



RAMSEY COUNTY DISTRICT COURT

CIVIL DIVISION, 600 COURTHOUSE, ST. PAUL, MN 55102-1682 (651) 266-8253
FAX NUMBER (651) 266-8263

BETTY ANDRADE
Supervisor
Conciliation / Housing Court

CAROL BECKER
Supervisor
Public Services

THOMAS G. P. BOIES
Supervisor
Accounting

MARY JUREK
Supervisor
Civil

MICHAEL G. MORIARITY
Court Administrator

September 29, 2000

Hon. Kathleen Blatz
Chief Justice,
Minnesota Supreme Court
25 Constitution Avenue
St. Paul, MN 55155

OFFICE OF
APPELLATE COURTS

OCT 2 2000

FILED

RE: Ole Savior v Mark Dayton
Ramsey File # C9-008288


Dear Chief Justice Blatz:

On September 28, 2000, a Response to Mark Dayton's Answer was filed in the Ramsey County District Court in this election contest case.

Pursuant to Minn. Stat. § 209.045, I am hereby submitting one copy of these pleadings to you by certified mail.

Should you have any questions, or if I can be of any further assistance, please do not hesitate to contact me.

Sincerely,


Michael G. Moriarity
Court Administrator

Enc:

5

STATE OF MINNESOTA

COUNTY OF RAMSEY

FILED
Court Administrator

SEP 28 2000


SECOND JUDICIAL DISTRICT

DISTRICT COURT

Case Type: Election Contest

Court File No. C9-00-8288

Ole Savior,

By  Deputy

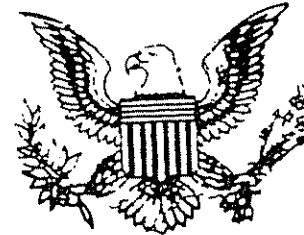
Plaintiff/Contestant,

MEMORANDUM TO DENY
MOTION TO DISMISS

v.

Mark Dayton,

Defendant/Contestee.



Contestee Mark Dayton for his Answer

1. He has not appeared specially.
2. This Court has matter of jurisdiction.
3. The allegations of Complaint are true.

Plaintiff Contestant states as follows:

1. The Complaint is proven to be very timely and was served within five days after the canvass was completed.
Contestee own statements proves that point.
2. Process was sufficient.
3. U.S. Mail certified to Contestee Mark Dayton home address.
4. U.S. Mail certified to Contestee Mark Dayton Campaign Headquarters in Egan Minnesota as Ramsey County records already state.

Personal Service was done more then once by:

Terence West on September 22, 2000 also on the Monday date of September 25th, 2000 within the canvass period at Mark Daytons Campaign Headquarters 3030 Lexington Ave. Suite 150 Egan Minnesota.

Terence West;address of 2121 Minneahaha Ave.So, Mpls,MN.

can testify he asked for Mark Dayton by name and confirmed that was his headquarters and Mark Dayton was not in at that time.

Process was more then sufficient.

4.B Complaint is clear upon relief can be granted. Mark Dayton violated many state laws concerning Minnesota Fair Campaign Laws and he should be held accountable for his actions. His free bus trips from St. Cloud and Duluth was valued at \$ 32.00 per person. He used these elderly people as a political prop to be exploited by his advertising agency and on his own commercials he is shown on the bus giving speeches to his ^{new} found voters to entice them to vote for him, free trips to Canada. If he really cared for them he should not have promoted the trips with his campaign. Does anyone believe he would have continued if he had lost[?] He Flim Flam the elderly and voters of Minnesota and now expects to enjoy his ill gotton gains in the November 7th, 2000 General Election, truthfully he has not anything to be proud of in his deceitful ways.

His behavior cannot be justified except by his disqualification from holding office in Minnesota. I claim he has committed a felony and the Stern County and the St. Louis County is investigating his actions during this campaign and if justice is to be served Mark Dayton should have his name removed from the General Election Ballot as soon as possible. I claim he violated both state and Federal Laws in a conspiracy attempt to deny me my rights as a candidate for the Minnesota U.S. Senate D.F.L. with exclusion and censorship from debates. My Constitutional and Civil Rights were denied by his actions, he used his millions of dollars to literally buy an election any way he could even stating he would accept \$1.00 salary a year, why not .59¢ a year, just another promotion trick to gain more votes and deceive as many voters as he could.

5. His many illegal action did violate many State and Federal Laws with his irregular manner he used on the public and voters. Free hotline to the elderly, offers of financial help.

6. The Courts in Minnesota has jurisdiction when a criminal act violates the laws of the state and the Stern County and St. Louis County investigation is presently investigating Mark Dayton.



