

April 27, 2026

**VIA EMAIL & US MAIL**

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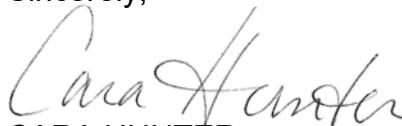
**Re: *In the Matter of Carol A. Overland (Gary Iocco/Gary Iocco for Red Wing Mayor)***  
**CAH 50-0325-41670**

Dear Parties:

Enclosed and served upon you please find the **PRIMA FACIE ORDER FOR DISMISSAL** in the above-entitled matter. The Court of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7970, [cara.hunter@state.mn.us](mailto:cara.hunter@state.mn.us), or via facsimile at (651) 539-0310.

Sincerely,



CARA HUNTER  
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA  
COURT OF ADMINISTRATIVE HEARINGS

Carol A. Overland,

Complainant

**PRIMA FACIE ORDER  
FOR DISMISSAL**

v.

Gary Iocco,

Respondent

On April 22, 2026, Carol A. Overland (Complainant) filed a Fair Campaign Practices Complaint (Complaint) with the Court of Administrative Hearings. The Complaint alleges that Gary Iocco's (Respondent) failure to file an updated version of his November 11, 2024, campaign finance report violated Minn. Stat. § 211A.02, subds. 1, 1(b), and 2 of the Fair Campaign Practices Act.<sup>1</sup> The Chief Administrative Law Judge assigned the matter to Administrative Law Judge Nicholas Lienesch on April 22, 2026.

After reviewing the Complaint, the undersigned Judge has determined that the Complaint does not set forth a prima facie violation of Minn. Stat. § 211A.02, subds. 1, 1(b), or 2. For the reasons detailed in the Memorandum below, the Complaint is dismissed.

Based upon the Complaint and the supporting filings, and for the reasons set out in the accompanying Memorandum, the Judge hereby issues the following:

**ORDER**

The April 22, 2026, Complaint filed by Carol A. Overland against Gary Iocco is **DISMISSED**.

Dated: April 27, 2026



NICHOLAS B. LIENESCH  
Administrative Law Judge

<sup>1</sup> Minn. Stat. §§ 211A.01-.14, 211B.01-.37 (2024).

## NOTICE

Under Minn. Stat. § 211B.36, subd. 5 (2024), this Order is the final decision in this matter and a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63-.69 (2024).

## MEMORANDUM

The allegations in the Complaint stem from a prior campaign practices case brought by the same Complainant against the same Respondent in November of 2024 (November 2024 Case).<sup>2</sup> That earlier case addressed allegations that Respondent had wrongfully accepted a corporate donation to his campaign by, or failed to report expenditures involved in, placing a campaign sign on the side of a rented trailer owned by Wylie Wilson Trucking, Inc.<sup>3</sup> The Complaint in this matter alleges that Respondent has not updated his November 11, 2024, final campaign finance report to reflect a payment to Wylie Wilson Trucking, Inc. It also alleges that he has not provided any proof of the payment itself being made.<sup>4</sup> The Complaint alleges that these failures are violations of Minn. Stat. § 211A.02, subds. 1, 1(b), and 2.<sup>5</sup>

### I. Standard for Prima Facie Determinations

To establish a prima facie violation of the Fair Campaign Practices Act, a complainant must allege sufficient facts to show that a violation of law has occurred.<sup>6</sup> The complaining party must submit evidence or allege facts that, if accepted as true, would be sufficient to prove a violation of Minn. Stat. §§ 211A.01-.14, 211B.01-.37.<sup>7</sup>

For purposes of a prima facie determination, the Court must accept the facts alleged in the Complaint as true, without independent substantiation, provided that those facts are not patently false or inherently incredible.<sup>8</sup> In determining whether a complaint alleges sufficient facts to state a prima facie case, reasonable inferences must be drawn in the light most favorable to the Complainant.<sup>9</sup>

A complaint must be dismissed if it does not include evidence or allege facts that, if accepted as true, would be sufficient to prove a violation of Minn. Stat. §§ 211A.01-.14, 211B.01-.37.<sup>10</sup>

Complaints alleging violations of Chapter 211A or 211B must be filed with the Court of Administrative Hearings within one year of the act or failure to act that is the

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<sup>2</sup> Complaint at 3 (Apr. 20, 2026).

<sup>3</sup> See *Carol A. Overland vs. Gary Iocco*, No. 21-0325-40438, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (Minn. Ct. Admin. Hearings, Mar. 7, 2025).

<sup>4</sup> Complaint at 3-4.

<sup>5</sup> Complaint at 5.

<sup>6</sup> See Minn. Stat. § 211B.32, subd. 3.

<sup>7</sup> *Barry v. St. Anthony-New Brighton Indep. Sch. Dist. 282*, 781 N.W.2d 898, 902 (Minn. Ct. App. 2010).

<sup>8</sup> *Id.*

<sup>9</sup> *Abrahamson v. St. Louis Cty. Sch. Dist.*, 819 N.W.2d 129, 136 (Minn. 2012).

