

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

FINDINGS IN THE MATTER OF THE BRIAN FULCHER VOLUNTEER COMMITTEE

Summary of the Facts

The 2006 year end Report of Receipts and Expenditures filed by the Brian Fulcher Volunteer Committee disclosed that the committee made a \$600 contribution to the Chaz Johnson Volunteer Committee on October 1, 2006. The Chaz Johnson Volunteer Committee confirmed receipt of the contribution on that committee's amended 2006 year end Report of Receipts and Expenditures. Under the provisions of Minnesota Statutes, section 10A.27, subdivision 9(b), a candidate's committee must dissolve and terminate its registration within 12 months of making a contribution to another candidate's committee. The Brian Fulcher Volunteer Committee failed to terminate within the 12 month period.

A candidate's committee that fails to dissolve and terminate within 12 months of making a contribution to another candidate's committee may be fined up to four times the amount of the contribution. The Board sent letters to Brian Fulcher, who serves as his committee's treasurer, on May 2, 2007, and October 17, 2007, stating the need to dissolve and submit a Termination Statement. On November 14, 2007, written notice was mailed to Mr. Fulcher that the Board would consider his failure to dissolve and terminate the committee at the December 11, 2007, meeting. Board staff also attempted, unsuccessfully, to contact Mr. Fulcher by phone on three occasions. No response was received from Mr. Fulcher.

This matter was considered by the Board in executive session on December 11, 2007.

Based on the above Summary of the Facts and Relevant Statutes, the Board makes the following:

Finding Concerning Probable Cause

1. There is probable cause to believe that the Brian Fulcher Volunteer Committee made a \$600 contribution to the Chaz Johnson Volunteer Committee on October 1, 2006.
2. The Brian Fulcher Volunteer Committee failed to dissolve and submit a Termination Statement within 12 months of the date of the contribution. By failing to terminate in a timely manner the Brian Fulcher Volunteer Committee violated Minnesota Statutes, section 10A.27, subdivision 9(b).
3. Minnesota Statutes, Section 10A.34, subdivision 1, Brian Fulcher, treasurer and candidate of the Brian Fulcher Volunteer Committee, is personally liable for any civil penalty imposed on the committee.

Relevant Statutes

10A.27 CONTRIBUTION LIMITS.

Subd. 9. **Contributions to and from other candidates.** (a) A candidate or the treasurer of a candidate's principal campaign committee must not accept a contribution from another candidate's principal campaign committee or from any other committee bearing the contributing candidate's name or title or otherwise authorized by the contributing candidate, unless the contributing candidate's principal campaign committee is being dissolved.

A candidate's principal campaign committee must not make a contribution to another candidate's principal campaign committee, except when the contributing committee is being dissolved.

(b) A principal campaign committee that makes a contribution to another principal campaign committee must provide with the contribution a written statement of the committee's intent to dissolve and terminate its registration within 12 months after the contribution was made. If the committee fails to dissolve and terminate its registration by that time, the board may levy a civil penalty up to four times the size of the contribution against the contributing committee. A contribution from a terminating principal campaign committee that is not accepted by another principal campaign committee must be forwarded to the board for deposit in the general account of the state elections campaign fund.

(c) A candidate's principal campaign committee must not accept a contribution from, or make a contribution to, a committee associated with a person who seeks nomination or election to the office of president, senator, or representative in Congress of the United States.

(d) A candidate or the treasurer of a candidate's principal campaign committee must not accept a contribution from a candidate for political subdivision office in any state, unless the contribution is from the personal funds of the candidate for political subdivision office. A candidate or the treasurer of a candidate's principal campaign committee must not make a contribution from the principal campaign committee to a candidate for political subdivision office in any state.

10A.34 REMEDIES.

Subdivision 1. **Personal liability.** A person charged with a duty under this chapter is personally liable for the penalty for failing to discharge it.

Subd. 1a. **Recovering fees and penalties.** The board may bring an action in the district court in Ramsey County to recover a fee, late filing fee, or penalty imposed under this chapter. Money recovered must be deposited in the general fund of the state.

Subd. 2. **Injunction.** The board or a county attorney may seek an injunction in the district court to enforce this chapter.

Subd. 3. **Not a crime.** Unless otherwise provided, a violation of this chapter is not a crime.