Since I believe in " Good Faith " Mark Dayton totally violated the spirit of the State of Minnesota Fair Campaign Laws and Federal Laws concerning election U.S. Senate 2000 MN. I believe Mark Dayton should reimburse the State of Minnesota for all Court costs resulting from his name removal from the ballot and any other legal fee's that the Court deems appropriate. Since money seems to be of no object to his multi-million dollar campaign to buy an election for himself in Minnesota the related fee's would be minuet compared to his pot of gold.

DENY MOTION

Ole Savior

BEST & FLANAGAN, LLP

Ole Savior

1905 Elliot Avenue, South
Minneapolis, Minnesota
55404 (612) 872-8050

(Pro Se)

Dated: Sept 28, 2000

Frank J. Walz (#114327)
Timothy A. Sullivan (#107165)
Michelle Bergholz Frazier (#285468)
4000 First Bank Place
601 Second Avenue South
Minneapolis, MN 55402-4331
(612) 339-7121

Notery: Marilyn J. Smith

ATTORNEYS FOR DEFENDANT
MARK DAYTON

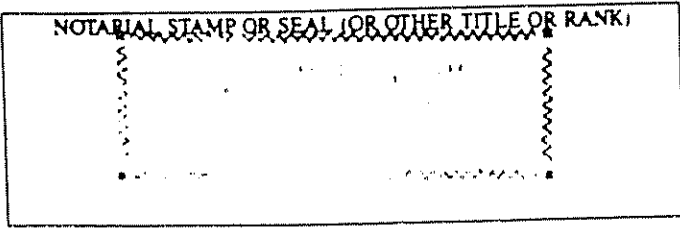


State of Minnesota,

County of Hennepin

Terence West, being duly sworn, on oath says: that on the (Monday) 25th day of September, year 2000, he served the attached CONTESTED Primary DFL Senate MN. Court Record Dated U.S. 2000 Filing of Sept. 22, 2000 upon MARK DAYTON therein named, personally, at MARK DAYTON'S HEADQUARTERS 3030 Lexington Ave. Egan, MN 55534

in the County of _____, State of Minnesota, by handing to and leaving with Secretary at Campaign Headquarters true and correct copy thereof.



Terence West
Subscribed and sworn to before me this 25th day of September, year 2000
Maulay Smith
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

TURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service

<p>SENDER:</p> <ul style="list-style-type: none"> Complete items 1 and/or 2 for additional services Complete items 3, 4a, and 4b Print your name and address on the reverse of this form so that we can return this card to you Attach this form to the front of the mailpiece or on the back if space does not permit Write "Return Receipt Requested" on the mailpiece below the article number The Return Receipt will show to whom the article was delivered and the date delivered 	<p>I also wish to receive the following services (for an extra fee):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Addressee's Address <input type="checkbox"/> Restricted Delivery <p>Consult postmaster for fee.</p>
<p>3. Article Addressed to:</p> <p>MARK DAYTON Campaign Headquarters 3030 Lexington Ave. EGAN, MN. 55121</p>	<p>4a. Article Number <u>70993220000002857285</u></p> <p>4b. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD <p>5. Received By: (Print Name)</p> <p><u>Mark Dayton</u></p> <p>6. Signature: (Addressee or Agent)</p> <p><u>Mark Dayton</u></p>
<p>7. Date of Delivery <u>9-25-00</u></p>	<p>8. Addressee's Address (Only if requested and fee is paid)</p>

102595-98-8-0229 Domestic Return Receipt

UNIVERSITY STATION MINNEAPOLIS, Minnesota 554149998			
09/22/2000	(800)275-8777	12:40:23 PM	
Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
SAINT PAUL MN 55121			\$0.55
First-Class			
Return Receipt			\$1.25
Certified			\$1.40
Label Serial #: 70993220000002857295			
Issue PVI:			\$3.20
MINNEAPOLIS MN 55405			\$0.55
First-Class			
Return Receipt			\$1.25
Certified			\$1.40
Label Serial #: 70993220000002857288			
Issue PVI:			\$3.20
Total:			\$6.40
Paid by:			
Cash			\$7.00
Change Due:			-\$0.60
Bill#: 1000300413068			
Clerk: 05			

Thank you for your business

Record 34 of 39

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August 18, 1990

Franson criticizes Dayton's \$1,000 gift

Section: NEWS

Edition: ST. PAUL

Page: 02B

Estimated Printed Pages: 1

Index Terms

1990 campaign

campaign

finance

charity

Article Text:

Dick **Franson**, one of about six DFL candidates for state auditor, accused DFL-endorsed opponent Mark **Dayton** Friday of trying "to buy the low-income and homeless vote."

