

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

Findings In The Matter of the Carol McFarlane Volunteer Committee

Summary of the Facts

Minnesota Statutes section 10A.27, subdivision 9, clause (d), prohibits a candidate or the treasurer of a candidate's principal campaign committee from accepting a contribution from a committee of a candidate for a political subdivision office. No penalty is provided for violating this provision.

In the 2008 Preprimary Report of Receipts and Expenditures filed with the Board the Carol McFarlane Volunteer Committee disclosed receipt of a contribution of \$340 from the Dan Jones for White Bear City Council Committee, the campaign committee of a local political subdivision candidate.

In an October 1, 2008, response to a Board inquiry, Dan Jones acknowledged the contribution of \$340 to the Carol McFarlane Volunteer Committee. The contribution was made with the remaining funds of the city council committee in preparation to Mr. Jones closing down the bank account and terminating his local committee. Mr. Jones was unaware of the prohibition in Minnesota Statutes section 10A.27, subdivision 9, clause (d).

The Carol McFarlane Volunteer Committee was notified of the apparent violation on September 18, 2008. Christopher Wachtler, treasurer, responded in a letter dated October 13, 2008, that the McFarlane Campaign Committee was unaware the acceptance of the contribution was in violation of the statute. He attempted to return the donation, however, the Dan Jones for White Bear City Council Committee was terminated.

This matter was considered by the Board in executive session on October 21, 2008. The Board's decision was based upon the correspondence from Mr. Jones and Board records.

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

Finding Concerning Probable Cause

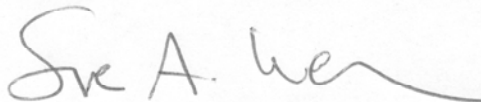
1. There is probable cause to believe that the Carol McFarlane Volunteer Committee violated Minnesota Statutes, section 10A.27, subdivision 9, clause (d), when it accepted a contribution from the Dan Jones for White Bear City Council, a candidate committee for a local political subdivision. There is no specified penalty for violating this statute.
2. 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 Carol McFarlane Volunteer Committee is directed to forward to the Board for deposit into the state general fund \$340. This action is in lieu of returning the prohibited contribution to the Dan Jones for White Bear City Council Committee, which no longer exists.
2. The Carol McFarlane Volunteer Committee is directed to forward to the Board payment of \$340 by check or money order payable to the State of Minnesota, within 30 days of receipt of this order
3. If the Carol McFarlane Volunteer 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: October 21, 2008



Sven A. Wehrwein, Chair
Campaign Finance and Public Disclosure Board

Relevant Statutes

10A.27, subdivision 9, Contributions to and from other candidates. (a) A candidate or the treasurer of a candidate's principal campaign committee must not accept a contribution from another candidate's principal campaign committee or from any other committee bearing the contributing candidate's name or title or otherwise authorized by the contributing candidate, unless the contributing candidate's principal campaign committee is being dissolved.

A candidate's principal campaign committee must not make a contribution to another candidate's principal campaign committee, except when the contributing committee is being dissolved.

(b) A principal campaign committee that makes a contribution to another principal campaign committee must provide with the contribution a written statement of the committee's intent to dissolve and terminate its registration within 12 months after the contribution was made. If the committee fails to dissolve and terminate its registration by that time, the board may levy a civil penalty up to four times the size of the contribution against the contributing committee. A contribution from a terminating principal campaign committee that is not accepted by another principal campaign committee must be forwarded to the board for deposit in the general account of the state elections campaign fund.

(c) A candidate's principal campaign committee must not accept a contribution from, or make a contribution to, a committee associated with a person who seeks nomination or election to the office of president, senator, or representative in Congress of the United States.

(d) A candidate or the treasurer of a candidate's principal campaign committee must not accept a contribution from a candidate for political subdivision office in any state, unless the contribution is from the personal funds of the candidate for political subdivision office. A candidate or the treasurer of a candidate's principal campaign committee must not make a contribution from the principal campaign committee to a candidate for political subdivision office in any state.