

24L-31

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: September 18, 2024

ANALYST: Ryan Furman

- I. COMMITTEE: Neighbors for Samuels
C00807974
Andrew Minck, Treasurer (7/22/22 – Present)
Mark A. Felton, Treasurer (3/8/22 – 7/21/22)
PO Box 50024
Minneapolis, MN 55405
- II. RELEVANT STATUTE: 52 U.S.C. § 30104(b)(2)
52 U.S.C. § 30116(a) and (f)
11 C.F.R. § 103.3
11 C.F.R. § 110.1(b)
11 C.F.R. § 102.9(e)
- III. BACKGROUND:

A. Excessive and Other Impermissible Contributions (Failure to Refund, Redesignate, or Reattribute Excessive Contributions within the Permissible Timeframes)

Neighbors for Samuels (“the Committee”) received excessive 2022 Primary Election contributions totaling \$13,800.00 from individuals. The Committee refunded this entire amount outside of the permissible timeframe (Attachment 1).

2022 April Quarterly Report

During the [2022 April Quarterly](#) reporting period, January 1, 2022 through March 31, 2022, the Committee received excessive contributions totaling \$12,100.00 from individuals that were not remedied within the permissible timeframe (Attachment 1).

On August 21, 2022, a [Request for Additional Information \(RFAI\)](#) referencing the 2022 April Quarterly Report was sent to the Committee. The RFAI noted the Committee's receipt of apparent excessive contributions and requested that the Committee take corrective action concerning these contributions.

The Committee disclosed refunds and a disgorgement to the U.S. Department of the Treasury totaling \$12,100.00 for the excessive contributions received during the 2022 April Quarterly reporting period. All of these remedies were disclosed outside of the permissible timeframe.

2022 October Quarterly Report

During the [2022 October Quarterly](#) reporting period, July 21, 2022 through September 30, 2022, the Committee received excessive contributions from individuals totaling \$1,700.00 that were not remedied within the permissible timeframe (Attachment 1).

On December 18, 2023, an [RFAI](#) referencing the 2022 October Quarterly Report was sent to the Committee. The RFAI noted the Committee's receipt of apparent excessive contributions and requested that the Committee take corrective action concerning these contributions.

On January 22, 2024, the Committee filed an [FEC Form 99](#) (Miscellaneous Electronic Submission) which stated, in part: "Apparent Excessive, Prohibited, and Impermissible Contributions...we have refunded Erika Binger \$100, Diana Donnino \$100, and Joe Pohlad \$1,000. These refunds will be reflected in our first FEC report for 2024."

On August 19, 2024, the Committee filed an additional [FEC Form 99](#) which stated, in part:

"The following were refunds for General Elections, but should have been reported as Primary:

- Erika Binger - \$100
- Diana Donnino refund for \$10
- Joe Pohlad for \$1,000 was disclosed for general reimbursement, but should have been for Primary reimbursement

Primary 2022 Excessives refunded this month by cashier's checks on August 15th 2024:

- Erika Binger over excessive for an extra \$500
- Jay Cowles for \$2,900
- Pam Kellenberger for \$2,900
- Patrick Kellenberger for \$1,300
- Darin Opperman for \$2,100
- Kelly Doran has since passed away. The Neighbors for Samuels campaign has refunded his \$2,900 to the Department of Treasury on August 15th.

The Primary 2022 Excessives refunded will be reflected in the October 15th 2024 quarterly report.”

On August 26, 2024, the Committee filed an [FEC Form 99](#) which stated, “We had a typo on the last Form 99 dated August 19th 2024. Diana Donnino refund on 1/17/2024 was for \$100. We misprinted that it was \$10.”

The Committee disclosed refunds totaling \$1,700.00 for the excessive contributions received during the 2022 October Quarterly period. All of these refunds were disclosed outside of the permissible timeframe.

B. Excessive and Other Impermissible Contributions (Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe after the Candidate Lost the Primary Election)

The Committee received 2022 General Election contributions totaling \$59,220.00 that were not refunded or redesignated within the permissible timeframe from the date Don Samuels (“the Candidate”) lost the 2022 Minnesota Primary Election. The Committee refunded this entire amount outside of the permissible timeframe (Attachment 1).

2022 July Quarterly Report

During the [2022 July Quarterly](#) reporting period, April 1, 2022 through June 30, 2022, the Committee received individual 2022 General Election contributions totaling \$54,125.00 that were not remedied within the permissible timeframe (Attachment 1).

2022 12-Day Pre-Primary Report

During the [2022 12-Day Pre-Primary](#) reporting period, July 1, 2022 through July 20, 2022, the Committee received individual 2022 General Election contributions totaling \$4,800.00 that were not remedied within the permissible timeframe (Attachment 1).

