

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

**Findings and Order In The Matter of a Contribution
Made without Providing a Registration Number by the Aitkin County DFL Club to the
Mark Ritchie for Secretary of State Committee**

Summary of the Facts

Minnesota Statutes, Section 10A.15, subdivision 5, requires a registered political committee making a contribution to provide the name and registration number of the political committee. A political committee that violates this section is subject to a civil penalty imposed by the Board of up to \$1,000. This statutory provision exists to insure that candidates may accurately identify the source of the contribution, and thereby apply the amount of the contribution against the appropriate aggregate, special source, or political party contribution limit.

In 2010 the Aitkin County DFL Club, a political committee registered with the Campaign Finance and Public Disclosure Board, made a \$300 contribution to the Mark Ritchie for Secretary of State Committee (the Committee). The Aitkin County DFL Club registration number was not provided to the Mark Ritchie for Secretary of State Committee either on or with the contribution check. A copy of the check used for the contribution was provided to the Board as verification.

The Mark Ritchie for Secretary of State Committee reported the contribution as a contribution by the Aitkin County DFL political party unit. In a letter dated July 31, 2011, Pam Rykken, finance director for the Committee explained how this occurred. "Since there wasn't a committee number on the check, and since 'DFL' was in the committee name, I looked in the 'Political Parties' section on the Campaign Finance website, and found 'Aitkin County DFL Committee', and thought I had a match."

As a result of misclassifying the contribution as being from a political party unit the Committee was not aware that by accepting the contribution it exceeded the aggregate special source limit. The aggregate special source limit is the total amount that may be accepted from political committees, lobbyists, and large givers. When properly categorized the contribution from the Aitkin County DFL Club caused the Committee to exceed the special source limit by \$283.94.

In response to a staff inquiry the Board received a letter from B.J. Garner, Jr., treasurer of the Aitkin County DFL Club on August 29, 2011. Mr. Garner stated, "In regard to your question...do we usually include our club number (40086) on checks to candidates? The answer is "no". We never have over the past years. I was not aware that it was necessary. I will certainly include it from now on."

This matter was considered by the Board in executive session on October 4, 2011. The Board's decision is based on the correspondence received from Pam Rykken, B.J. Garner, and Board records.

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

Findings Concerning Probable Cause

1. There is probable cause to believe that the Aitkin County DFL Club violated Minnesota Statutes, section 10A.15, subdivision 5, by contributing \$300 to the Mark Ritchie for Secretary of State Committee without providing the registration number of the Aitkin County DFL Club with the contribution.
2. There is probable cause to believe that the Mark Ritchie for Secretary of State Committee accepted the contribution as coming from a party unit with a similar name because there was no registration number to identify the donor as a political committee. As a result, the Mark Ritchie for Secretary of State Committee exceeded the aggregate special source limit in 2010 by \$283.94.
3. There is probable cause to believe that the Mark Ritchie for Secretary of State Committee has returned \$300 to the Aitkin County DFL Club, thereby removing the excess contribution from its account.
4. There is no probable cause to believe that the violations were intentional or done with the intent to circumvent the requirements of Minnesota Statutes, Chapter 10A.

Based on the above Findings, the Board issues the following:

Order

1. The Board imposes no civil penalty on the Mark Ritchie for Secretary of State Committee for exceeding the 2010 aggregate contribution limit from special source contributors.
2. The Board imposes a civil penalty of \$300, which is one times the amount of the contribution, on the Aitkin County DFL Club, for failure to provide a registration number on or with the contribution.
3. The Aitkin County DFL Club is directed to forward to the Board payment of the \$300 civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.
4. If the Aitkin County DFL Club 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 Statute, section 10A.34.
5. The Board investigation of this matter is entered into the public record in accordance with Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by the Aitkin County DFL Club of the civil penalties imposed herein, the matter is concluded.

Dated: October 4, 2011

/s/ John Scanlon

John Scanlon, Chair
Campaign Finance and Public Disclosure Board

Relevant Statutes

Minnesota Statutes, section 10A.15, subdivision 5. **Registration number on checks.** A contribution made to a candidate by a lobbyist, political committee, political fund, or party unit must show the name of the lobbyist, political committee, political fund, or party unit and the number under which it is registered with the board.