

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

**PROBABLE CAUSE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF ERIK MORTENSEN REGARDING THE VOTE FOR LOONAN  
(ROBERT) COMMITTEE

**Background**

On August 10, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by Erik Mortensen regarding the Vote for Loonan (Robert) committee. Vote for Loonan is the principal campaign committee of Robert Loonan, a candidate for Minnesota House of Representatives District 55A.

The complaint alleges violations of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint alleges that an individual named Dustin Grage commented on posts in a private Facebook group called “Concerned Citizens of Shakopee.” The complaint alleges that Mr. Grage is the owner of DG Digital Marketing. The 2020 pre-primary report for the Vote for Loonan committee shows that the committee has paid DG Digital Marketing \$5,000 for “public relations/fundraising service: campaign advisory services.” The complaint also includes a screenshot of a Facebook comment or message by Mr. Grage stating “For real though, Erik. I’m paid \$5,000 to point out these ridiculous occurrences by your campaign. Paid by Bob Loonan, not a grifter organization.” The complaint includes screenshots of several comments made by Mr. Grage in the Concerned Citizens of Shakopee Facebook group. The complaint argues that those comments are campaign material and alleges that none of the comments by Mr. Grage included the disclaimer required for campaign material.

On August 17, 2020, the Board chair determined that the complaint alleged a prima facie violation of Minnesota Statutes section 211B.04. On August 24, 2020, Mr. Loonan responded to the complaint. Mr. Loonan’s response states that the Vote for Loonan committee retained DG Digital Marketing to redesign the committee’s website, manage the campaign committee’s social media page, and make some posts and advertisements, but only from the Loonan committee’s social media page. Mr. Loonan included in his response a copy of an email from DG Digital Marketing listing the services that were provided under the contract. Mr. Loonan specifically states that the committee did not retain Mr. Grage to respond using his own social media profile to posts on other social media sites regarding Mr. Loonan.

On August 31, 2020, staff spoke with Mr. Grage regarding this matter. Mr. Grage confirmed that he was not retained by the Vote for Loonan committee to respond to posts on a social media page separate from the Vote for Loonan social media page. Mr. Grage stated that he felt that he personally needed to respond to comments in a private Facebook group as he believes in Mr. Loonan as a candidate.

**Analysis**

When the Board chair makes a finding that a complaint raises a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants an investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (d). A probable cause determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether a complaint raises sufficient questions of fact which, if true, would result in the finding of a violation.

Minnesota Statutes section 211B.04 requires principal campaign committees to include on their campaign material a disclaimer substantially in the form provided in Minnesota Statutes section 211B.04, subdivision 1. Here, the evidence supports the conclusion that the Loonan Committee did not prepare or pay for the social media posts referenced in the complaint. Mr. Grage was acting as a private individual, not as a vendor for the committee, when he made the Facebook posts referenced in the complaint. The disclaimer requirement in Minnesota Statutes section 211B.04 that requires a disclaimer on campaign material produced or paid for by a principal campaign committee does not apply to an individual under these circumstances.

Based on the complaint, the response from the Vote for Loonan committee, and staff's conversation with Mr. Grage, there is no probable cause to believe that the Vote for Loonan (Robert) committee violated the disclaimer requirements in Minnesota Statutes section 211B.04.

**Order:**

1. The allegation that the Vote for Loonan committee violated the disclaimer requirements in Minnesota Statutes section 211B.04 is dismissed without prejudice because there is no probable cause to believe that this violation occurred.

/s/ Gary Haugen  
Gary Haugen, Chair  
Campaign Finance and Public Disclosure Board

Date: September 9, 2020