

**STATE OF MINNESOTA  
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD  
FINDINGS IN THE MATTER OF A COMPLAINT REGARDING  
SENATOR JOHN HOTTINGER**

**Procedural Background**

On September 9, 2003, Ron Eibensteiner, Chair, Republican Party of Minnesota, filed a complaint with the Campaign Finance and Public Disclosure Board (“Board”) against Senator John Hottinger alleging that Senator Hottinger violated Minn. Stats. §10A.025, and §10A.09.

Mr. Eibensteiner alleged that Senator Hottinger 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 Hottinger failed to disclose compensation he received as an attorney for the McKenzie and Gustafson law firm in St. Peter, Minnesota.

By letter dated September 11, 2003, the Board notified Senator Hottinger of the complaint and afforded him an opportunity to respond. Senator Hottinger responded on October 16, 2003, and stated, “my association with McKenzie and Gustafson was as a contract attorney providing legal services on an as-needed basis. . . no reportable income was derived from this legal work.”

This matter was considered by the Board in executive session at its meetings on September 17, 2003, and October 22, 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.01, subd. 5, defines an “associated business” as “an association from which the individual receives compensation in excess of \$50, except for actual and reasonable expenses, in any month as a director, officer, owner, member, partner, employer, or employee, or whose securities the individual holds worth \$2,500 or more at fair market value.
2. Minn. Stat. §10A.09, subd. 5, (2) requires that an individual filing a statement of economic interest disclose compensation received from any associated business and the nature of that association.
3. There is no evidence that any compensation Senator Hottinger may have received for his work as a contract attorney for McKenzie and Gustafson was compensation from an associated business.

**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 Hottinger was required to disclose compensation received for his work as a contract attorney for McKenzie and Gustafson on his Statements of Economic Interest, under Minn. Stat. §10A.09.

2. There is no probable cause to believe that Senator Hottinger 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 complaint alleging that Senator Hottinger violated Minn. Stat. §10A.025 by knowingly filing a false report is dismissed in its entirety.
2. The complaint alleging that Senator Hottinger violated Minn. Stat. §10A.09, subd. 5, by failing to disclose compensation received for his work a contract attorney is dismissed in its entirety.
3. 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 Hottinger and Mr. Eibensteiner.

Date: October 22, 2003

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Clyde Miller, Chair  
Campaign Finance and Public Disclosure Board