludes that the accounting errors in the various reports were “negligent, ill-advised and ill-considered,” although likely had little impact upon the voters of Red Wing, Minnesota.¹⁹

5. Ms. Overland did not, however, establish that the misreporting was done deliberately to conceal the nature of those amounts.²⁰

6. Minn. Stat. § 211A.06 does not penalize merely inaccurate record-keeping; it penalizes the failure to keep correct accounts of money received for a committee with “the intent to conceal receipts or disbursements,” or the “purpose of receipts or disbursements.” The focus of a section 211A.06 claim, therefore, is on whether a candidate or committee intentionally kept inaccurate accounts to conceal the source or purpose of contributions or disbursements.²¹

7. Under such circumstances, the Panel concludes that the resulting penalty for the reporting errors (under Minn. Stat. § 211A.02) is \$50 for each Respondent.

8. The disclaimer requirements for those undertaking independent expenditures (under Minn. Stat. § 211B.04, subd. 2) are more demanding than the disclaimer requirements for persons or candidate committees circulating campaign material under Minn. Stat. § 211B.04, subd. 1. Independent expenditures must include the exact text of the required disclaimer, and not merely language that is “substantially similar.”²²

¹⁸ Minn. Stat. § 211B.32, subd. 4 (2022).

¹⁹ See Penalty Matrix (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>).

²⁰ Minn. Stat. § 211A.06.

²¹ See e.g., *Magan v. Behie*, OAH Docket No. 21-0325-38329 (Minn. Off. Admin. Hrgs. 2022).

²² Compare Minn. Stat. § 211B.04, subd. 1, with Minn. Stat. § 211B.04, subd. 2.

9. Because the October 31, 2022, mailer circulated by Citizens for Responsible Government did not include the exact disclaimer text required by Minn. Stat. § 211B.04, subd. 2, imposition of a penalty is appropriate.²³

10. The Panel concludes that the failure to use the text required by the statute was “negligent, ill-advised and ill-considered,” but likely had little impact upon the voters of Red Wing, Minnesota.²⁴

11. Under such circumstances, the Panel further concludes that the resulting penalty for the disclaimer error on a mailer that was circulated to 6,500 potential voters is \$200.

12. Ms. Overland established by a preponderance of the evidence that Respondent Goggin violated Minn. Stat. § 211B.15 by receiving a \$100 campaign contribution from Demorett Enterprises, Inc.

13. The Panel concludes that the failure to carefully examine contribution checks before depositing them was “negligent, ill-advised and ill-considered,” but because it was a modest amount and promptly returned, had little discernable impact upon the electoral process.²⁵

14. Under such circumstances, the Panel further concludes that the resulting penalty for the reviewing error is \$50 – half of the contributed amount.

Based upon the record herein, and for the reasons stated in the following Memorandum, the Panel makes the following:

ORDER

1. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Recall City Hall committee shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

2. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Citizens for Responsible Government committee shall pay a civil penalty of **\$250** for violating Minn. Stat. §§ 211A.02, 211B.04, subd. 2.

3. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Farrar shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

4. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Goggin shall pay a civil penalty of **\$100** for violating Minn. Stat. §§ 211A.02, 211B.15.

5. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Kliewer shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

²³ Complaint at 32.

²⁴ See Penalty Matrix.

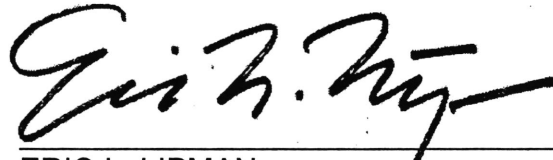
²⁵ See Penalty Matrix.

6. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Seifert shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.


7. By **4:30 p.m. on Friday, February 24, 2023**, Respondent Snyder shall pay a civil penalty of **\$50** for violating Minn. Stat. § 211A.02.

8. The penalties shall be paid by check made to the order of: "Treasurer, State of Minnesota," and remitted to the Office of Administrative Hearings. The docket number OAH 8-0325-38828, should be included on the check.

Dated: February 3, 2023


ERIC L. LIPMAN
Presiding Administrative Law Judge


JAMES E. LAFAVE
Administrative Law Judge


KRISTIEN R. E. BUTLER
Administrative Law Judge

NOTICE

Pursuant to Minn. Stat. § 211B.36, subd. 5 (2022), this is the final decision in this case. Under Minn. Stat. § 211B.36, subd. 5, a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63-.69 (2022).

