

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING
THE SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY
AND ROBERT HENTGES**

PROCEDURAL BACKGROUND

On June 20, 2005, David Hoch filed a complaint on behalf of Minnesotans for Responsible Gaming, against the Shakopee Mdewakanton Sioux (Dakota) Community (“the Community”) and its lobbyists.

Mr. Hoch alleged that the Community’s lobbyists failed to disclose lobbying expenditures made by the association on the Lobbyist Disbursement Report for the period covering January 1, 2005, through May 31, 2005. Specifically, Mr. Hoch alleged that the lobbyists failed to disclose expenditures for radio and television commercials that aired during the 2005 legislative session.

By letters dated June 20, 2005, William Hardacker, counsel to Shakopee Mdewankanton (Dakota) Sioux Community, and Robert Hentges, the Community’s designated lobbyist according to Board records, were notified of the complaint and offered an opportunity to respond.

On July 1, 2005, Mr. Hentges filed an amended Lobbyist Disbursement Report for the period covering January 1, 2005, through May 31, 2005, on which he disclosed an additional \$347,423 in lobbying disbursements including \$284,158 in disbursements for media advertising.

Mr. Hentges responded to the complaint by letter received July 6, 2005, and stated, “I was unaware of the TV and radio advertisements. Mr. Hardacker said he would immediately commence a comprehensive search of the Community’s records to identify all of the Community’s lobbying disbursements. He provided me with detailed information on 7/1/05, and I amended my report on that date.”

Mr. Hardacker responded by letter received July 6, 2005, and stated that after receiving the complaint he conducted a comprehensive search of the Community’s records to identify all lobbying disbursements made between January 1, 2005, and May 31, 2005. Mr. Hardacker stated that he gave this information to Mr. Hentges on July 1, 2005, and provided that in the future he would supply this information to the Community’s designated lobbyist no later than five days before the designated lobbyist’s report is due.

The matter was considered by the Board in executive session on July 19, 2005. The Board’s decision was based upon the complaint, Mr. Hentges amended Lobbyist Disbursement Report, Mr. Hardacker’s response, and Board records.

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

EVIDENTIARY FINDINGS

1. Minn. Rules 4511.0100, subp. 1a, defines a “designated lobbyist” as “a lobbyist responsible for reporting the lobbying disbursements of the entity the lobbyist represents.”
2. Minn. Rules 4511.0100, subp. 4, defines “lobbyist’s disbursements” as “all disbursements for lobbying made by the lobbyist, the lobbyist’s employer or employee, or any person or association represented by the lobbyist, but do not include compensation paid to the lobbyist.”

3. Minn. Stat. §10A.04, subd. 3, requires that an association about whose activities a lobbyist is required to report must provide the information required to the designated lobbyist no later than five days before the prescribed filing date.
4. Minnesota Rules 4511.0600, subp. 5, provides that lobbying disbursements for media costs be categorized on Lobbying Disbursement Reports.
5. Upon notification of the complaint, Mr. Hentges acquired information on disbursements made by the Shakopee Mdewankanton (Dakota) Sioux Community and amended his Lobbyist Disbursement Reports for the period covering January 1, 2005, through May 31, 2005, to disclose an additional \$347,423 in lobbying disbursements.
6. There is no evidence that Mr. Hentges knowingly omitted these disbursements from his Lobbyist Disbursement Reports for the period covering January 1, 2005, through May 31, 2005. Mr. Hentges amended his reports within ten days of becoming aware of the need to amend.

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

CONCLUSIONS CONCERNING PROBABLE CAUSE


1. There is no probable cause to believe that the reporting violations alleged in the complaint continue to exist. As originally filed, Mr. Hentges's Lobbyist Disbursement Report for the period covering January 1, 2005, through May 31, 2005, failed to include all lobbying disbursements made by the Shakopee Mdewankanton (Dakota) Sioux Community. Mr. Hentges amended his Lobbyist Disbursement Report for the period covering January 1, 2005, through May 31, 2005, within ten days of receiving the Board's inquiry regarding the complaint.
2. There is no probable cause to believe that Mr. Hentges knowingly omitted the information regarding the lobbying disbursements from his Lobbyist Disbursement Report.
3. There is probable cause to believe that the Shakopee Mdewankanton (Dakota) Sioux Community violated Minn. Stat. §10A.04, subd. 3, by failing to timely provide the association's designated lobbyist with required information. Minnesota Statutes, Chapter 10A provides no penalty for this violation.

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

ORDER

1. The Board directs that in the future the Shakopee Mdewankaton (Dakota) Sioux Community provide information on all lobbying disbursements to their designated lobbyist at least five days prior to the prescribed filing date of a Lobbyist Disbursement Report.
2. The reporting violations alleged in the complaint having been resolved, this matter is concluded.
3. The record in this matter and all correspondence is hereby entered into public record in accordance with Minn. Stat. §10A.02, subd. 11.

Dated: July 19, 2005



Terri Ashmore, Chair
Campaign Finance and Public Disclosure Board