

**COMPLAINT
TO THE
SUBCOMMITTEE ON ETHICAL CONDUCT
REGARDING THE ACTIONS
OF
SENATOR OMAR FATEH**

Senators Justin Eichorn, Mike Goggin, John Jasinski, Mark Johnson, Mark Koran, Andrew Mathews, and Scott Newman, each being first duly sworn, state and allege under oath the following based upon information and belief:

Complaint 1: Sen. Fateh violated Senate Rules 56.3 and 56.4 by failing to disclose a conflict of interest, despite receiving primary election campaign promotion from Somali TV of Minnesota free of charge and subsequently authoring legislation appropriating \$500,000 to the same organization.

1. Somali TV of Minnesota was registered with the U.S. Department of Treasury as an IRC Section 501(c)(3) on November 19, 2015. It is currently registered with the Minnesota Secretary of State as both a Nonprofit Corporation and Limited Liability Company. The organization maintains a YouTube channel with over 171,000 subscribers.
2. According to the IRS website: “For an organization to be tax-exempt under section 501(c)(3) it cannot ‘participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office.’”
3. The Somali TV of Minnesota YouTube channel hosts several campaign-related videos featuring Sen. Fateh in both English and Somali languages.
4. Following his DFL endorsement as the Senate District 62 candidate, Sen. Fateh appeared in a video (*Please Vote Omar Fateh MN Senate 62 Aug 11*; June 25, 2020; 1:34) on Somali TV of Minnesota referring viewers to his campaign website (www.omarfateh.org/vote), asking viewers to sign up for volunteer shifts, and explaining how viewers can donate.
5. Despite the campaign-related content, the Somali TV of Minnesota video featuring Senator Fateh did not include any disclaimer, including those required under the Fair Campaign Practices Act (Minn. Stat. § 211B.04).
6. On March 22, 2021, Sen. Fateh introduced SF 2238, a bill appropriating \$500,000 from the Arts and Cultural Heritage Fund to the Somali TV of Minnesota.
7. Senate Rule 56.1 provides that members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.
8. Senate Rule 56.3 provides that “improper conduct includes conduct that violates a rule of the Senate, violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.”
9. Senate Rule 56.4 provides that “members of the Senate shall disclose potential conflicts of interest in the discharge of senatorial duties as provided in Minnesota Statutes, section 10A.07.”
10. Minn. Stat. § 10A.07 provides that a legislator who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official’s

financial interest to prepare a written statement describing the matter involving a potential conflict of interest to the presiding officer of the body.

11. There is no evidence that Sen. Fateh disclosed his conflict of interest in Somali TV of Minnesota to the President of the Senate or the public.
12. According to a Minnesota Reformer article dated May 2, 2022 (*A senator was promoted by a nonprofit, then proposed \$500,000 in state funding* for it), “Somali TV President Siyad Salah said in an interview that Somali TV doesn’t endorse the candidates but allows them to send in ads, which the channel runs free of charge.”
13. Minn. Stat. § 211B.13, subd. 2, prohibits a person from knowingly soliciting, receiving or accepting anything of monetary value that is a disbursement prohibited by section 211B.15.
14. Minn. Stat. § 211B.15, subd. 2, prohibits corporations from making contributions, directly or indirectly, of anything of monetary value to an individual to promote the individual’s candidacy or election to political office.
15. Per Minn. Stat. § 211B.01, subd. 5, “Disbursement” means an act through which money, property, or other thing of value is directly or indirectly promised, paid, spent, contributed, or lent.
16. As held in *Adams v. B. Anderson and Klatt True Value Hardware Electric Co.* (MN Office of Administrative Hearings; 12-0320-19974-CV), it is a violation of the prohibition against corporate contributions for a corporation to display signs that support a candidate without fair market remuneration.
17. When interviewed by the Minnesota Reformer, University of Minnesota law professor, David Schultz, stated: “Fateh seeking money for Somali TV after they aired the endorsement of him is – at the very least – a conflict of interest. You have to the potential here for a quid pro quo.”
18. Sen. Fateh failed to report to the value of campaign advertising displayed by Somali TV of Minnesota LLC to the Minnesota Campaign Finance and Public Disclosure Board, but authored a bill appropriating \$500,000 to the same organization less than three months after being sworn into office.
19. Sen. Fateh’s conduct violates accepted norms of Senate behavior, betrays the public trust, and brings the Senate into dishonor or disrepute.
20. It is your complainants’ belief that, based on the above information, Sen. Omar Fateh violated Senate Permanent Rule 56.

Complaint 2: Sen. Fateh violated Senate Rule 56.3 by failing to expressly address his involvement in the unauthorized delivery of 2020 Primary Election absentee ballots and retaining his Senate staffer who reportedly directed the fraudulent election activity.

