

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

Findings in the Matter of the Minnesota Outdoor Heritage Foundation 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 the reconciliation audit of the 2008 Year-end Reports of Receipts and Expenditures filed with the Board by the Minnesota Outdoor Heritage Foundation Committee, Daniel Peterson, treasurer, notified the Board that the International Union of Operating Engineers made a \$500 contribution to his committee from the general fund of the union. No financial disclosure was provided with the contribution.

The Minnesota Outdoor Heritage Foundation Committee registered as a ballot question committee on May 7, 2008. The International Union of Operating Engineers has a political fund registered with the Board since October 1974.

In a letter dated July 13, 2009, Mr. Peterson stated "I have reviewed our records and contacted the Union to determine if MOHF reported the \$500 contribution correctly. Based on this review, I can verify that we did not do so. I have learned that the Union is not an incorporated entity as originally believed but in fact an unregistered association, and therefore, we did not obtain the contemporaneous disclosure required or return the contribution within the timeframe allowed. This was an inadvertent mistake. At no time was it our intention to do anything improper or to circumvent any of the reporting rules." On February 3, 2009, Mr. Peterson filed the 2008 Year-end Report of Receipts and Expenditures, the report disclosed an ending cash balance of zero and was used to terminate the committee.

James Hansen, treasurer, International Union of Operating Engineers, responded on June 22, 2009. He states "The contribution of \$500 to Minn Outdoor Heritage Foundation was not reported because the contribution did not come from our political fund. It was given out of our general fund because there was a misunderstanding about the purpose of the contribution. Our executive board approved the action without knowing the contribution would be going to a political fund."

This matter was considered by the Board in executive session on August 4, 2009. The Board's decision was based upon correspondence from Mr. Peterson, Mr. Hansen, and Board records.

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

Finding Concerning Probable Cause

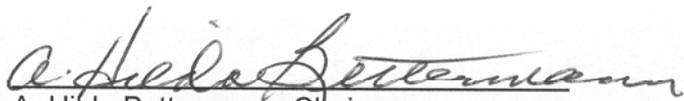
1. There is probable cause to believe that the Minnesota Outdoor Heritage Foundation Committee violated Minnesota Statutes, section 10A.27, subdivision 13, when it accepted a contribution in excess of \$100 from an unregistered association without receiving the required disclosure with the contribution.
2. There is probable cause 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 by which the contribution exceeded \$100, on the Minnesota Outdoor Heritage Foundation Committee for accepting and depositing a contribution from an unregistered association without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13.
2. Daniel Peterson, treasurer, is directed to refund \$400 to the general fund of the International Union of Operating Engineers.
3. Daniel Peterson is directed to forward to the Board payment of the civil penalty by check or money order payable to the State of Minnesota, and forward a copy of the check and letter used to return the prohibited contribution within thirty days of receipt of this order.
4. If Daniel Peterson does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action for the remedies available under Minnesota Statutes, section 10A.34.
5. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by the civil penalty imposed herein, this matter is concluded.

Dated: August 4, 2009



A. Hilda Bettermann, 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.