

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

CONCILIATION
AGREEMENT

In the matter of the (Keith) Downey for House Committee (#16408);

Pursuant to Minnesota Statutes, section 10A.28, subdivision 3, the Campaign Finance and Public Disclosure Board and Representative Keith Downey (hereinafter referred to as "the Candidate") hereby agree as follows:

1. The (Keith) Downey for House Committee ("the Committee") is the principal campaign committee of Representative Keith Downey. During 2010, the Committee accepted \$6,749 in contributions from special sources. These sources include large givers from whom the Committee accepted \$5,000, registered lobbyists from whom the Committee accepted \$1,449, and political committees or political funds from which the Committee accepted \$300. The total amount of these contributions exceeded by \$249 the applicable limit on aggregate contributions from special sources, which for a state representative candidate was \$6,500. The \$249 in excess contributions was not returned within 60 days, and thus, is deemed accepted under Minnesota Statutes, section 10A.15, subdivision 3.

2. In correspondence dated August 1, 2011, Scott Thiss, treasurer, provided an explanation of how the Committee inadvertently accepted a contribution from a political fund. Mr. Thiss states,

“Representative Downey has made it a practice not to accept PAC contributions...However, because of the flurry of activity at the beginning of the legislative session and some misunderstandings, the check [from the political committee] was deposited in our checking account on February 10, 2010. ...The error was undiscovered until after filing the 2010 final report ...We acknowledge that mistakes were made and that a violation of the aggregate contributions limit occurred.”

3. Board records show that this is the first calendar year in which the Committee reported acceptance of contributions that exceeded the applicable aggregate contribution limit. The Committee registered with the Board on August 20, 2007.

4. The parties agree that the Committee accepted excessive contributions from special sources resulting in an inadvertent violation of Minnesota Statutes, section 10A. 27, subdivision 11, in calendar year 2010.


5. The Committee has returned \$300 to the political committee that made the contribution referenced in paragraph 2. A copy of the check and the accompanying letter returning the excess amount was provided to the Board.

6. The Candidate agrees to pay a civil penalty of \$249, one times the amount by which the contributions exceeded the applicable limit, to be paid to the Board for deposit in the general fund of the state.

7. The Committee hereby agrees to forward to the Board \$249 by check or money order payable to the State of Minnesota within 30 days after the date this Agreement is signed by both parties. It is agreed by the parties that payment of the civil penalty of \$249 and this Conciliation Agreement will be a bar to any civil proceeding under Minnesota Statutes, section 10A.28, subdivisions 3 and 4.

8. It is further understood and agreed, however, that failure to pay the civil penalty of \$249 within the time specified in paragraph 7 above, is a violation of the terms of this conciliation agreement and the Board may declare this agreement to be null and void and may take further action to resolve this matter.

9. It is further understood and agreed that this Agreement is confidential until signed by the Candidate and the Board Chair. Once signed, the Agreement shall become a matter of public record, and the statutory requirement of confidentiality shall no longer apply. Minnesota Statutes, section 10A.02, subdivision 11 and section 10A.28, subdivision 3.


_____ Dated: 8/28/11
Representative Keith Downey

Approved by the Campaign Finance and Public Disclosure Board

By  _____ Dated: August 16, 2011
John Seanlon, Chair

Campaign Finance and Public Disclosure Board