MEMORANDUM

In order to encourage greater care by candidates and committees in the development of campaign literature and reporting of campaign finances, the Panel concludes that some penalty should be imposed for the violations in this matter.

To ensure consistency in the application of administrative penalties across types of violations of the Fair Campaign Practices Act, the Office of Administrative Hearings

uses a “penalty matrix” to guide decision-making in such matters.²⁶ The matrix categorizes violations based upon the willfulness of the misconduct and the impact of the violation upon voters.²⁷ It reads as follows:

Willfulness	Gravity of Violation		
	Minimal/no impact on voters, easily countered	Some impact on several voters, difficult to correct/counter	Many voters misled, process corrupted, unfair advantage created
Deliberate, multiple violations in complaint, history of violations, clear statute, unapologetic	\$600 - 1,200	\$1,200 – 2,400 and/or Refer to County Attorney	\$2,400 – 5,000 and/or Refer to County Attorney
Negligent, ill-advised, ill-considered	\$250 - 600	\$600 - 1,200	\$1,200 – 2,400 and/or Refer to County Attorney
Inadvertent, isolated, promptly corrected, vague statute, accepts responsibility	\$0 - 250	\$400-600	\$600 - 1,200

Because every case is unique, however, the Panel may depart from the presumptive penalty listed in the matrix.²⁸

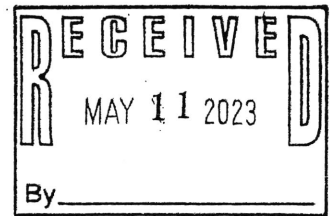
In the view of the Panel, the matrix phrases that best describe the misconduct in this case was “negligent, ill-advised and ill-considered,” and that the shortcomings had little impact on the electoral process or the choices of voters. The careful balancing in this opinion best supports the purposes of the Fair Campaign Practices Act.

E. L. L., J. E. L., K. R. E. B.

²⁶ See Penalty Matrix (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>).

²⁷ See *Fine v. Bernstein*, 726 N.W.2d 137, 149-50 (Minn. Ct. App.), *review denied* (Minn. 2007).

²⁸ *Id.*



May 3, 2023

Carrie Lennon, Chief Judge
c/o Vanessa Jeske
Goodhue County Court Administrator
Goodhue County Justice Center
454 West Sixth Street
Red Wing, MN 55066

Re: Opposed to reappointment of Carol Overland to Red Wing Charter Commission

Dear Judge Lennon

As Red Wing's mayor, I am writing to express strong opposition to the reappointment of Carol Overland to our city's Charter Commission. Over the past four years, as a member of that important body, she has exhibited a degree of political partisanship, divisiveness, and undue criticism of others that is totally inconsistent with the commission's mission to carefully and cooperatively review the City Charter and help make decisions that serve our community and its people. Specifically, I refer to the three attached documents.

Document one: With respect to Ms. Overland, please note the term Administrative Law Judge Eric Lipman used in a conference call with relevant parties: "Red Wing does not need a "Commissar." By definition, point B refers to a "Commissar" as "one that attempts to control public opinion or its expression." His point, of course, is that commissioners are charged with reviewing the City Charter - not "controlling" public opinion, publicly judging others, or calling their motives into question.

Document two: Ms. Overland's email of April 24 to the Mayor and members of the City Council illustrates her utter disregard for those with whom she disagrees - specifically commission candidates Dean Adams, Ann Vogel and Jason Snyder. Her use of the word "bizarre" with respect to Mr. Snyder's application is typical of her attitude toward potential future colleagues.

Document three: This order by the State of Minnesota Campaign Finance and Public Disclosure Board finds that Ms. Overland, a registered lobbyist for Public Investors Network, failed to disclose - as required by Minnesota Statute 10A.04, subd. 4, (d) - funds received from the McKnight Foundation, to influence administrative actions. Such disregard for the law hardly commends her for appointment to the Red Wing Charter Commission.

There are a number of qualified candidates for appointment to the commission. I hope you will agree that Carol Overland is simply not one of them. Thank you for your time and attention.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Wilson".

