



# COMPLAINT FOR VIOLATION OF THE ETHICS IN GOVERNMENT ACT

09/20/2002 3:32

All information on this form is private and confidential until a finding is issued by the Board.

### Information about complaint filer

Name of complaint filer <i>Nancy Jorgenson</i>	
Address <i>5730 Polk St NE</i>	
City, state, zip <i>Fridley MN 55432-5750</i>	Daytime telephone no. <i>763-571-1648</i> <i>Cell 612-749-6058</i>

### Identify person/entity you are complaining about

Name of person/entity being complained about <i>Timothy Pawlenty and The Republican Party of MN</i>
Address <i>P.O. Box 21887 480 Cedar St. Ste 560</i>
City, state, zip <i>Eagan MN 55131-0887 St. Paul, MN 55101</i>
Title of respondent (if applicable) <i>Candidate for Governor, Political Party Unit</i>
Board/Department/Agency/District # (if legislator)

*Nancy Jorgenson*  
Signature of person filing complaint

*9/20/2002*  
Date

Send completed form to: Campaign Finance & Public Disclosure Board  
Suite 190, Centennial Building  
658 Cedar Street  
St. Paul, MN 55155

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Respondent Tim Pawlenty, his principal campaign committee, and the Republican Party of Minnesota, have clearly violated Minn. Stat. 10A.27 Subd. 2, which prohibits a political party from contributing more than \$20,000 to a candidate's principal campaign committee, and possibly Minn. Stat. 10A.25 Subd. 2, which imposes spending limits on the campaign. The collusion between Tim Pawlenty, his principal campaign committee, and the Republican Party of Minnesota has been crafted to circumvent the individual contribution limits to a principal campaign committee through a political party, the limits on contributions by a political party, and potentially the expenditure limits on a principal campaign committee.

During the week beginning September 9, 2002, a series of television commercials ("the ads") (enclosed) that support Tim Pawlenty in his campaign for the office of Governor of Minnesota began airing throughout the state. The ads included Tim Pawlenty looking directly at the camera and speaking in "first person" about his candidacy. The end of the ads included a disclaimer which stated "Prepared and Paid for by the Republican Party of Minnesota in support of Tim Pawlenty and not authorized by any candidate or committee."

In an article published in the Star Tribune on September 15, 2002 (enclosed), Pat McCarthy, Tim Pawlenty's media consultant, was quoted as saying that the Republican Party purchased "raw uncut video footage" from McCarthy. McCarthy indicated that Randy Skoglund, the Republican Party's media consultant purchased the footage for \$7,000.00. The article further stated that Tim Pawlenty said "knew very little" about the transaction, but that he "like[d] it."

Under Minn. Stat. 10A.01 Subd. 4, An "Approved Expenditure" is defined as "an expenditure made on behalf of a candidate by an entity other than the principal campaign committee of the candidate, if the expenditure is made with the expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of the candidate, the candidate's principal campaign committee, or the candidate's agent. The section further states that "[a]n approved expenditure is a contribution to that candidate." Id.

In the present matter, The Republican Party and Tim Pawlenty and his principal campaign committee publicly pronounce the legality of the ads based on "uncertainty and confusion about the law." There is no uncertainty, and, for most Minnesotans, there is no confusion. The media consultants are part of the principal campaign committee and of the Republican Party. They are paid to do work for the campaign in the same fashion as any office staff member or field worker. The only distinction lies in the terms under which they are compensated. To determine otherwise would create a fiction in the rule, as a campaign manager or any other staff member of the campaign could conduct any activity, using unlimited funds from any source, based on the defense that it was not the principal campaign committee acting, but rather, the campaign manager acting on his or her own. The clear language of the statute and the obvious functioning of political campaigns refutes such a nonsensical prospect.

Moreover, Mr. McCarthy is Tim Pawlenty's, and his principle campaign committee's, "agent." He is authorized to establish the times and places of the media shooting and to negotiate the terms of the ownership of the after-product, if any in fact existed. His interests are concurrent with the candidate's and those of the campaign committee and his duty to the candidate and campaign committee is clear. It is interesting that the Republican Party's "media consultant" was authorized to make a \$7,000.00 purchase of the tapes as the Party's agent. It is highly unlikely Mr. Skoglund would make such a purchase were he not already directed and authorized by his client to make the purchase. In a similar fashion, Mr. McCarthy would not make an agreement or have the opportunity to "own" or "sell" the "extra" footage without a prior knowledge and intent between the campaign committee and state party unit.

In summary, there is no question that Mr. McCarthy is part of the Tim Pawlenty's principal campaign committee and the agent of Tim Pawlenty and his principal campaign committee. The money expended on the ads, including purchasing footage, editing, distributing, and airing the ads must be counted against the spending limit on political party contributions to Tim Pawlenty's principal campaign committee. Any amount over the statutory limit must be assessed as a fine against Tim Pawlenty in an amount equivalent to four times the excess under Minn. Stat. 10A.28 Subd. 2. Additionally, if the expenditure causes the principal campaign committee to exceed the statutory limit on expenditures, a fine of four times the excess expenditure must also be assessed against Tim Pawlenty. The maximum allowable civil fine is appropriate based on the clear disregard for the uncontestable letter and obvious spirit of the law and to deter other like behavior by Tim Pawlenty or others in the future.

