

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Other Civil
(Campaign Disclosure Law)

Campaign Finance and Public Disclosure Board,

Plaintiff,

vs.

SUMMONS

John Thompson and John Thompson for 67A,

Defendants.

THIS SUMMONS IS DIRECTED TO: Defendants John Thompson and John Thompson for 67A.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a written response called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at: 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2134.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.**

If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: July 3, 2023

KEITH ELLISON
Attorney General
State of Minnesota

/s/Nathan J. Hartshorn

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ATTORNEY FOR PLAINTIFF

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Campaign Finance and Public Disclosure Board,

Plaintiff,

vs.

COMPLAINT

John Thompson and John Thompson for 67A,

Defendants.

Plaintiff Campaign Finance and Public Disclosure Board, for its complaint in the above-titled matter, states as follows:

1. This is an action for money damages in the amount of \$4,250 against Defendants John Thompson and John Thompson for 67A (“the Committee”), which is the total of the following amounts in which Defendants are liable to the Board under state law:

- (a) A \$50 late-filing fee for failing to timely file the Committee’s 2022 pre-primary report of receipts and expenditures (“the Pre-Primary Report”);
- (b) The \$500 political contribution that Defendants unlawfully accepted from an individual in excess of the statutory \$1,000 per-contributor limit;
- (c) A \$500 civil penalty for accepting the above unlawful contribution;
- (d) The \$1,200 in excess (i.e., over \$200 per contributor) contributions that Defendants unlawfully accepted from two individual contributors without disclosing to the Board the employer, or occupation if self-employed, of those contributors;
- (e) A \$1,000 late-filing fee for failing to timely file the Committee’s 2022 year-end report of receipts and expenditures (“the Year-End Report”); and
- (f) A \$1,000 civil penalty for failing to timely file the Year-End Report.

2. This action is also for an order from the Court requiring Defendants to file with the Board the Committee's 2022 year-end report of receipts and expenditures.

PARTIES

3. The Board is an agency of the State of Minnesota duly created by the Minnesota Ethics in Government Act, Minn. Stat. ch. 10A. Among the Board's responsibilities are administering and enforcing the laws governing the deposit and disposition of contributions to principal campaign committees pursuant to Minn. Stat. §§ 10A.15 and 10A.27, and the filing of reports by each principal campaign committee pursuant to Minn. Stat. § 10A.20.

4. In 2022, Defendant John Thompson was a candidate for the seat in the Minnesota House of Representatives representing District 67A.

5. The Committee is Thompson's principal campaign committee pursuant to Minn. Stat. §§ 10A.01, subd. 34, and 10A.105.

6. During all times relevant to this matter, Thompson was the candidate for the Committee. At the same time, he was also acting as the treasurer for the Committee.

7. State law authorizes the Board to file an action in Ramsey County District Court for injunctive relief to compel Defendants to file the Committee's 2022 year-end report, and to pay the Board \$4,250 in unrefunded prohibited contributions, late-filing fees, and civil penalties imposed under chapter 10A. Minn. Stat. §§ 10A.15, .20, subds. 3, 12, .28, subds. 2, 4, .34, subds. 1a, 2 (2022).

VENUE

8. Venue in this Court is proper under Minn. Stat. § 10A.34, subds. 1a and 2.

FACTS

A. The Pre-Primary Report

Late filing

9. Fifteen days before each primary election in which the candidate's name will appear on the ballot, the treasurer of a principal campaign committee is required to file a pre-primary campaign report pertaining to the committee's receipts, expenditures, and contributors. Minn. Stat. § 10A.20, subds. 1, 2(b), 3. The Committee's original treasurer resigned in 2021 and the Committee did not amend its statement of organization to include a new treasurer. *See id.* §§ 10A.14, subd. 2, .025, subd. 4. When a principal campaign committee's treasurer position is vacant, the candidate is responsible for filing the committee's campaign reports. *Id.* § 10A.20, subd. 1a. The candidate is ultimately responsible for their committee's compliance with this and other requirements of Chapter 10A. Minn. R. 4503.0200, subp. 2 (2021).

