

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

FINDINGS IN THE MATTER OF A COMPLAINT REGARDING SENATOR MEE MOUA

Procedural Background

On September 9, 2003, Ron Eibensteiner, Chair, Republican Party of Minnesota, filed a complaint with the Campaign Finance and Public Disclosure Board ("Board") against Senator Mee Moua alleging that Senator Moua violated Minn. Stats. 10A.025, and 10A.09.

Mr. Eibensteiner alleged that Senator Moua filed economic interest statements with the Board that either contained false information or omitted information required to be disclosed. Specifically, Mr. Eibensteiner alleged that Senator Moua failed to disclose compensation she received as an attorney for Leonard, Street and Deinard.

In support of his complaint, Mr. Eibensteiner provided a print-out from the Leonard, Street and Deinard web site, a print-out from Senator Moua's campaign web site, and copies of Senator Moua's previously filed Statements of Economic Interest.

By letter dated September 11, 2003, the Board notified Senator Moua of the complaint and afforded her an opportunity to respond. On September 12, 2003, the Board received a letter from Lowell Noteboom on behalf of Leonard, Street and Deinard. Mr. Noteboom stated that Senator Moua took an unpaid leave of absence from Leonard, Street and Deinard effective August 16, 2001. Mr. Noteboom stated that the only compensation Senator Moua received after that date were two payments for work performed prior to August 16, 2001. These two payments were made on December 31, 2001, and April 15, 2002.

On October 1, 2003, the Board received a response from Senator Moua who stated "I have been on an unpaid leave of absence from the law firm since August 15th 2001." On October 21, 2003, Senator Moua submitted an amendment to the Statement of Economic Interest originally filed on July 25, 2002.

This matter was considered by the Board in executive session at its meetings on September 17, 2003, and October 22, 2003. The Board's decision was based on the complaint, the response, the amended Statement of Economic Interest and Board records.

Based on the record before it, the Board issues the following:

EVIDENTIARY FINDINGS

1. Minn. Stat. 10A.09, subd. 5, (1) and (2) requires that an individual filing a statement of economic interest disclose compensation received from any associated business.
2. Minn. Stat 10A.01, subd. 5, defines an "associated business" as "an association from which the individual receives compensation in excess of \$50, except for actual and reasonable expenses, in any month as a director, officer, owner, member, partner, employer, or employee, or whose securities the individual holds worth \$2,500 or more at fair market value.
3. Minnesota Rules, 4505.0100, subp. 3, states "for the purpose of an original statement of economic interest, 'compensation in any month' includes only compensation in the calendar month immediately preceding the date of...filing as a candidate."
4. Minnesota Rules, 4505.0100, subp. 3, further states "for the purpose of supplementary statements of economic interest to be filed, "compensation in any month" includes compensation and honorariums received in any month between the end of the period covered in the preceding statement of economic interest and the end of the current period."
5. Minnesota Rules, 4505.0900, subp. 2 states "an individual who has filed a statement of economic interest within the calendar year shall file a supplementary statement within 14 days after filing an affidavit of candidacy or accepting

employment or appointment to an office requiring the advice and consent of the senate."

6. Senator Moua filed for office on January 8, 2002, and thus was required to disclose all sources of compensation received in December, 2001. There is evidence that Senator Moua received compensation in December, 2001 for work performed prior to August 15, 2001, from Leonard, Street and Deinard.
7. On January 22, 2002, Senator Moua filed an Original Statement of Economic Interest that disclosed compensation received from Leonard, Street and Deinard.
8. On April 11, 2002, Senator Moua filed a Supplemental Statement of Economic Interest for the period covering January 1, 2002 through March 31, 2002.
9. There is evidence that Senator Moua received payment from Leonard, Street and Deinard in April 2002 for work performed prior to August 15, 2001.
10. Senator Moua filed for office on July 12, 2002. On July 25, 2002, Senator Moua filed a Supplemental Statement of Economic Interest for the period covering April 1, 2002, through June 30, 2002, that failed to disclose the compensation received from Leonard, Street and Deinard in April 2002.
11. On October 21, 2003, Senator Moua amended her Statement of Economic Interest originally filed on July 25, 2002, to disclose the compensation received from Leonard, Street and Deinard in April 2002.

Based on the above Statement of the Evidence, the Board makes the following:

FINDINGS CONCERNING PROBABLE CAUSE

1. There is probable cause to believe that Senator Moua inadvertently violated Minn. Stat. 10A.09, when she failed to disclose the compensation received from Leonard, Street and Deinard in April, 2002, on her Supplemental Statement of Economic Interest originally filed on July 25, 2002.
2. Because Senator Moua amended her Supplemental Statement of Economic Interest originally filed on July 25, 2002, there is no probable cause to believe a reporting violation continues to exist.
3. There is no probable cause to believe Senator Moua violated Minn. Stat. 10A.025, subd. 2, by knowingly omitting required information.

Based on the above Findings, the Board issues the following:

ORDER

1. The complaint alleging that Senator Moua violated Minn. Stat. 10A.025 by knowingly filing a false report is dismissed in its entirety.
2. The reporting violation alleged in the complaint having been resolved, the complaint alleging that Senator Moua violated Minn. Stat. 10A.09, subd. 5, is dismissed in its entirety.

The record in this matter and all correspondence is entered into the public record in accordance with Minn. Stat. 10A.02, subd. 11. Board staff shall provide copies to Senator Moua and Mr. Eibensteiner.

Dated: October 22, 2003

Clyde Miller, Chair

Campaign Finance and Public Disclosure Board