<sup>10</sup> *Barry*, 781 N.W.2d at 902.

subject of the complaint.<sup>11</sup> If those actions could not be discovered within a year due to “fraud, concealment, or misrepresentation” then the complaint must be filed within a year of the fraud, concealment, or misrepresentation being discovered.<sup>12</sup>

## II. Analysis

Minn. Stat. 211A.02, subd. 1 requires political committees and candidates in Minnesota to file campaign finance reports.<sup>13</sup> Subdivision 1(b) of the same statute specifically requires candidates to file such reports in the year in which their name appears on a ballot.<sup>14</sup> Subdivision 2 then details the information that these reports must contain.<sup>15</sup> If, during the period of time a report covers, a candidate receives over \$100 in contributions from a single entity or pays over \$100 to a single vendor, the details of those transactions must be included.<sup>16</sup> Reports must be filed within fourteen days of \$750 in contributions or disbursements taking place, before a primary election, after a general election, and yearly after that until a final report is filed.<sup>17</sup> A final report may be filed once a candidate meets the requirements of Minn. Stat. § 211A.03.

The Complaint alleges that the Respondent failed to update his final campaign finance report, filed November 11, 2024, to reflect a payment made in February of 2025.<sup>18</sup> The payment at issue was to Wylie Wilson Trucking, Inc., for use of the trailer used to display the campaign sign at issue in the November 2024 Case.<sup>19</sup> During the evidentiary hearing in that case on February 24, 2025, Respondent testified that he had paid Wylie Wilson Trucking, Inc. for use of the company’s trailer during the week prior to the hearing and intended to file an amended campaign finance report reflecting that disbursement.<sup>20</sup> The Complaint alleges that no amended report was filed.<sup>21</sup> The final Findings of Fact, Conclusions of Law, and Order in the November 2024 Case did not require Respondent to make an amended filing.<sup>22</sup>

Respondent’s alleged failure to file an accurate campaign finance report was fully adjudicated.<sup>23</sup> The current complaint thus amounts to an allegation of continuing failure to file an updated final finance report, despite Respondent’s statements that he would do so. The Court takes Respondent’s alleged failure to follow through on statements made under oath very seriously. However, the campaign finance reports and disbursements at

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<sup>11</sup> Minn. Stat. § 211B.32, subd. 2 (2024).

<sup>12</sup> *Id.*

<sup>13</sup> Minn. Stat. § 211A.02, subd. 1.

<sup>14</sup> Minn. Stat. § 211A.02, subd. 1(b).

<sup>15</sup> Minn. Stat. § 211A.02, subd. 2.

<sup>16</sup> Minn. Stat. § 211A.02 (5-6).

<sup>17</sup> Minn. Stat. § 211A.02, subds. 1(b-c); Minn. Stat. § 211A.03.

<sup>18</sup> Complaint at 4.

<sup>19</sup> Complaint at 3.

<sup>20</sup> *Carol A. Overland vs. Gary Iocco*, No. 21-0325-40438, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER at 4 (Minn. Ct. Admin. Hearings, Mar. 7, 2025).

<sup>21</sup> Complaint at 3.

<sup>22</sup> *Carol A. Overland vs. Gary Iocco*, No. 21-0325-40438, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (Minn. Ct. Admin. Hearings, Mar. 7, 2025).

<sup>23</sup> *Carol A. Overland vs. Gary Iocco*, No. 21-0325-40438, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (Minn. Ct. Admin. Hearings, Mar. 7, 2025).

issue all took place over a year before April 22, 2026. While the Complaint alleges an “ongoing failure to file an amended correction of the November 11, 2024, final report,” nothing in Minn. Stat. § 211A.02, subds. 1, 1(b), or 2 create this sort of continuing obligation and failure to file an amendment, absent such statutory obligation, does not constitute a perpetual violation of law.<sup>24</sup> The Complaint raises no claims of fraud, concealment, or misrepresentation, alleging only that Respondent failed to follow through on a course of action he stated he would take. Respondent’s representation that he would, at some point in the future, take a particular action, does not constitute fraud, concealment, or misrepresentation. Notably, the Court did not order Respondent to make an amended filing or take any other actions, and the matter was dismissed with prejudice.<sup>25</sup>

Further, the Complainant’s allegation is that Respondent made such statements at the hearing in this matter, held February 24, 2025. Even if the statement constituted fraud, concealment, or misrepresentation, a complaint filed April 22, 2025 has still not been filed within one year of such statements, and still fails to meet the statute of limitations provision in Minn. Stat. § 211B.32, subd. 2.

### III. Conclusion

Based on the foregoing, the Administrative Law Judge finds that the Complaint alleges statutory violations relating exclusively to actions that occurred over one year ago. There are no allegations that fraud, concealment, or misrepresentation prevented discovery of these actions, and if there were, the complaint would still be barred by the statute of limitations. As a result, the Complaint is outside the statute of limitations set forth in Minn. Stat. § 211B.32, subd. 2, and is **DISMISSED**.

**N. B. L.**

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<sup>24</sup> Complaint at 5; *cf. Lewison v. Hutchinson*, 929 N.W.2d 444, 449-452 (Minn. Ct. App. 2019) (holding that a lawn sign affirmatively displaying inaccurate content constituted a continuing violation” for its ongoing dissemination of incorrect information.

<sup>25</sup> *Carol A. Overland vs. Gary Iocco*, No. 21-0325-40438, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (Minn. Ct. Admin. Hearings, Mar. 7, 2025).