10. When a report that is due before a primary or general election is not timely filed, the Board is authorized to impose a late-filing fee of \$50 per day, not to exceed \$1,000. Minn. Stat. § 10A.20, subd. 12.

11. Thompson and the Committee were required to file the Committee's Pre-Primary Report with the Board on or before July 25, 2022. The Board received the report on July 26. Because the Board received the report one day after the deadline, it imposed a \$50 late-filing fee.

12. As of the date of this complaint, Thompson and the Committee have not paid the \$50 late-filing fee for the late filing of the Committee's Pre-Primary Report.

Excess Contributions

13. During the 2021-2022 election cycle, individuals were not permitted to contribute more than \$1,000 to any candidate for state representative. *Id.* § 10A.27, subd. 1(a)(5).

14. A candidate who permits the candidate's principal campaign committee to accept contributions in excess of the limits imposed by section 10A.27 is subject to a civil penalty of up to four times the amount by which a contribution exceeds the applicable limits. *Id.* § 10A.28, subd. 2(4).

15. When the Board imposes a civil penalty under Minn. Stat. § 10A.28 for a first-time violation of a contribution limit, the Board typically imposes a civil penalty that is equal in amount to the dollar value of the violation.

16. A candidate or principal campaign committee may refuse to accept a contribution. A deposited contribution may be returned to the contributor within 90 days after deposit. A contribution deposited and not returned within 90 days after that deposit must be reported as accepted. *Id.* § 10A.15, subd. 3.

17. Defendants filed a Pre-Primary Report that included successive contributions from one individual contributor in the amounts of \$500 and \$1,000, respectively. Put together, these contributions exceeded the \$1,000 statutory contribution limit by \$500. *See id.* § 10A.27, subd. 1(a)(5).

18. Despite being provided notice and an administrative order from the Board commanding them to refund the unlawful \$500 excessive contribution to the individual contributor and provide documentation of that refund, Defendants failed to provide documentation of the refund and failed to respond to multiple communications from the Board.

19. This failure was willful because Defendants were notified of the unlawful \$500 excessive contribution and failed to refund it to the individual contributor within 90 days of deposit to cure the violation. *See id.* § 10A.15, subd. 3.

20. As of the date of this complaint, Thompson and the Committee have failed both (a) to return the \$500 excess contribution to the individual contributor and (b) to forward it to the Board as an unlawful contribution.

Omitted Employer Name or Occupation

21. A campaign-finance report filed with the Board must disclose the name, address, employer, or occupation if self-employed, and registration number if registered with the Board, of each individual or association that has made one or more contributions to the reporting entity that in aggregate within the year exceed \$200 for legislative or statewide candidates. Minn. Stat. § 10A.20, subd. 3(c).

22. Corrections to a report filed with the Board must be reported in writing to the Board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. *Id.* § 10A.025, subd. 4.

23. The Pre-Primary Report that Defendants filed included contributions from two contributors totaling \$1,000 and \$600, respectively, and listed the contributors' employment as "Self Employer" and "Self Employed", respectively, with no occupation listed.

24. On July 26, 2022, and again on September 20, the Board notified Thompson and the Committee that its Pre-Primary Report indicated that two contributors listed their employment as "Self Employer" and "Self Employed", with no occupation listed. The Board instructed Thompson and the Committee that they were required to obtain the occupation of each contributor and include that information within its next periodic report. The Board told the Defendants that if they were unable to do so, they were required to refund the contributions in question or forward the contributions to the Board, to the extent that they exceeded \$200 per contributor.

25. Because the two individual contributors in question are entitled to contribute \$200 each to a particular legislative candidate without providing information about their employer or

occupation, the total of \$1,600 in contributions they made to Thompson's campaign without providing such information constitutes \$1,200 more than is permitted by law: the \$1,600 total minus the \$400 that the law permits the two of them, put together, to contribute without providing employer or occupation information.

26. As of the date of this complaint, Thompson and the Committee have not informed the Board of the contributors' occupations or employers or that they refunded contributions to the contributors, nor have they forwarded the \$1,200 in excess contributions to the Board.