The object of Franson's attack was Dayton's \$1,000 contribution this week to Caring and Sharing Hands Inc., a nonprofit agency that helps low-income and homeless people. **Dayton** said he sent the money to cover any potential loss from a decision by fellow DFL candidates not to participate in a charity softball game proposed by Republican Sen. Rudy Boschwitz.

Franson said the Minnesota Fair Campaign Practices Act forbids giving something of value to influence an election.

Dayton, a wealthy DFL activist who has given money to many political and non-political causes, said, the charge was "absolute nonsense. I was acting as a citizen; I've made a practice of charitable contributions for 20 years now."

Memo: SP05D

(Copyright 1990)

Record Number: MSP455742

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MARK DAYTON Fighting for what's right. Fighting for you.

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Mark Dayton's Rx Express

Schedule of Rx Express trips

Mark Dayton has implemented a program to help Minnesota senior citizens fight back against exorbitant prescription drug prices. It's a service called *Mark Dayton's Rx Express*. Chartered buses will transport Minnesota seniors just across the Canadian border, where they can buy their prescription drugs for about one half of their cost in the United States.

"It's awful that our seniors have to go to a foreign country for affordable health care. Tragically, the federal government has done nothing to prevent U.S. drug companies from gouging our most vulnerable and medicine-dependent citizens: our Seniors.

"These pharmaceutical companies are the worst predators; they feast off the illnesses of their fellow citizens. Savvy health plans and large providers can negotiate drug price reductions of 25–35 percent. But individual senior citizens and other vulnerable, uninsured Minnesotans are mercilessly gouged by these exorbitant prices. That's extortion.

"When senior citizens throughout Minnesota have to choose between their life-giving medicines and eating and heating, that's extortion.

"These 'Rx Express' trips will run regularly in months ahead, for as many Minnesota senior citizens as possible, to help each of them save hundreds of dollars in the cost of their prescription medicines and also to dramatize the horrible injustices of prescription drug pricing here at home. (Note: since each citizen can legally bring a 90-day supply of medicines into the United States, and since prescription drug prices in Canada are generally half, or even less, of their costs in the United States, individual savings will be considerable.)"

On the first Rx Express bus trip, the average savings per participant was \$200.

Rx Express Schedule

The next Rx Express is scheduled for August 4th and will include a caravan of buses leaving from locations in St. Cloud, the Twin Cities metro area, Hibbing and Duluth.

Check back for more complete information, or you can contact Mary Finnegan at 218-724-5226 or use our toll-free number at

MARK DAYTON

Fighting for what's right.
Fighting for you.

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In the News



Press Releases



- [Dayton Attacks Senator Rod Grams' Priorities. July 25](#)
- [Dayton Introduces Health Care Help-Line: Service is a Call for Accountability in Health Care System. July 17](#)
- [Dayton Criticizes Taking Free Medicine Samples Away From Doctors and Patients. July 14](#)
- [Mark Dayton to File Candidacy for U.S. Senate. July 13](#)
- [Mark Dayton's Rx Express Set to Depart for Thunder Bay. July 11](#)
- [Dayton Responds to Rx Express Criticism. July 6](#)
- [Mark Dayton's Rx Express Set to Depart. June 29](#)
- [Mark Dayton Announces the "Rx Express" to Canada for Senior Citizens. June 26](#)
- [Mark Dayton's Statement Announcing Rx Express. June 26](#)
- [Dayton Spending the Day on the Picket Line. June 21](#)
- [Mark Dayton Boycotting DFL/President Clinton Fundraiser. June 10](#)

News Articles

- [DFL candidates for Senate reveal few differences. July 27. Pioneer Press](#)
- [DFL Senate candidates try to set themselves apart. July 27. Star Tribune \(AP\)](#)
- [U.S. Senate candidates differ mostly by degrees in three-stage debate. July 27. Star Tribune](#)
- [Dayton opens 'help line' to assist with health disputes. July 18. Star Tribune](#)
- [Dayton's name both a name and a blessing. July 16. Pioneer Press](#)
- [Questions for Mark Dayton. July 16. Pioneer Press](#)
- [Born into good fortune. Dayton seeks to serve. July 15. Pioneer Press](#)
- [Dayton is right to pay his campaign workers. July 15. Pioneer Press](#)
- [Dayton takes health clinics to task. July 15. Star Tribune](#)
- [Candidate Mark Dayton: DFL candidate for U.S. Senate. July 13. Star Tribune](#)
- [Star Tribune Poll shows Grams ahead. July 7. Star Tribune](#)
- [Prescription drug prices roll into the spotlight. July 1. Pioneer Press](#)



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United States Senate has been notified.