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### Political ads testing the limits of the law

**Dane Smith**  
Star Tribune

Published Sep 15, 2002

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In the first major television ad of the 2002 gubernatorial campaign, Republican Tim Pawlenty looks into the camera, talks about his working-class boyhood home in South St. Paul and promises not to raise taxes.

The odd thing is, the ad isn't Pawlenty's at all. It was produced and paid for by the Minnesota Republican Party, which, unlike the candidate himself, has no limits on how much it can spend on campaigns.



Pawlenty ad

The ad is perfectly legal and is similar to a DFL Party spot featuring U.S. Sen. Paul Wellstone, Pawlenty and GOP officials contend. That ad shows Wellstone -- up-close-and-personal -- talking, among other things, about corporations avoiding taxes with offshore operations.

Campaign finance experts say candidates and major parties once again are pushing the frontiers of campaign finance law.

"Really, what we are getting into everywhere is a major battleground over federal and state laws and the definition of 'coordination,'" said Larry Noble, executive director of the Center for Responsive Politics in Washington, D.C.

State and federal laws prohibit most direct coordination between candidates and parties or other groups that produce ads trying to influence elections. Courts in recent years generally have held that parties and interest groups themselves cannot be limited in how much they raise and spend, if they refrain from directly colluding with a candidate in crafting the message.

In the Pawlenty case, the Republican Party bought "raw uncut video footage" from Pawlenty's media consultant, said his spokesman, Peter Hong. Pat McCarthy, Pawlenty's media consultant, said the tape was sold to the state party's media consultant, Randy Skoglund, for \$7,000. McCarthy said he, not the Pawlenty campaign, gets to keep the money.

That video happened to include extensive footage featuring Pawlenty's direct personal spiel. As a result, the party was able to create its own introductory ad in behalf of him. And it will be able to spend hundreds of thousands of dollars defining Pawlenty before he has to spend any money from his own campaign, which is stuck with a \$2.2 million limit because it is accepting subsidies from the state.

U.S. Senate candidates, with no public subsidies, have no such spending limits.

### **Crying foul**

DFL candidate Roger Moe is hollering foul. His campaign manager, Bill Harper, described the tactic as a "clear end-run" around the principle of the law.

"How does the candidate speak in the first person, on the air, and still have no knowledge that the party is running an ad for him? What is independent about an ad like that? We think there's a good chance that it's illegal."

Harper, however, said Moe and DFLers have no immediate plan to challenge the legality of the ad. And Republicans say that may be because Wellstone also has sold video footage to the DFL Party, which is using it in its own ad.

Jeff Blodgett, Wellstone's campaign manager, acknowledged that video footage of Wellstone "being interviewed" by his own campaign aides has been sold to the DFL Party. But Blodgett said the Pawlenty-Republican arrangement is different because Pawlenty appears to have been "scripted" for this particular kind of presentation and he looks directly into the camera.

"It looks like the entire ad shoot was done by the GOP," Blodgett said.

Defenders of footage-selling hew to very fine points in explaining how there is no collusion between candidate and party. Bill Walsh, the Republican Party's deputy director, said the transaction involving the videotape didn't involve the candidate and the party, but rather the private vendors acting as media consultants for each. The party's media person discovered that Pawlenty's media people were shooting footage, and simply made a business-to-business offer for the tape.

"The [Pawlenty] campaign didn't know what we were doing, didn't know the content of our ad, when the ads were going to hit, or what we are paying for them," Walsh said. He declined to say how extensive a run the ad has or how much the party will pay for it, but suggested it will be a major purchase.

"We're excited about being the first persons up defining Pawlenty the way we want to," Walsh said.

Harper, Moe's campaign manager, said Walsh's explanation is disingenuous. "Our media consultant is part of our team, and they are not independent in any way," Harper said. "This will result in a huge proliferation of spending."

### **Complicated laws**

Pawlenty's McCarthy acknowledges that uncertainty and confusion about the law are creating some awkward and strange situations.

"It's the unfortunate result of complicated finance laws," McCarthy said. In general, Republicans favor campaign finance reform that removes most of the restrictions on candidates, parties and interest groups and replacing them with laws that require immediate and complete disclosure of transactions.

"We've always advocated for a completely open system," Walsh said, "removing most limits and reporting where money is coming from and where it's going."

One problem raised by "independent" advocates' ads is that they sometimes backfire on the candidates. Wellstone's opponent, Republican Norm Coleman, has acknowledged that at least some anti-Wellstone ads by independent groups may not be helping Coleman.

That isn't the case with the Pawlenty ad. The 30-second spot has a youth-oriented appeal, complete with pop-up scripts that refer to things such as Pawlenty's 34-inch waist. It conveys the themes that Pawlenty has been stressing all along: his blue-collar roots, his youthful energy and flair and his conservative antitax commitment.

That the party could independently produce an ad that picked up on those themes should be no surprise, Walsh said, given that Pawlenty and party officials have known each other closely for many years.

"I like it," Pawlenty said of the ad, adding that he knew very little about the transaction.

*-- Dane Smith is at [rdsmith@startribune.com](mailto:rdsmith@startribune.com).*

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