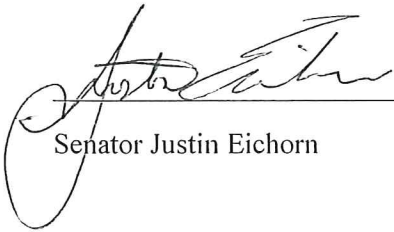
1. Muse Mohamud Mohamed is Sen. Fateh's brother-in-law and previous campaign volunteer. His address matches a previous residence of Sen. Fateh's wife, Kaltum Mohamed, and Zaynab Mohamed, the DFL-endorsed candidate running in the district currently represented by Sen. Patricia Torres Ray. (*Minnesota Reformer; Minneapolis man on trial for lying to grand jury has connections to senator, candidate; May 6, 2022*)
2. On May 10, 2022, Mohamed was convicted in federal court of lying to a grand jury regarding his involvement in delivering absentee ballots during the 2020 Primary Election without the voters' consent.
3. The FBI's investigation into election fraud committed during the 2020 Primary Election included up to 80 witnesses. In the case's closing arguments, Assistant U.S. Attorney Kimberly Svendsen stated: "Simply put, he [Mohamed] didn't want to tell the grand jury where he got those ballots, so he lied." (*Minnesota Reformer; Fateh volunteer convicted of lying to grand jury about his handling of absentee ballots; May 10, 2022*)
4. According to a Sahan Journal article dated May 10, 2022 (*State Senator Omar Fateh says he's 'troubled' by the conviction of his brother-in-law and campaign volunteer, Muse Mohamed. Muse lied to a federal grand jury about handling absentee ballots in Omar's 2020 primary campaign.*), Mohamed stated that "a campaign official named 'Dawson' gave him a list of three voters in question whom he later acted as an agent for."
5. Sen. Fateh's campaign manager and Senate legislative assistant is Dawson Kimyon.
6. Dawson Kimyon was placed on administrative leave from the Senate on May 11, 2022; however, he is still listed on the Senate's website as the legislative assistant for Sen. Fateh.
7. Following the announcement of Mohamed's conviction, Sen. Fateh released this statement: "Our campaign's mission has always been to motivate and organize the people of our district to participate in elections. In doing so, we are committed to upholding our state's election laws and processes. I am troubled by this conviction. I am more committed than ever to organizing and governing to strengthen a fair and free democracy."
8. As elected public officials, all members of the Minnesota Senate must work to ensure the integrity of the state's electoral system.
9. Sen. Fateh's failure to unequivocally refute his personal involvement and/or the involvement of his Senate staff following the federal conviction of Muse Mohamud Mohamed violates accepted norms of Senate behavior, betrays the public trust, and brings the Senate into dishonor and disrepute.

Your complainants ask that the Subcommittee on Ethical Conduct investigate the details of these matters. Specifically, the Subcommittee should investigate whether Sen. Fateh's authorship of a bill appropriating \$500,000 to Somali TV of Minnesota after receiving free campaign advertising from a corporation was a quid pro quo and constitutes a conflict of interest. The Subcommittee should also investigate whether Sen. Fateh was personally involved in election fraud activities in connection with Muse Mohamud Mohamed or has any knowledge into the involvement of his Senate staff.

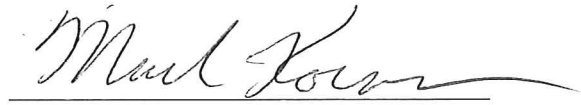
Your complainants respectfully request that all hearings on this matter be open to the public.

Your complainants ask that the Subcommittee on Ethical Conduct find that Sen. Omar Fateh violated Senate Permanent Rule 56 and Minn. Stat. § 10A.07, and that it recommends such disciplinary action as the Subcommittee finds appropriate.

Date: May 22, 2022



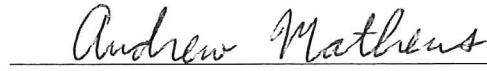
Senator Justin Eichorn



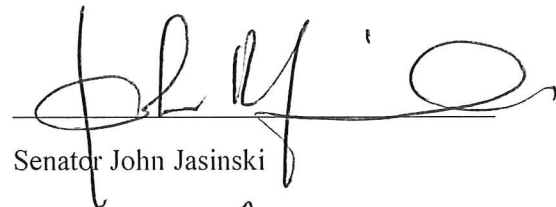
Senator Mark Koran



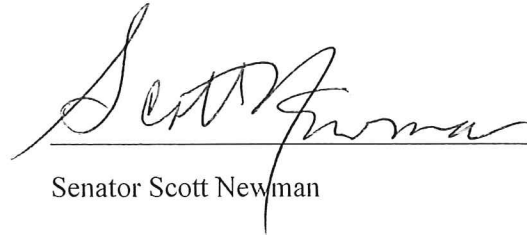
Senator Mike Goggin




Senator Andrew Mathews



Senator John Jasinski



Senator Scott Newman



Senator Mark Johnson

Subscribed to, and sworn before me, a notary public, on May 22, 2022