2022 October Quarterly Report

During the [2022 October Quarterly](#) reporting period, July 21, 2022 through September 30, 2022, the Committee received individual 2022 General Election contributions totaling \$295.00 that were not remedied within the permissible timeframe (Attachment 1).

On August 9, 2022, the Candidate lost the Minnesota 2022 Primary Election.

On December 18, 2023, an [RFAI](#) referencing the 2022 October Quarterly Report was sent to the Committee. The RFAI noted the Committee’s receipt of apparent 2022 General Election contributions that were not refunded or redesignated within the permissible timeframe from the date the Candidate lost the 2022 Minnesota Primary

Election and requested that the Committee take corrective action concerning these contributions.

On January 22, 2024, the Committee filed an [FEC Form 99](#) which stated, in part:

“While we are striving for complete accuracy in our reports, there were extenuating circumstances in the weeks leading up to the August 2022 Primary election that contributed to the issues you raised. Immediately following the July 2022 quarterly filing, with less than a month to election day, the campaign separated from its original treasurer and asked me to step in. At that time, we made a concerted effort to ensure our records were accurate and correct the errors that caused the campaign to let go of the former treasurer. We believed we had corrected all of the errors. However, your review revealed additional items that needed to be addressed and we now have taken the following additional actions in response to your letter. ...After having reviewed this data, we sent cashier check refunds on 1/17/2024 the majority of these expenditures that were allocated to the general election. These refunds will be reflected in our first FEC report for 2024.”

On August 19, 2024, the Committee filed an [FEC Form 99](#) which stated, in part:

“Thank you for the opportunity to review our excessive contributions for the 2022 election...the following were refunded on 1/17/2024 from our bank:

- Hans Gasterland - \$25
- Emilie Hossick Schot - \$25
- Jane Murphy - \$20 (comb. \$10, \$5, \$5)
- James Roth - \$25
- Paul Sween - \$ 100
- Joesph Tamburino - \$100
- Vinod Tipparaju - \$100.”

The Committee disclosed 2022 General Election refunds totaling \$59,220.00. All of these refunds were disclosed outside of the permissible timeframe.

Since January 22, 2024, RAD logged sixteen (16) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act regarding the matters referenced in this referral. RAD was able to connect with the Treasurer, Andrew Minck, on multiple occasions and notified him that the matters would be referred to another office at the Commission for further review (Attachment 2).

To date, no further communications have been received from the Committee regarding this matter.

RAD Referral 24L-31
Neighbors for Samuels
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Filings and correspondence related to the Committee can be found here: [Neighbors for Samuels](#).

Neighbors for Samuels (C00807974)

Excessive Contributions Refunded Outside Permissible Timeframes, Listed by Report

Untimely Resolved Excessive Contributions*April Quarterly Report (1/1/2022 - 3/31/2022)*

Name	Date	Contribution Amount	Election	Total Excessive Amount Received During Reporting Period & Not Refunded within Timeframe	Excessive Amount Remedied Outside of Timeframe
COWLES, JAY	3/13/2022	\$5,800.00	P2022		
COWLES, JAY	8/15/2024	-\$2,900.00	P2022	\$2,900.00	\$2,900.00
DORAN, KELLY J.	3/20/2022	\$5,800.00	P2022		
DORAN, KELLY J.*	8/15/2024	-\$2,900.00	P2022	\$2,900.00	\$2,900.00
KELLENBERGER, PAM	3/27/2022	\$5,800.00	P2022		
KELLENBERGER, PAM	8/15/2024	-\$2,900.00	P2022	\$2,900.00	\$2,900.00
KELLENBERGER, PATRICK	3/29/2022	\$4,000.00	P2022		
KELLENBERGER, PATRICK	3/29/2022	\$200.00	P2022		
KELLENBERGER, PATRICK	8/15/2024	-\$1,300.00	P2022	\$1,300.00	\$1,300.00
OPPERMAN, DARIN	3/31/2022	\$5,000.00	P2022		
OPPERMAN, DARIN	8/15/2024	-\$2,100.00	P2022	\$2,100.00	\$2,100.00
Total Amount Remedied Outside Permissible Timeframes:				\$12,100.00	

*Per the Form 99 filed 8/19/24, Kelly J. Doran is deceased. As a result, the Committee disgorged \$2,900.00 to the U.S. Department of the Treasury on 8/15/24.

