

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

**Findings in the Matter of the Brotherhood of Locomotive Engineers and Trainmen
Minnesota State Legislative Board**

Summary of the Facts

Minnesota Statutes, section 10A.27, subdivision 13(b), prohibits an association that is not registered with the Campaign Finance and Public Disclosure Board ("the Board") from making a contribution in excess of \$100 to a candidate, political party unit, or political committee that is registered with the Board unless, at the time the contribution was made, the unregistered association provides the recipient with disclosure of the unregistered associations receipts and expenditures in the form specified by statute. An unregistered association that fails to provide the appropriate disclosure with the contribution is subject to a civil penalty of up to \$1,000.

The 2008 Report of Receipts and Expenditures filed with the Board by the 8th Congressional District DFL disclosed receipt of a contribution in the amount of \$750 from the Brotherhood of Locomotive Engineers and Trainmen Committee. In response to a Board inquiry, Cathy Daniels, treasurer of the 8th Congressional District DFL, acknowledged that the contribution was from the Brotherhood of Locomotive Engineers and Trainmen Minnesota State Legislative Board. The Brotherhood of Locomotive Engineers and Trainmen Minnesota State Legislative Board is a unit of the Brotherhood of Locomotive Engineers and Trainmen, which is not, itself, registered with the Board. No financial disclosure was included with the contribution.

In a letter dated September 24, 2009, David Brown, Chairman, Brotherhood of Locomotive Engineers Minnesota State Legislative Board, indicated that the \$750 contribution was for expenses relating to the printing cost of programs and tickets for an event.

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 Brotherhood of Locomotive Engineers and Trainmen Minnesota State Legislative Board, an association not registered with the Campaign Finance and Public Disclosure Board, contributed to the 8th Congressional District DFL Committee without providing the disclosure required by Minnesota Statutes, Section 10A.27, subdivision 13.
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 \$650, one times the amount of the contribution over \$100, on the Brotherhood of Locomotive Engineers and Trainmen Minnesota State Legislative Board for making a contribution to a political committee without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13.
2. The Brotherhood of Locomotive Engineers and Trainmen Minnesota State Legislative Board is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.
3. If the Brotherhood of Locomotive Engineers and Trainmen Minnesota State Legislative Board does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the Ramsey County Attorney for civil enforcement pursuant to Minnesota Statutes, section 10A.28, subdivision 4.
4. 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 Bettermann, 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.