B. The Year-End Report

27. On or before January 31 of each year, the treasurer of each principal campaign committee is required to file a year-end campaign report that includes, among other things, a statement of the committee's receipts and expenditures for the previous calendar year. Minn. Stat. § 10A.20, subs. 1, 2(a), 3. The Committee's original treasurer resigned in 2021 and the Committee did not amend its statement of organization to include a new treasurer. *See id.* §§ 10A.14, subd. 2, .025, subd. 4. When a principal campaign committee's treasurer position is vacant, the candidate is responsible for filing the committee's campaign reports. *Id.* § 10A.20, subd. 1a. The candidate is ultimately responsible for the committee's compliance with this and other requirements of chapter 10A. Minn. R. 4503.0200, subp. 2.

28. When a committee fails to file a year-end report of receipts and expenditures, the Board is authorized to impose a late-filing fee of \$25 per day, not to exceed \$1,000. Minn. Stat. § 10A.20, subd. 12.

29. An individual who fails to file a year-end report of receipts and expenditures within seven days after a notice is sent via certified mail by the Board is subject to a civil penalty imposed by the Board of up to \$1,000. *Id.* § 10A.20, subd. 12.

30. The Committee's Year-End Report for 2022 was due on January 31, 2023.

31. On February 15, 2023, the Board mailed a certified letter to Defendants regarding their failure to file the Year-End Report. The letter notified Defendants that the Year-End Report had been due to the Board on January 31, that the statutory late-filing fee had begun accruing at a rate of \$25 per day and was \$275 as of the date of the letter, and that an additional civil penalty of \$1,000 would be imposed if the report was not filed by March 29.

32. As of the date of this Complaint, Defendants have not filed the Committee's Year-End Report, nor have they paid any portion of the accrued \$1,000 late-filing fee or the \$1,000 civil penalty that accrued for their failure to file the Year-End Report.

33. State law authorizes the Board to bring an action in this Court to recover late-filing fees and civil penalties imposed under chapter 10A. Minn. Stat. § 10A.34, subd. 1a.

34. State law also authorizes the Board to bring an action in this Court for injunctive relief to enforce the obligations that chapter 10A places on Defendants. *Id.* subd. 2.

35. The Board therefore brings this action to recover \$1,050 in late-filing fees, \$1,500 in civil penalties, and \$1,700 in unrefunded prohibited contributions from Defendants, and for injunctive relief requiring Defendants to complete and to file the Year-End Report.

WHEREFORE, the Board requests judgment and an order of the Court:

1. Entering a mandatory injunction ordering and directing Thompson and the Committee to complete and to file the Year-End Report that meets the content requirements of Minn. Stat. § 10A.20;

2. Entering judgment in favor of the Board and against Thompson and the Committee, jointly and severally, for \$4,250 in late-filing fees, civil penalties, and unrefunded prohibited contributions, which is the sum of:

(a) The \$50 late-filing fee for failing to timely file the Committee's 2022 pre-primary report,

- (b) The \$500 political contribution that Defendants unlawfully accepted from an individual in excess of the statutory \$1,000 per-contributor limit,
- (c) A \$500 civil penalty for accepting the above unlawful contribution,
- (d) An additional \$1,200 in unrefunded contributions owed to the Board for unlawfully accepting that amount over the \$200 per-contributor limit without disclosing to the Board the employer, or occupation if self-employed, of those contributors,
- (e) The \$1,000 late-filing fee for failing to file the Committee's Year-End Report, and
- (f) The \$1,000 civil penalty for failing to file the Committee's Year-End Report; and

3. Entering judgment in favor of the Board and against Thompson and the Committee requiring them to pay the Board's costs and disbursements and granting any other relief as may be just and equitable.

Dated: July 3, 2023

Respectfully submitted,

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Attorney General
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/s/Nathan J. Hartshorn
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MINN. STAT. § 549.211**ACKNOWLEDGMENT**

The party on whose behalf the attached pleading is served acknowledges through its undersigned counsel that sanctions may be imposed pursuant to Minn. Stat. § 549.211 (2022).

Dated: July 3, 2023

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