October Quarterly Report (7/21/2022 - 9/30/2022)

Name	Date	Contribution Amount	Election	Total Excessive Amount Received During Reporting Period & Not Refunded within Timeframe	Excessive Amount Remedied Outside of Timeframe
BINGER, ERIKA	3/30/2022	\$2,500.00	P2022		
BINGER, ERIKA	8/7/2022	\$1,000.00	P2022		
BINGER, ERIKA	1/17/2024	-\$100.00	P2022		

Neighbors for Samuels (C00807974)**Excessive Contributions Refunded Outside Permissible Timeframes, Listed by Report**

BINGER, ERIKA	8/15/2024	-\$500.00	P2022	\$600.00	\$600.00
DONNINO, DIANA	6/30/2022	\$1,000.00	P2022		
DONNINO, DIANA	8/1/2022	\$2,000.00	P2022		
DONNINO, DIANA	1/17/2024	-\$100.00	P2022	\$100.00	\$100.00
POHLAD, JOE	3/31/2022	\$2,900.00	P2022		
POHLAD, JOE	8/7/2022	\$1,000.00	P2022		
POHLAD, JOE	1/17/2024	-\$1,000.00	P2022	\$1,000.00	\$1,000.00
Total Amount Remedied Outside Permissible Timeframes:				\$1,700.00	

Neighbors for Samuels (C00807974)**2022 General Election Contributions Refunded Outside Permissible Timeframes, Listed by Contributor**

Contributor Name	Date	Contribution Amount	Amount Not Remedied within Timeframe
Contributions from Individuals			
ANDERSON, RICHARD HALE	6/30/2022	\$3,000.00	\$3,000.00
ANDERSON, SUSAN K	6/30/2022	\$2,900.00	\$2,900.00
BORMAN, ELIZABETH	6/22/2022	\$2,900.00	\$2,900.00
BROWN, LUCY	5/11/2022	\$2,900.00	\$2,900.00
CIRESI, ANN	7/6/2022	\$1,300.00	\$1,300.00
CIRESI, MICHAEL	7/6/2022	\$2,900.00	\$2,900.00
CORNWELL, RON	6/30/2022	\$2,900.00	\$2,900.00
COWLES, PAGE KNUDSEN	6/9/2022	\$2,900.00	\$2,900.00
DEAL, PAMELA	6/30/2022	\$2,000.00	\$2,000.00
DORAN, CONNIE	7/18/2022	\$500.00	\$500.00
GASTERLAND, HANS	8/18/2022	\$25.00	\$25.00
HOEFER, M'LYNN	6/22/2022	\$2,900.00	\$2,900.00
HOSSICK SCHOTT, EMILIE HOSSICK SCHOT	8/18/2022	\$25.00	\$25.00
LAUX, BRENDA	5/28/2022	\$2,900.00	\$2,900.00
LENABURG, MARY	5/31/2022	\$600.00	\$600.00
LINDAHL, JOHN	6/22/2022	\$100.00	\$100.00
MACLENNAN, DAVID	6/30/2022	\$2,900.00	\$2,900.00
MARTIN, JENNIFER L	7/16/2022	\$100.00	\$100.00
MCNAIR, DAVID	6/22/2022	\$3,000.00	
MCNAIR, DAVID	6/24/2022	\$1,000.00	
MCNAIR, DAVID	6/24/2022	\$25.00	\$4,025.00
MCNAIR, JANET	5/17/2022	\$1,000.00	\$1,000.00
MINN, STEVEN	5/11/2022	\$2,900.00	\$2,900.00
MURPHY, JANE	8/25/2022	\$10.00	
MURPHY, JANE	9/8/2022	\$5.00	
MURPHY, JANE	9/8/2022	\$5.00	\$20.00
OPPERMAN, VANCE	4/6/2022	\$2,100.00	
OPPERMAN, VANCE	4/6/2022	\$800.00	\$2,900.00
PIPER, ADDISON	6/8/2022	\$100.00	\$100.00

Neighbors for Samuels (C00807974)**2022 General Election Contributions Refunded Outside Permissible Timeframes, Listed by Contributor**

POHLAD, DONNA	6/20/2022	\$2,900.00	\$2,900.00
POHLAD, JAMES	6/6/2022	\$2,900.00	\$2,900.00
PRESTON, HENRY LEBARON	6/25/2022	\$1,000.00	\$1,000.00
ROSENBAUM, ROBERT A.	5/9/2022	\$1,000.00	\$1,000.00
ROSS, JANE	6/22/2022	\$2,900.00	\$2,900.00
ROSS, STERLING	6/22/2022	\$2,900.00	\$2,900.00
ROTH, JAMES	9/11/2022	\$25.00	\$25.00
STONER, RUTH	6/10/2022	\$600.00	\$600.00
SWEEN, PAUL R	7/31/2022	\$100.00	\$100.00
TAMBURINO, JOSEPH	6/24/2022	\$100.00	\$100.00
TIPPARAJU, VINOD	9/11/2022	\$100.00	\$100.00
Total Amount Remedied Outside Permissible Timeframes:			\$59,220.00

Neighbors for Samuels (C00807974)

Breakdown of Remedied and Unremedied Excessive Contributions (all reports)

Total Amount Remedied Outside of the Permissible Timeframe (all reports):	\$73,020.00
Total Amount Unremedied (all reports):	\$0.00
Total Referred (all reports):	\$73,020.00