

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

FINDINGS REGARDING MCGOUGH CONSTRUCTION

Procedural Background

In response to an inquiry from the Campaign Finance and Public Disclosure Board (“the Board”). Tara Mattessich, counsel, People in Construction Political Action Committee (#30268), notified the Board that McGough Construction, an association that is not registered with the Board, made a \$378 in-kind contribution to People in Construction Political Action Committee.

Minn. Stat. §10A.27, subd. 13 (b), prohibits an unregistered association from making a contribution to a registered political committee unless, at the time the contribution was made, the unregistered association provides the recipient with the disclosure required by Minn. Stat. §10A.20.

On November 15, 2004, People in Construction Political Action Committee, notified the Board that it had returned \$378 to McGough Construction on November 2, 2004.

On November 12, 2004, Mark Adamson, McGough Construction, stated, “McGough was unaware of Minn. Stat. §10A.27, subd. 13. As of the writing of this response, McGough has received and deposited a refund for this contribution.”

This matter was considered by the Board in executive sessions in its meetings on November 17, 2004, and December 17, 2004. The Board’s decision was based upon correspondence from Ms. Mattessich, correspondence from Mr. Adamson and Board records.

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

EVIDENTIARY FINDINGS

1. There is evidence that McGough Construction inadvertently violated Minn. Stat. §10A.27, subd. 13, when it made a contribution in excess of \$100 to the People in Construction Political Action Committee without providing the required disclosure.
2. There is evidence that this contribution was not returned within 60 days. Minn. Stat. §10A.27, subd. 13 (b), provides that an unregistered association that makes a contribution to a political committee without the required disclosure is subject to civil penalty of up to \$1,000.

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

FINDINGS CONCERNING PROBABLE CAUSE

There is probable cause to believe that McGough Construction inadvertently violated Minn. Stat. §10A.27, subd. 13, by making a contribution to People in Construction Political Action Committee without providing the required disclosure.

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

ORDER

1. The Board imposes a civil penalty of \$278, one times the amount by which the contribution exceeded \$100, on McGough Construction, an unregistered association, for making a contribution to a registered political committee without providing the disclosure required by Minn. Stat. §10A.20.
2. McGough Construction is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within thirty days of receipt of this order.
3. If McGough Construction does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the appropriate County Attorney for civil enforcement pursuant to Minn. Stat. §10A.28, subd.4.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minn. Stat. §10A.02, subd. 11, and upon payment by the civil penalty imposed herein, this matter is concluded.

Dated: December 17, 2004

Wil Flugel, Chair
Campaign Finance and Public Disclosure Board