

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

**FINDINGS REGARDING
THE (DAVID) TOMASSONI FOR STATE SENATE COMMITTEE**

Procedural Background

On February 28, 2005, Campaign Finance and Public Disclosure Board staff sent Charles Olson, treasurer, and Senator David Tomassoni, candidate, an inquiry regarding a \$500 loan the (David) Tomassoni for State Senate Committee disclosed making to the candidate on the Committee's Report of Receipts and Expenditures for calendar year 2004.

As of August 1, 2002, Minn. Stat. §10A.17, subd. 3a, prohibited a principal campaign committee from lending money for purposes not related to the conduct of a campaign. Minn. Stat. §10A.17, subd. 5, provides that a person who knowingly violates Minn. Stat. §10A.17, subd. 3a, may be guilty of a gross misdemeanor and subject to a civil penalty of up to \$3,000.

By letter received March 14, 2005, Senator Tomassoni responded to the Board's inquiry and stated that the violation of Minn. Stat. §10A.17 was "unintentional and inadvertent." Senator Tomassoni provided the Board with a copy of the check returning the \$500 loan to the committee.

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

EVIDENTIARY FINDINGS

1. Effective August 1, 2002, Minn. Stat. §10A.17, subd. 3a, prohibited a principal campaign committee from lending money for purposes not related to the conduct of a campaign.
2. There is evidence that the (David) Tomassoni for State Senate Volunteer Committee made a personal loan to Senator Tomassoni for \$500 on August 17, 2004.
3. There is evidence that Senator Tomassoni repaid the loan to the committee on March 1, 2005.
4. There is no evidence that any agent of the (David) Tomassoni Volunteer Committee was aware that after August 1, 2002, personal loans were prohibited and thus no evidence that Senator Tomassoni knowingly violated Minn. Stat. §10A.17, subd. 3a.
5. Minn. Stat. §10A.17, subd. 5, provides that an individual who violates Minn. Stat. §10A.17, sub. 3a may be guilty of a misdemeanor and subject to a civil penalty of up to \$3,000.

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 David Tomassoni, candidate, violated Minn. Stat. §10A.17, subd. 3a, when the (David) Tomassoni for State Senate Volunteer Committee made a loan to the candidate for reasons not related to the conduct of a campaign.
2. There is no probable cause that Senator Tomassoni was aware that such a loan was prohibited after August 1, 2002.
3. The loan having been returned, there is no probable cause to believe a violation continues to exist.

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

ORDER

1. The Board imposes a civil penalty of \$500, one times the amount of the prohibited loan on Senator Tomassoni for an inadvertent violation of Minn. Stat. §10A.17, subd. 3a.
2. Senator Tomassoni is directed to forward to the Board payment of the civil penalty of \$500 by check or money order payable to the State of Minnesota, within thirty days of the public posting of this order.
3. If Senator Tomassoni 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's 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 of the civil penalty imposed herein, this matter is concluded.

Dated: April 26, 2005

Terri Ashmore, Chair
Campaign Finance and Public Disclosure Board