

# Charges against Kelly campaign dismissed

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The waters of District 28A suddenly got choppy one week before Election Day.

Though a flap ignited by a local publisher's decision to run an article and an advertisement for GOP candidate Tim Kelly reached resolution Tuesday, the saga appears far from over.

An administrative law judge on Tuesday dismissed a Red Wing man's allegations that an article in the Generations of Today magazine and an ad in the publisher's sister publication - The Ag Reporter - amounted to an illegal campaign contribution

According to the complaint, Today's five-page article fell outside a First Amendment exception to campaign contribution law, and represented free advertising for Kelly.

"The five-page advertisement is an extension of (Kelly's) campaign and is devoid of any 'news' value," the complaint, filed Oct. 16 by Roger Sween of Red Wing, states.

Administrative Law Judge Kathleen Sheehy dismissed that first claim, saying the media exception is applicable.

"(Sween's) evidence is insufficient to make even a threshold showing of wrongdoing by respondent," she wrote in her decision.

Publisher Paulette Hanson issued a statement condemning the complaint, saying it was politically motivated. She said the story idea was actually given to the magazine by a longtime DFL party member.

The article describes Kelly's political ascent amid the backdrop of his parents - both lifelong Democrats with a passion for encouraging public service among their children.

"I found the story interesting and a perfect fit for the readership of Today magazine," Hanson said in the statement.

Sheehy also swatted down allegations that the Ag Reporter's October/November back-page ad was provided free of charge.

The Kelly campaign and the publisher, P. Hanson Marketing Inc., provided invoices and a check indicating the ad was paid for, despite the missing attribution on the page. Sheehy said Sween - who did not appear at a probable cause hearing Friday - did not provide sufficient evidence to back up his claims.

After receiving word of the dismissal, Kelly said he was relieved but troubled by the allegations.

"It gives me a little more faith in the system," he said of the decision. "We can easily see they crossed the line on this one."

Kelly said his frustration spiked this week when state Democrats sent out a mailing that states "Kelly is under investigation for accepting an illegal campaign contribution from a corporation," an apparent reference to the state Office of Administrative Hearings case stemming from Sween's complaint.

Judging by the timing of the case and the mailing, Kelly considers it "an orchestrated event" organized by Sween and state Democrats. Sween is a supporter of Kelly's opponent, Rep. Sandy Wollschlager, DFL-Cannon Falls.

Wollschlager said Sween contacted her after seeing the article.

Sween, contacted Tuesday, said he was provided legal assistance through the Democratic-Farmer-Labor Party.

He said when it came time for someone to sign the complaint, he was contacted by a DFL official he named as Melissa Parker. A state DFL spokesman confirmed that there is a Melissa Parker who works on House Democratic caucus staff.

Sween said he wasn't legally prepared to answer the question of who brought the magazine article to the state party's attention.

A DFL spokesman did not respond by press time with a response to the matter.

Wollschlager said she was familiar with the case, and called the Today article "above and beyond your average story." She said some language used in the article appeared lifted from Kelly's campaign Web site. That argument was also proposed in Sween's complaint.

Asked about coordination between the timing of Sween's complaint, the hearing before the judge Friday and the mailing which reached many homes Saturday, Wollschlager noted the mailing was an independent expenditure.

"Both parties do things without our knowledge," she said. "The actions are independent. My name is not on it."

Both candidates bemoaned the negative turn the campaign has taken. The magazine saga has been the worst of it so far, Kelly said.

"It was such a sad indication of what can go on with our political process," he said.

Though Kelly said he will maintain a positive message through Election Day, he has already delivered a counter-punch to Democrats. He said he filed a counter complaint Tuesday against the state DFL party, alleging the language used in the mailer was false and misleading.

Sween's allegations also stirred up concerns among First Amendment advocates. Minnesota Newspaper Association attorney Mark Anfinson said he was surprised by the allegations, but not surprised the judge struck them down.

"It's very rare," he said of Minnesota cases linking media stories to illegal campaign contributions. "The practice that it places in issue really doesn't happen very often."