

STATE OF MINNESOTA
CAMPAIN FINANCE AND PUBLIC DISCLOSURE BOARD

CONCILIATION

AGREEMENT

In the matter of the (Kevin) Kelleher for Senate (#16337);

Pursuant to Minnesota Statutes, section 10A.28, subdivision 3, the Campaign Finance and Public Disclosure Board and Kevin Kelleher (hereinafter referred to as "the Candidate") hereby agree as follows:

1. During 2005, the (Kevin) Kelleher for Senate ("the Committee") accepted a \$200 contribution from an individual. The contribution facially exceeded by \$100 the applicable nonelection year limit on contributions from individuals, set out in Minnesota Statutes, section 10A.27, subdivision 1, clause 4. The amount of the excess contribution was not returned within 60 days as required by Minnesota Statutes, section 10A.15, subdivision 3.
2. In response to an inquiry, Kevin Kelleher states, "The contribution ...wasn't a joint contribution. Attached is a copy of the check and the letter (to the individual) for the excess contribution of \$100."
3. Board records show that this is the first calendar year in which the Committee reported acceptance of a facially excessive contribution that exceeded the applicable contribution limit. The Committee registered with the Board on December 1, 2005.

4. The parties agree that the Committee accepted a facially excessive contribution from an individual resulting in an inadvertent violation of Minnesota Statutes, section 10A.27, subdivision 1, clause 4 in calendar year 2005.

5. The Board imposes a civil penalty of \$200, two times the amount by which the contribution exceeded the applicable limit, to be paid to the Board for deposit in the general fund of the state.

6. The Candidate hereby agrees to forward to the Board \$200 by check or money order payable to the STATE OF MINNESOTA within 30 days after the date this Agreement is signed by the Board chair. It is agreed by the parties that payment of the civil penalty of \$200 and this Conciliation Agreement will be a bar to any civil proceeding under Minnesota Statutes, section 10A.28, subdivisions 3 and 4.

7. The Candidate has returned \$100 to the individual. Copies of the check and the accompanying letter returning the excess amount were forwarded to the Board.

8. It is further understood and agreed, however, that if the civil penalty of \$200 is not paid within the time specified in paragraph 6 above, then the Candidate will be personally liable to pay a civil penalty, under Minnesota Statutes, sections 10A.28 and 10A.34, subdivision 1, in an amount calculated as follows:

(a) \$300 which is three times the amount by which the contributions exceeded the statutory limit, if payment is received 31 to 60 days after the date this Agreement is signed by the Board Chair;

(b) \$400 which is four times the amount by which the contributions exceeded the statutory limit, if payment is received more than 60 days after the date this Agreement is signed by the Board Chair.

9. It is further understood and agreed that this Agreement is confidential until signed by the Candidate and the Board Chair; the signed Agreement then shall become a matter of public record, and the statutory requirement of confidentiality shall no longer apply. Minnesota Statutes, section 10A.02, subdivision 11 and section 10A.28, subdivision 3.



Dated: 4/19/06

Kevin Kelleher

Approved by the Campaign Finance and Public Disclosure Board

By Bob Milbert

Dated: 4/24/06

Bob Milbert, Chair

Campaign Finance and Public Disclosure Board