

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING SENATOR ELLEN ANDERSON**

**Procedural Background**

On July 29, 2003, Ron Eibensteiner, Chairman, Republican Party of Minnesota, filed a complaint with the Campaign Finance and Public Disclosure Board ("Board") against Senator Ellen Anderson, alleging that Senator Anderson violated Minn. Stats. 10A.025, and 10A.09.

Mr. Eibensteiner alleged that Senator Anderson filed economic interest statements with the Board that either contained false information or omitted information required to be disclosed. Specifically, Mr. Eibensteiner alleged that Senator Anderson failed to disclose on her statements of economic interest that she has owned real property at 767 University Avenue in St. Paul, Minnesota since 1995 and that she has held securities in excess of \$2,500 since 1999.

Mr. Eibensteiner alleged that Senator Anderson failed to timely amend her statements of economic interest to disclose this information. In addition, Mr. Eibensteiner alleged that Senator Anderson knowingly filed incomplete and inaccurate reports. Mr. Eibensteiner provided two articles from the *Pioneer Press* as documentation in support of his complaint.

Board records reflect that between 1992 and July 23, 2003, Senator Anderson's statements of economic interest did not disclose that Senator Anderson held any securities with a value of \$2,500 or more or that she owned any non-homesteaded real property. On July 23, 2003, Senator Anderson amended her original statement of economic interest for April 2003 to reflect ownership of three securities and an interest in real property located at 767 University Avenue in St. Paul, Minnesota.

On July 31, 2003, the Board notified Senator Anderson of the complaint and afforded her an opportunity to respond. Senator Anderson responded on August 14, 2003. Regarding the property located at 767 University Avenue in St. Paul, Senator Anderson stated "I have no ownership in this property, which is wholly owned by my husband and the partners of his (former) law firm."

In response to the allegation that she failed to disclose securities, Senator Anderson stated "the securities listed as 'American Express Roth IRA' and 'American Express IDS Annuities' were not purchased until April of 2003, and were inadvertently listed on my amended statement even though it was not required until the supplemental of 2004. The securities in the 'Nationwide Portfolio,' which include the American Century, Fidelity, Newburger, Oppenheimer and Government Bonds, were purchased in September, 2000, and inadvertently omitted... I realized this omission on July 18, 2003...at that time I prepared an amendment to my economic interest statement promptly."

This matter was considered by the Board in executive session at its meeting on August 27, 2003. The Board's decision was based on the complaint, the response and Board records.

**Based on the record before it, the Board issues the following:**

**EVIDENTIARY FINDINGS**

1. Minn. Stat. 10A.09, subd. 5, 3, requires that an individual filing a statement of economic interest disclose "a listing of real property within the state, excluding homestead property, in which the individual holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of \$50,000 or more."

2. The property at 767 University Avenue in St. Paul, Minnesota is not owned by Senator Anderson and thus was not required to be disclosed on her statements of economic interest.
3. Since September 2000 Senator Anderson has held securities that were required to be disclosed on her supplementary statements of economic interest filed in April 2001 and April 2002 and her original statement of economic interest filed in July 2002. Senator Anderson has not amended these reports to disclose her interest in these securities.
4. In April 2003 Senator Anderson acquired additional securities that will be required to be disclosed on her April 2004 supplementary statement of economic interest. Senator Anderson has amended her supplemental statement of economic interest for April 2003 to disclose her interest in these securities.

**Based on the above Statement of the Evidence, the Board makes the following:**

#### **FINDINGS CONCERNING PROBABLE CAUSE**

1. There is no probable cause to believe that Senator Anderson has, or was required to disclose, any interest in the property located at 767 University Avenue in St. Paul, Minnesota.
2. There is probable cause to believe that Senator Anderson inadvertently violated Minn. Stat. 10A.09, subd. 5, when she failed to disclose securities purchased in September, 2000, on her supplementary statements of economic interest filed in April 2001 and April 2002 and her original statement of economic interest filed in July 2002.
3. Senator Anderson has not amended her supplementary statements of economic interest filed in April 2001 and April 2002 nor her original statement of economic interest filed in July 2002 to disclose the securities obtained in September 2000 and thus there is probable cause to believe a violation of Minn. Stat. 10A.025, subds. 4, continues to exist.
4. There is insufficient evidence to determine whether Senator Anderson violated Minn. Stat. 10A.025, subd. 2, by knowingly omitting required information.

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

#### **ORDER**

1. The Board orders Senator Anderson to amend her supplementary statements of economic interest filed in April 2001 and April 2002 and her original statement of economic interest filed in July 2002 to reflect ownership of the securities held since September 2000. The amended statements should be submitted to the Board within 30 days of the date these Findings are signed by the Board chair.
2. The record in this matter and all correspondence is entered into the public record in accordance with Minn. Stat. 10A.02, subd. 11. Board staff shall provide copies to Senator Anderson and Mr. Eibensteiner.

Dated: August 27, 2003

Clyde Miller, Chair

Campaign Finance and Public Disclosure Board