

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
FINDINGS IN THE MATTER OF A COMPLAINT REGARDING
SENATOR RICHARD COHEN**

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 Richard Cohen alleging that Senator Cohen violated Minn. Stats. §10A.025, and §10A.09.

Mr. Eibensteiner alleged that Senator Cohen 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 Cohen failed to disclose compensation he received as an attorney.

In support of his complaint, Mr. Eibensteiner provided a copy of a Yellow Pages advertisement for Senator Cohen’s law practice, a copy of Senator Cohen’s biography page from the State Senate’s web site, and copies of previously filed Statements of Economic Interest.

By letter dated September 11, 2003, the Board notified Senator Cohen of the complaint and afforded him an opportunity to respond. Senator Cohen responded on September 17, 2003, and stated “I am a self-employed attorney...and I do not receive income from an association. I am not a director, officer, or member, partner, employer, or employee of any association.”

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, and Board records.

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

EVIDENTIARY FINDINGS

1. 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.
2. Minn. Stat. §10A.09, subd. 5, (2) requires that an individual filing a statement of economic interest disclose any associated business and the nature of that association.
3. Minn. Stat. §10A.01, subd. 6, defines an association as “a group of two or more persons, who are not all members of an immediate family, acting in concert.”
4. There is no evidence that Senator Cohen’s work as a self-employed attorney meets the definition of an associated business.
5. Senator Cohen disclosed his occupation as a self-employed attorney on his Statements of Economic Interest.

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

FINDINGS CONCERNING PROBABLE CAUSE

1. There is no probable cause to believe that Senator Cohen was required to disclose compensation received for his work as a self-employed attorney on his Statements of Economic Interest, under Minn. Stat. §10A.09.
2. There is no probable cause to believe that Senator Cohen 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 Cohen violated Minn. Stat. §10A.025 by knowingly filing a false report is dismissed in its entirety.
2. The complaint alleging that Senator Cohen violated Minn. Stat. §10A.09, subd. 5, by failing to disclose compensation received for his work as a self-employed attorney is dismissed in its entirety.
3. 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 Cohen and Mr. Eibensteiner.

Dated: October 22, 2003

Clyde Miller, Chair
Campaign Finance and Public Disclosure Board