Mike Wilson
Mayor

Requested Info

1 message

[REDACTED]
To: mike wilson <wilsonoilcompany@gmail.com>

Mon, May 1, 2023 at 11:37 AM

This is the word that Administrative Law Judge Eric L. Lipman used in the conference call with all the parties. He stated that in reference to Carol Overland, to the fact Red Wing does not need a "Commissar.

commissar

noun

com·mis·sar 'kă-mə-|sär

1

a

: a Communist party official assigned to a military unit to teach party principles and policies and to ensure party loyalty

b

: one that attempts to control public opinion or its expression

[REDACTED]


From: "Carol A. Overland" <overland@legalelectric.org>
Date: April 24, 2023 at 1:38:21 PM CDT
To: City of Red Wing City Council Mayor <CityCouncilMayor@ci.red-wing.mn.us>
Cc: "Kuhlmann, Kay" <Kay.Kuhlmann@ci.red-wing.mn.us>
Subject: Charter Commission Appointments by City Council

All -

Regarding Charter Commission appointments, Item 9C on the Agenda:

The City Charter is our "Constitution," the governing document laying out how our City is structured and how it is run as provided by the state Constitution and statutes. I hope you'll take a look at each and every Charter Commission application and critique it as if it were a homework assignment. Do highlight and write a grade on each!! The highest grade I'd give is A-, most are a "meh" C, and a couple get an F, although many should get an incomplete! What's your take?

- Many applicants said very little in their applications, and most did not convey an understanding of the Charter. That's a problem. Most statements of "interest" referenced time lived in Red Wing, growing up here, a spouse's lifelong residence, citizen for nearly 25 years, which is non-responsive. Living a long time in Red Wing is not an "interest" or qualification nor is that justification or rationale for applying for appointment to the Charter Commission.
- **Once again, resumes are not provided in the packet by staff -- This omission is on staff and should be corrected.** Failure to attach resumes has been an issue before, which I raised with staff at the last Charter Commission meeting where people were up for appointment. Some referred to their resume as the entire answer to a question, again, a resume which was **not attached by staff**. For example, **Tom Drazkowski** refers to his resume, but it is not attached and there's no link, working or not. **Mark Hagen** referenced his resume three times but there's a link that won't open, so there's no resume to review. Looking at his application, he also referenced "Christian" in the "interest in serving" question. This could go in different directions, and while the tenets of Christianity are great and good, this is a secular position. Considering separation of church and state, and the often perversion of the notion of Christianity these days, without the referenced resume for context, that raises concerns:

 Z0XXq2Sbary0bdqu.png

I also don't see how service on the Charter Commission is generosity to neighbors, though it appears that seeking a position on the Charter Commission is seeking a path to blessings! The logic of this answer evades me.

- A number of applicants demonstrated zero understanding of the Charter's Recall provisions through either being Recall principals or that they signed Recall petitions.
 - The Recall was falsely based on "250 word" statements that were false, incidents claimed to be "open meeting law violations" that were obviously not

showing lack of understanding of Open Meeting Law (and perhaps bad advice!).

- The Recall was admittedly brought in response to Pohlman's firing, contrary to the "250 word statement" in the Petitions.
- Claims were vociferously made that mere collection of signatures was sufficient and there was a right to recall election. There is no right to a recall election.
- There was no acknowledgement of the "malfeasance or misfeasance" standard, which had not been met, and which was why recall was denied.
- Recall lawsuit had to be dropped because it was frivolous and sanctions were a very real risk.

These facts about the Recall effort should disqualify Recall supporters from serving: **John Guerber, Kyle Knutson, Ann Vogel**, and in particular, **Tom Drazkowski**, who was a Recall principle and who was according to filings, solely responsible for the inflammatory flyer littered with false statements sent to ~6,500 addresses in Red Wing. **Drazkowski's** application states, "I have looked at and evaluated the RED WING Charter, and feel that I have an understanding of the document." Actions and statements prove otherwise.

- In response to the question regarding interest in serving on the Charter Commission, few provided any substantive answer. Answers with depth were a joy to see. **Ann Robertson** provided the most concrete statement of interest conveying understanding of the role of the charter and Charter Commission. **Janet Brandt's** application also had a substantive response. **Charles Richardson** succinctly stated two specific qualifications, training as lawyer and understanding of legal documents, and appears well qualified (though I don't know him or know of his legal work).
- On the other hand, the repeated statement of **Dean Adams** that "I have lived in Red Wing for 55 years" as the only response to interest (I have lived in Red Wing for 55 years"), skills and talents to bring to Charter Commission (I have lived in Red Wing for 55 years"), and "Is there anything else..."(I have lived in Red Wing for 55 years") has no substance, we learn nothing, and it looks like a sense of entitlement. Dean Adams' application shouldn't be taken seriously. **Ann Vogel's** "interest" stated in response focuses on living in RW, raising children, and no plans to leave, which has nothing to do with the Charter Commission, and her claimed "interested in the workings of our city government and would like the opportunity to help form our city's (sic) future" doesn't convey any knowledge, understanding, or experience of the Charter or how government works.
- **Jason Snyder's** desire for appointment is problematic, due to his statements during his campaign that showed lack of understanding of civic process and responsibility, and no understanding or misunderstanding of the Charter Recall provisions. These statements are bizarre, referencing the State and Federal constitutions and implies that the Charter, or City's use of the Charter, has taken away rights -- and at a candidate forum Snyder also referred to the Constitution and the "right" to Recall:

