

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

FINDINGS IN THE MATTER OF THE 8TH CONGRESSIONAL DISTRICT DFL COMMITTEE

Summary of the Facts

Pursuant to Minnesota Statutes, Section 10A.27, subdivision 13, candidates, political party units, and political committees registered with the Campaign Finance and Public Disclosure Board (the Board) may not accept a contribution in excess of \$100 from an association that is not registered with the Board unless the contribution is accompanied by financial disclosure of the donating association's receipts and expenditures in the form specified by statute.

In response to inquiries of May 19, and July 2, 2008, from Board staff regarding a contribution disclosed on the 2007 year-end Report of Receipts and Expenditures, Carol Bailey, treasurer, 8th Congressional District DFL Committee ("the Committee") confirmed that the Committee accepted a \$500 contribution without the required disclosure from the Mille Lacs Band of Ojibwe. The Mille Lacs Band of Ojibwe is a Minnesota Indian Tribe and is considered by the Board to be an unregistered association. The contribution was reported as received from the Mah-Mah-Wi-No-Min political committee, which is the Tribe's registered committee. The check used to make the contribution was from the Tribe's account, not the political committee's account.

Reid LeBeau, on behalf of the Mille Lacs Band of Ojibwe, responded in a letter dated May 27, 2008, that the check was issued by the Mille Lacs Band of Ojibwe on the premise that it would be used only for federal election purposes.

In a letter dated May 28, 2008, Ms. Bailey stated that the Mah-Mah-Wi-No-Min, a committee that is registered with the Board, wrote a check from the wrong account. In a follow-up letter she stated that the 8th Congressional District DFL did not have a federal account or committee. The check from the Mille Lacs Band of Ojibwe was for dinner tickets at a fundraiser.

On July 18, 2008, the Board received from Ms. Bailey a copy of a check returning \$500 to the Mille Lacs Band of Ojibwe. The return of the excess contribution did not occur within the 60 day period specified in Minnesota Statutes, Section 10A.15, subdivision 3.

Board records show that the 8th Congressional District DFL Committee was issued findings for two previous violations of Minnesota Statutes, Section 10A.27, subdivision 13. One occurred in the same reporting period as the contribution that is the subject of this investigation, and one was considered de minimis.

This matter was considered by the Board in executive session on August 19, 2008. The Board's decision was based upon the correspondence from Ms. Bailey, Mr. LeBeau, and Board records.

Based on the above Summary of the Facts and Relevant Statutes, the Board makes the following:

Finding Concerning Probable Cause

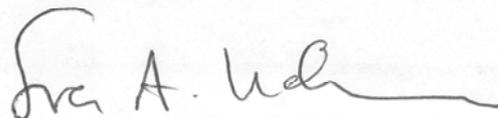
1. There is probable cause to believe that the 8th Congressional District DFL Committee violated Minnesota Statutes, section 10A.27, subdivision 13, when it accepted a contribution in excess of \$100 from the Mille Lacs Band of Ojibwe, an association not registered with the Board, without receiving the required disclosure.
2. There is probable cause to believe 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 \$400, one times the amount the contribution exceeded \$100, on the 8th Congressional District DFL Committee for acceptance of a contribution in excess of \$100 from an unregistered association without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13.
2. The 8th Congressional District DFL Committee 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 8th Congressional District DFL Committee does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action on behalf of the Board for the remedies available under Minnesota Statutes, section 10A.34.
4. The Board investigation of this matter is entered into the public record in accordance with Minnesota Statutes, section 10A.02, subdivision 11. The matter is concluded.

Dated: August 19, 2008



Sven A. Wehrwein, 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.