

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

**Findings in the Matter of the 8<sup>th</sup> Congressional District DFL**

**Summary of the Facts**

Pursuant to Minnesota Statutes, Section 10A.27, subdivision 13, candidates, political party units, and political committees registered with the Campaign Finance and Public Disclosure Board (the Board) may not accept a contribution in excess of \$100 from an association that is not registered with the Board unless the contribution is accompanied by financial disclosure of the donating association's receipts and expenditures in the form specified by statute.

The 2008 Report of Receipts and Expenditures filed with the Board by the 8<sup>th</sup> Congressional District DFL disclosed receipt of a contribution in the amount of \$750 from the Brotherhood of Locomotive Engineers and Trainmen Committee, a committee registered with the Board. However, the Brotherhood of Locomotive Engineers and Trainmen Committee did not disclose a corresponding contribution. In response to a Board inquiry, Cathy Daniels, treasurer of the 8<sup>th</sup> Congressional District DFL, replied by email on September 18, 2009, stating that the contribution was from the Brotherhood of Locomotive Engineers and Trainmen Minnesota State Legislative Board for printing expenses for a fundraiser. The Brotherhood of Locomotive Engineers and Trainmen Minnesota State Legislative Board is an association not registered with the Board. No financial disclosure was provided with the contribution.

Board records show that the 8<sup>th</sup> Congressional District DFL Committee was issued findings for three previous violations of Minnesota Statutes, Section 10A.27, subdivision 13. In one case the violation was considered de minimis. The two other cases were in the same reporting year.

This matter was considered by the Board in executive session on October 6, 2009. The Board's decision was based upon correspondence from Ms. Daniels, Mr. Brown, and Board records.

**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 8<sup>th</sup> Congressional District DFL inadvertently violated Minnesota Statutes, section 10A.27, subdivision 13, when it accepted a contribution in excess of \$100 from an unregistered association.
2. There is probable cause that the contribution was not returned within 60 days as permitted in Minnesota Statutes, section 10A.15, subdivision 3.
3. There is no probable cause to believe that this violation was intentional or done with the intent to circumvent the requirements of Minnesota Statutes, Chapter 10A.

Based on the above Finding Concerning Probable Cause, the Board issues the following:

ORDER

1. The Board imposes a civil penalty of \$1,300, two times the amount by which the contribution exceeded \$100, on the 8<sup>th</sup> Congressional District DFL Committee for accepting and depositing a contribution from an unregistered association without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13.
2. The 8<sup>th</sup> Congressional District DFL is directed to forward to the Board payment of the civil penalty by check or money order payable to the State of Minnesota, within thirty days of receipt of this order.
3. In addition the 8<sup>th</sup> Congressional District DFL is directed to refund \$650 to the Brotherhood of Locomotive Engineers Minnesota State Legislative Board and forward to the Board a copy of the letter and check returning the contribution within thirty days of receipt of this order.
4. If the 8<sup>th</sup> Congressional District DFL does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action for the remedies available under Minnesota Statutes, section 10A.34.
5. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by the civil penalty imposed herein, this matter is concluded.

Dated: October 6, 2009



A. Hilda Betterman, Chair  
Campaign Finance and Public Disclosure Board

### Relevant Statutes

**10A.27, subdivision 13. Unregistered association limit; statement; penalty.** (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must not accept a contribution of more than \$100 from an association not registered under this chapter unless the contribution is accompanied by a written statement that meets the disclosure and reporting period requirements imposed by section 10A.20. This statement must be certified as true and correct by an officer of the contributing association. The committee, fund, or party unit that accepts the contribution must include a copy of the statement with the report that discloses the contribution to the board. This subdivision does not apply when a national political party contributes money to its affiliate in this state.

(b) An unregistered association may provide the written statement required by this subdivision to no more than three committees, funds, or party units in a calendar year. Each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An unregistered association or an officer of it is subject to a civil penalty imposed by the board of up to \$1,000, if the association or its officer:

(1) fails to provide a written statement as required by this subdivision; or

(2) fails to register after giving the written statement required by this subdivision to more than three committees, funds, or party units in a calendar year.

(c) The treasurer of a political committee, political fund, principal campaign committee, or party unit who accepts a contribution in excess of \$100 from an unregistered association without the required written disclosure statement is subject to a civil penalty up to four times the amount in excess of \$100.