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- **Dean Hove** does understand how the City government works and the role of the Charter, and he also was recently the Council liaison to the Charter Commission and knows how the Charter Commission works and doesn't work. We've argued a lot over time, as have most of you, and don't see that ending anytime soon! On the other hand, I do think we need "new blood" on the Charter Commission. Despite that, with his knowledge and experience, I do think **Dean Hove** would be a good addition to the Commission.

OK, I'll shut up for now!

Carol A. Overland, Ward 2 and member of Charter Commission

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

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING CAROL
OVERLAND AND PUBLIC INTERVENORS NETWORK, INC.**

Procedural Background

On April 30, 2003, John Reinhardt (“Complainant”), filed a complaint with the Campaign Finance and Public Disclosure Board (“Board”) alleging that Carol Overland (“Respondent”) violated Minnesota Statutes, Chapter 10A.

The Complainant provided documents related to MPUC Docket No. E002/CN-01-1958 and OAH Docket No. 15-2500-14699-2 in support of his complaint. The Complainant alleged that these documents verified that Public Intervenors [*sic*] Network, Inc. received funding from outside sources. The Complainant noted that these outside sources were not disclosed on Ms. Overland’s Lobbyist Disbursement Report for the period covering January 1, 2002, through June 30, 2002.

By letters dated May 1, 2003, and May 19, 2003, the Respondent was notified of the complaint and afforded an opportunity to respond. Ms. Overland responded on May 27, 2003, and stated that the McKnight Foundation provided a \$35,000 grant to Public Intervenors Network, Inc. that was used to intervene in a certificate of need proceeding before the Minnesota Public Utilities Commission. Ms. Overland provided the Board with a copy of Public Intervenors Network, Inc.’s grant agreement with the McKnight Foundation, dated April 21, 2002.

The Board considered this matter in executive sessions on May 28, 2003, and June 25, 2003. The matter was considered based on the complaint, the documents accompanying the complaint, the response, the documents accompanying the response, and information obtained from the Minnesota Public Utilities Commission’s website.

Based on the record before it, the Board issues the following:

Evidentiary Findings

1. Carol Overland registered with the Board as a lobbyist for Public Intervenors Network, Inc. on November 14, 2002.
2. Carol Overland and Public Intervenors Network, Inc. used funds obtained from the McKnight Foundation to influence a certificate of need proceeding under Minn. Stat. §216.B.243, which is defined as an administrative action by Minn. Stat. §10A.01, subd. 2.

3. Minn. Stat. §10A.04, subd. 4, (d) requires that a lobbyist disclose each original source of funding in excess of \$500 used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit.
4. Minn. Rules 4511.0100, subp. 5, defines an original source of funds as “a source of funds, other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

Based on the above Statement of the Evidence, the Board makes the following:

FINDINGS CONCERNING PROBABLE CAUSE

There is probable cause to believe that Public Intervenors Network, Inc. used funds obtained from the McKnight Foundation to influence administrative action. Ms. Overland did not disclose receipt of these funds on her Lobbyist Disbursement Report for the period covering January 1, 2002, through June 30, 2002.

Based on the above Findings, the Board issues the following:

ORDER

The Board directs Carol Overland to amend her Lobbyist Disbursement Report for Public Intervenors Network, Inc. for the period covering January 1, 2002, through June 30, 2002, to disclose the name and address of all original sources of funding, as required by Minn. Stat. 10A.04, subd. 4, (d).

The amended Lobbyist Disbursement Report must be submitted to the Board within 30 days of the date that these findings are signed by the Board Chair.

The record in this matter and all correspondence is hereby entered into the public record in accordance with Minn. Stat. §10A.02, subd. 11. Board staff shall provide copies to Mr. Reinhardt and Ms. Overland.

Dated June 25, 2003

Clyde Miller, Chair
Campaign Finance and Public Disclosure Board