

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

COMPLAINT
of
Doug Baker
P.O. Box 193
Lanesboro, MN 55949

In Re Ken Tschumper and the Ken Tschumper for Minnesota House Committee's Failure to Disclose Campaign Expenditure

Introduction

This complaint presents a violation of Minn. Stat. §10A.20 by Ken Tschumper, the DFL candidate for the Minnesota House of Representatives in district 28B, and the Ken Tschumper for Minnesota House committee (collectively referred to as Respondents). On July 2, 2012, Respondents purchased a block of advertising time from radio station KFIL in the amount of \$283.50. This campaign expenditure was not reported in Respondents' campaign finance report for the time period ending July 30, 2012. The Campaign Finance and Public Disclosure Board should find a violation of Minn. Stat. §10A.20 and provide appropriate relief and penalties as prescribed by law.

Facts

On or about July 2, 2012, radio station KFIL in Preston, Minnesota sold a block of advertising time to "*Ken Tschumper for the Minnesota House.*" See, Exhibit A and B. These ads were campaign ads run for the purpose of influencing voters to support the candidacy of Ken Tschumper. The radio advertising ran on KFIL radio from July 11, 2012 until July 31, 2012. See, Id. The radio advertising was purchased with a personal check from Ken Tschumper in the amount of \$283.50. See, Exhibit C.

On or about July 30, 2012, Respondents filed a campaign finance report and the expenditure of \$283.50 for the advertising on KFIL radio was not disclosed.

Argument

Minn. Stat. §10A.20(g) requires that campaign finance reports must:

disclose the name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the reporting entity within the year in excess of \$100, together with the amount, date, and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made

In the instant case, Respondents did not disclose the expenditure of \$283.50 that was paid to radio station KFIL on or about July 2, 2012. As such, Respondents violated Minnesota Statutes 10A.20.

Conclusion

The above stated facts demonstrate that Respondents Ken Tschumper, and the Ken Tschumper for the Minnesota House committee, violated the campaign reporting requirements of Minnesota Statutes 10A. As such Complainant respectfully requests that the Campaign Finance and Public Disclosure Board affirm this Complaint and impose applicable statutory penalties against Respondents.

Respectfully submitted,

Dated: September 10, 2012

JACOBSON BUFFALO MAGNUSON
ANDERSON AND HOGEN, P.C.



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ATTORNEY FOR COMPLAINANT

RADIO BROADCAST ORDER

KFIL FM
 KFIL AM
 KVGO FM

P.O. Box 370 Preston, MN 55965 (507)765-3856 FAX 507-765-2738

Date <u>July 2, 2012</u>	T.O. No. <u>403119</u>	Date of First Broadcast <u>July 11 2012</u>
Client <u>Ken Tschumper For The MN House</u>		Date of Last Broadcast <u>July 31 2012</u>
Agency <u>1640 Tschumpen RD</u>		Total Ann. and/or Prgms. <u>21X</u> <u>15X</u>
Address <u>Palmer</u>		Frequency Rate <u>8.50</u> <u>7.00</u>
		Total Cost <u>178.50</u> <u>105.00</u>
		Phone _____ Fax <u>283.50</u>
		Cell _____
Account Executive <u>Bm [Signature]</u>		ACCEPTED BY CLIENT <u>[Signature]</u>

SCHEDULE

12/04

TIME	SEC.	MON	TUES	WED	THURS	FRI	SAT	SUN
6A 10P	30			Spnd	M-Sat			

Regular
 Co-op
 C.T.# 8345

Billing Cycle
 Calendar Month
 Broadcast Month
 Voice 8346

Promotion 2hr. Thursday 6:30 June 26
 Product _____

NOTES:

Show 2 cut
 HAE may 4 - Renfest Fest Houston Has Down
 Ken will be here 1 PM July 10th to cut ads
 There 7 hrs 24 ads use 8346 Ken
 Last 12 hrs 6x 8345 & 6x 8346 & date
 B W

Sales Manager _____
 Business Manager _____

Cumulus Media requests a client signature on every contract where advertising time is purchased. This is also required for all special event advertising. Bills are due and payable within 30 days of receiving invoice. Political, Restaurant, Bars, One Time Promotions and new businesses must pay with cash in advance. It is also Cumulus' policy to have on file Credit Application for all customers. If you wish to pay your invoices with Credit Card there will be an additional fee. It is also understood that any spots missed during flight can be made good during dates and flight times, ordered by customer.

Exhibit A

AGREEMENT FORM FOR POLITICAL CANDIDATE ADVERTISEMENTS

(check applicable box)

FEDERAL CANDIDATE

STATE/LOCAL CANDIDATE

To Avail Themselves of The Lowest Unit Charge During a Political Window, Federal Candidates Must Sign The Certification On Page 3

Station and Location: <u>KFIZ^{FM} RADIO Preston</u>	Date: <u>July 2, 2012</u>
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I, Ken Tschumper

being/on behalf of: SELF, a legally

qualified candidate of the DEMOCRATIC political

party for the office of: MAN House of Representative Dist 28 B

in the GENERAL

election to be held on: NOVEMBER 6, 2012

do hereby request station time as follows:

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks
30	6A-10P	July 11-31	M-Sat		4 week

Total Charges: 283.50

For programming that, in whole or in part, "communicates a message relating to any political matter of national importance," list the matters below:

[Empty box for listing matters of national importance]

I represent that the payment for the above described broadcast time has been furnished by

Ken Tschumpke For The MD House *Approved by Ken Tschumpke*

and you are authorized to announce the time as paid for by such person or entity.

I represent that this person or entity is either a legally qualified candidate or an authorized committee/organization of the legally qualified candidate.

The name of the treasurer of the candidate's authorized committee is:

SARAH GOFF 1281 C1425 LA Crescent MD 55947

This station has disclosed to me its political advertising policies, including: applicable classes and rates; and discount, promotional and other sales practices (not applicable to federal candidates).

THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

To Be Signed By Candidate or Authorized Committee

7-2-12 X Kenneth Tschumpke
Date Signature

To Be Signed By Station Representative

Accepted Accepted in Part Rejected

[Signature] Bruce E Fishbaugh July 2, 2012
Signature Printed Name Title