

ETHICAL PRACTICES BOARD

First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

Issued to:

Thomas B. Heffelfinger, Esq.

Bowman and Brooke

150 South Fifth Street, Suite 2600

Minneapolis, MN 55402

RE: Report of Receipts and Expenditures

ADVISORY OPINION #150

SUMMARY

150. The Carlson/Benson Volunteer Committee (formerly Carlson/Dyrstad Volunteer Committee) need not amend its report for 1990. The detailed description of the Committee transactions in November and December, 1990, provided by Attorney Thomas B. Heffelfinger in his letter dated June 13, 1994, and a copy of this advisory opinion have been entered into the committee file in the office of the Ethical Practices Board.

FACTS

As attorney representing the Carlson/Benson Volunteer Committee ("Committee"), formerly the Carlson/Dyrstad Volunteer Committee, you request an advisory opinion from the Ethical Practices Board regarding the Committee's need to file an amended 1990 report under the Ethics in Government Act based upon your statement of the following facts:

1. The transaction described herein arose in the context of the highly unique 1990 two-week general election gubernatorial campaign of Arne Carlson. Because the campaign was confined to approximately two weeks, all campaign activities were conducted on an expedited basis.
2. On approximately November 1, 1990, the Committee contracted with a vendor for the development, printing, and mailing of a campaign brochure which was to be mailed no later than November 3, 1990; approximate cost: \$60,000.
3. On November 1, 1990, the Committee made payment to the vendor in two checks totaling \$27,000; however, the vendor would not produce and distribute the mailing without receipt in advance of either payment in full or a deposit for the balance.
4. Because the Committee was unable to process payments for the balance in time

for distribution, three individual volunteers wrote personal checks payable to the vendor totaling \$34,404 to serve as deposits to insure the mailing within the requisite time frame.

5. The mailing was produced and distributed on November 2, 1990. On November 7, 1990, the vendor mailed an invoice to the Committee for the balance due on the cost of the mailing. The committee was not given credit for the \$34,404 in postage deposits made by the three volunteers.
6. In two payments dated November 12, 1990, and December 12, 1990, the Committee paid the vendor the balance due, and the vendor refunded directly to the three volunteers the \$34,404 deposited with the vendor as a postage deposit.
7. Because the entire amount of the mailing was directly invoiced to the Committee by the vendor and the entire amount of the invoice was paid by the Committee directly to the vendor, the Committee reported the transaction in the Committee's 1990 campaign finance report as an expenditure to the vendor of \$59,960.48.

QUESTION

Does the Carlson/Benson Volunteer Committee (formerly Carlson/Dyrstad Volunteer Committee) need to amend its 1990 Ethical Practices Report?

OPINION

No. The detailed description of the Committee transactions in November and December, 1990, provided by Attorney Thomas B. Heffelfinger in his letter dated June 13, 1994, and a copy of this advisory opinion have been entered into the file of the Carlson/Benson Volunteer Committee, #1-2300 GOV (formerly Carlson/Dyrstad Volunteer Committee).

Issued:

June 29, 1994


Vanne Owens Hayes, Chair
Ethical Practices Board