

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

**AGREEMENT TO RESOLVE
MATTER UNDER STAFF REVIEW
#1007**

In the Matter of James Niemackl for Senate;

1. A routine staff review by the Minnesota Campaign Finance and Public Disclosure Board of the Constitution Party of Minn's 2012 amended year-end Report of Receipts and Expenditures revealed a contribution which, as reported, may have constituted a violation of Minnesota Statutes, Chapter 10A.
2. The Constitution Party of Minn reported that on August 2, 2012, it received a contribution from James Niemackl for Senate in the amount of \$400. An inquiry into the contribution led to the discovery that James Niemackl for Senate is a federally registered committee, which constitutes an unregistered association under Chapter 10A.
3. In 2012, Minnesota Statutes section 10A.27, subdivision 13, prohibited an unregistered association from making a contribution to a political committee that exceeded \$100 unless the unregistered association also provided a written disclosure statement as required by that section. The appropriate disclosure was not provided with the James Niemackl for Senate contribution.
4. To resolve this matter informally and to avoid these violations in the future James Niemackl for Senate agrees that it will:
 - a. Refrain from making political contributions to committees that are registered in Minnesota without providing the required written disclosure. The candidate understands that contributions made by his federal committee are not the same as personal contributions regardless of whether the source of funds in the federal committee mainly consists of personal contributions.
5. James Niemackl for Senate agrees that the Board's acceptance of this agreement constitutes the imposition of a civil penalty in the amount of \$300 against James Niemackl for Senate for making a contribution that was \$300 more than it was permitted to give without the disclosure required by Minnesota Statutes section 10A.27, subdivision 13. \$100 of the penalty is due within 30 days of the date the agreement is approved by the Board. \$200 of the penalty is, by the terms of this agreement, stayed for a period of four years from the date the agreement is approved by the Board. If James Niemackl for Senate violates Minnesota Statutes section 10A.27, subdivision 13 within four years of the date the agreement is approved by the Board, the outstanding civil penalty is due immediately. If James Niemackl for Senate does not violate

Minnesota Statutes section 10A.27, subdivision 13 within four years of the date the agreement is approved by the Board, the outstanding civil penalty is waived.

6. If James Niemackl for Senate does not comply with the provisions of this agreement, this matter may be reopened by the Board and the Board may take such actions as it deems appropriate.

/s/ James Niemackl Dated: 8/6/2014
James Niemackl, Candidate
James Niemackl for Senate

/s/ Gary Goldsmith Dated: 8/12/2014
Gary Goldsmith, Executive Director
Campaign Finance and Public Disclosure Board

Agreement approved by Board at meeting of August 13, 2014

/s/ Deanna Wiener
Deanna Wiener, Chair
Campaign Finance and Public Disclosure Board