

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

**Findings and Order in the Matter of a Contribution Made by Joel Carlson to the
Karen Clark Election Committee**

Summary of the Facts

Minnesota Statutes section 10A.15, subdivision 5, prohibits a lobbyist registered with the Campaign Finance and Public Disclosure Board from making a contribution to a candidate without providing the lobbyist's name and registration number. A lobbyist who violates this section is subject to a civil penalty imposed by the Board of up to \$1,000. This statutory provision exists to ensure that candidates may accurately identify the source of the contribution and thereby apply the amount of the contribution against the appropriate aggregate special source contribution limit. The aggregate special source limit is the total amount that a candidate may accept from political committees or funds, lobbyists, and large donors.

The 2012 Report of Receipts and Expenditures filed with the Board by the Karen Clark Election Committee (the Committee) reported receiving a \$200 contribution from Joel Carlson. The contribution was reported as a donation from an individual. After notification from Board staff that the contribution may have been from a similarly named lobbyist, the Committee researched the contribution. A letter dated July 1, 2013, from treasurer Vernon Wettrenach acknowledged that the contribution came from Joel Carlson on January 23, 2012, and that Mr. Carlson was a registered lobbyist on the date of the contribution. A copy of the contribution check was provided and no lobbyist number was written on the check.

After reclassifying the contribution, the Committee received \$7,100 in special source contributions, which exceeded by \$200 the applicable aggregate special source limit of \$6,900 for a state representative candidate.

Minnesota Statutes section 10A.15, subdivision 3, allows a candidate to return a contribution within 60 days of deposit to clear a limits violation. On July 17, 2013, the Committee returned \$200 to Mr. Carlson, but the return was not within the 60-day period. A copy of the check returning the contribution was provided by the Committee.

In response to a Board inquiry, Mr. Carlson states that he customarily provides his registration number on his checks and apologized for not providing it with his contribution.

This matter was considered by the Board in executive session on August 6, 2013. The Board's decision is based on the correspondence from Mr. Wettrenach and Mr. Carlson and on Board records.

Based on the above Summary of the Facts and Relevant Statutes, the Board makes the following:

Findings

1. Joel Carlson violated Minnesota Statutes section 10A.15, subdivision 5, by contributing \$200 to the Karen Clark Election Committee without providing his lobbyist registration number with the contribution.
2. Because there was no registration number to identify the donor as a lobbyist the treasurer of the Karen Clark Election Committee accepted the donation with the belief that the contribution was from an individual, and not from a registered lobbyist.
3. The Karen Clark Election Committee has returned \$200 to Joel Carlson, thereby removing the excess contribution from its account.
4. There is no evidence to believe that the violations were intentional or done with the intent to circumvent the requirements of Minnesota Statutes Chapter 10A.

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

Order

1. The Board imposes no civil penalty on the Karen Clark Election Committee for exceeding the 2012 aggregate contribution limit from special source contributors.
2. The Board imposes a civil penalty of \$200, which is one times the amount of the contribution, on Joel Carlson for failure to provide a registration number with the contribution.
3. Joel Carlson is directed to forward to the Board payment of the \$200 civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.
4. If Joel Carlson does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action for the remedies available under Minnesota Statutes section 10A.34.
5. The Board investigation of this matter is entered into the public record in accordance with Minnesota Statutes section 10A.02, subdivision 11, and upon payment by Joel Carlson of the civil penalty imposed herein, the matter is concluded.

Dated: August 6, 2013

/s/ Andrew M. Luger

Andrew M. Luger, Chair
Campaign Finance and Public Disclosure Board

Relevant Statute

Minnesota Statutes section 10A.15, subdivision 5. **Registration number on checks.** A contribution made to a candidate by a lobbyist, political committee, political fund, or party unit must show the name of the lobbyist, political committee, political fund, or party unit and the number under which it is registered with the board.