

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

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 Dallas Sams alleging that Senator Sams violated Minn. Stats. §10A.025, and §10A.09.

Mr. Eibensteiner alleged that Senator Sams filed economic interest statements with the Board that either contained false information or omitted required information. Specifically, Mr. Eibensteiner alleged that Senator Sams failed to disclose compensation he received from Sams Farms, Inc.

By letter dated September 11, 2003, the Board notified Senator Sams of the complaint and afforded him an opportunity to respond. Senator Sams responded on October 14, 2003, and stated “Sams Farms, Inc. is real property which I own located in Todd County, Minnesota. No reportable compensation was derived from this property.” On October 20, 2003, Senator Sams amended his previously filed Statements of Economic Interest and listed Sams Farms, Inc. as real property, and disclosed the county in which the property is located, as well as the address, township and acreage of the property. Senator Sams also removed Sams Farms Inc. as his employer on his previously filed Statements of Economic Interest.

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, the amended Statements of Economic Interest 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 list “all 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. Minn. Stat. §10A.09, subd. 5, (4) requires, in part, that an individual who is required to list property under Minn. Stat. §10A.09, subd. 5, also “indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county in which the property is located.”
3. There is evidence that Sams Farms, Inc. is real property that Senator Sams was required to disclose on all of his previously filed Statements of Economic Interest.
4. Senator Sams has amended all of his previously filed Statements of Economic Interest to disclose his interest in Sams Farms, Inc. and to disclose the county in which the property is located, as well as the address, township and acreage of the property.

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

FINDINGS CONCERNING PROBABLE CAUSE

1. There is probable cause to believe that Senator Sams inadvertently violated Minn. Stat. §10A.09, when he failed to disclose his interest in Sams Farms, Inc. on his previously filed Statements of Economic Interest.
2. Because Senator Sams has amended all previously filed Statements of Economic Interest, there is no reason to believe a reporting violation continues to exist.
3. There is no probable cause to believe that Senator Sams 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 Sams violated Minn. Stat. §10A.025 by knowingly filing a false report is dismissed in its entirety.
2. The reporting violation alleged in the complaint having been resolved, the complaint alleging that Senator Sams violated Minn. Stat. §10A.09, subd. 5, 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 Sams and Mr. Eibensteiner.

Dated: October 22, 2003

Clyde Miller, Chair
Campaign Finance and Public Disclosure Board