United States Justice Department: Janet Reno also.

Mark Dayton's own internet is evidence in Stern County and St. Louis County investigation.

www.markdaytonformn.com

\$ 32.00 per person value

Bus ride

Question: If he was so concerned, why didn't he do it years before. Why now..... unfair campaign practices. How much was he willing to pay for votes? Other candidates for the U.S. Senate D.F.L. also claimed it was illegal and Mark Dayton should have been disqualified.

FAIR CAMPAIGN PRACTICES

Minnesota Statutes Chapter 211A and 211B including related laws and summary.

211B.16 COUNTY ATTORNEY INQUIRY; ASSOCIATE COUNSEL.

Subdivision 1. County attorney inquiry. A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction forfeits the office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section. If, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with prosecution.

2000 Minnesota Campaign Manual

211A.10 DISQUALIFIED INDIVIDUALS NOT TO HOLD VARIOUS POSITIONS.

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy that may occur in the office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in the office. An appointment to an office made contrary to this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.

211B.13 BRIBERY, TREATING, AND SOLICITATION.

Subdivision 1. Bribery, advancing money, and treating prohibited. A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony.

211B.07 UNDUE INFLUENCE ON VOTERS PROHIBITED.

A person may not directly or indirectly use or threaten force, coercion, violence, restraint, damage, harm, loss, including loss of employment or economic reprisal, undue influence, or temporal or spiritual injury against an individual to compel the individual to vote for or against a candidate or ballot question. Abduction, duress, or fraud may not be used to obstruct or prevent the free exercise of the right to vote of a voter at a primary or election, or compel a voter to vote at a primary or election. Violation of this section is a gross misdemeanor.



ALAN L. MITCHELL
ST. LOUIS COUNTY ATTORNEY
100 NORTH 5TH AVENUE WEST, #501
DULUTH, MINNESOTA 55802-1298
TELEPHONE (218) 726-2323
FAX NO: (218) 726-2332

REPLY TO:

300 SOUTH 5TH AVENUE ROOM 222
VIRGINIA MINNESOTA 55792-2666
TELEPHONE: (218)749-7101

ROOM 107D COURT HOUSE
1810 12TH AVENUE EAST
HIBBING, MINNESOTA 55746-1680
TELEPHONE: (218)262-0158

ROOM 403, GOVERNMENT SERVICES CENTER
320 WEST 2ND STREET
DULUTH, MINNESOTA 55802-1495
TELEPHONE: (218)726-2034

September 22, 2000

Mr. Ole Savior
1905 Elliot Avenue South
Minneapolis, MN 55404


Re: Senate Candidate Mark Dayton

Dear Mr. Savior:

I am writing to acknowledge receipt of your documentation and statement alleging that Mr. Mark Dayton has violated State Election Laws. We have been in contact with the Stearns County Attorney's Office and have agreed to review this matter cooperatively. I will be gathering some information to better understand this situation. We will be in contact with you once we have reviewed that information. Should you have any questions or concerns, please feel free to call. Thank you.

Sincerely,

ST. LOUIS COUNTY ATTORNEY

BY: 
SHAUN R. FLOERKE
Assistant County Attorney

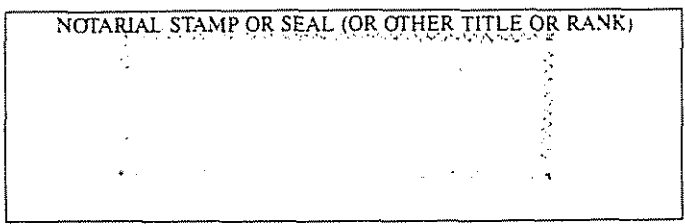
SRF:kmp

cc: Roger S. Van Heel

09-00-8288

State of Minnesota,

County of Hennepin, Terence West, being duly sworn, on oath says: that on the (Monday) 25th day of September 4:15 P.M., year 2000, he served the attached CONTESTED PRIMARY DEB SENATE MN. COURT RECORD DATED upon MARK DAYTON U.S. 2000 Filing of Sept. 22, 2000 therein named, personally, at MARK DAYTON'S HEADQUARTERS 3030 Lexington Ave. Egan, MN 55334 in the County of Hennepin, State of Minnesota, by handing to and leaving with Secretary at Campaign Headquarters true and correct copy thereof.



Terence West

Subscribed and sworn to before me this 25th day of September, year 2000

Maury J. Smith SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL