

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING CAROL
OVERLAND AND PUBLIC INTERVENORS NETWORK, INC.**

Procedural Background

On April 30, 2003, John Reinhardt (“Complainant”), filed a complaint with the Campaign Finance and Public Disclosure Board (“Board”) alleging that Carol Overland (“Respondent”) violated Minnesota Statutes, Chapter 10A.

The Complainant provided documents related to MPUC Docket No. E002/CN-01-1958 and OAH Docket No. 15-2500-14699-2 in support of his complaint. The Complainant alleged that these documents verified that Public Intervenors [*sic*] Network, Inc. received funding from outside sources. The Complainant noted that these outside sources were not disclosed on Ms. Overland’s Lobbyist Disbursement Report for the period covering January 1, 2002, through June 30, 2002.

By letters dated May 1, 2003, and May 19, 2003, the Respondent was notified of the complaint and afforded an opportunity to respond. Ms. Overland responded on May 27, 2003, and stated that the McKnight Foundation provided a \$35,000 grant to Public Intervenors Network, Inc. that was used to intervene in a certificate of need proceeding before the Minnesota Public Utilities Commission. Ms. Overland provided the Board with a copy of Public Intervenors Network, Inc.’s grant agreement with the McKnight Foundation, dated April 21, 2002.

The Board considered this matter in executive sessions on May 28, 2003, and June 25, 2003. The matter was considered based on the complaint, the documents accompanying the complaint, the response, the documents accompanying the response, and information obtained from the Minnesota Public Utilities Commission’s website.

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

Evidentiary Findings

1. Carol Overland registered with the Board as a lobbyist for Public Intervenors Network, Inc. on November 14, 2002.
2. Carol Overland and Public Intervenors Network, Inc. used funds obtained from the McKnight Foundation to influence a certificate of need proceeding under Minn. Stat. §216.B.243, which is defined as an administrative action by Minn. Stat. §10A.01, subd. 2.

3. Minn. Stat. §10A.04, subd. 4, (d) requires that a lobbyist disclose each original source of funding in excess of \$500 used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit.
4. Minn. Rules 4511.0100, subp. 5, defines an original source of funds as “a source of funds, other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

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

FINDINGS CONCERNING PROBABLE CAUSE

There is probable cause to believe that Public Intervenors Network, Inc. used funds obtained from the McKnight Foundation to influence administrative action. Ms. Overland did not disclose receipt of these funds on her Lobbyist Disbursement Report for the period covering January 1, 2002, through June 30, 2002.

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

ORDER

The Board directs Carol Overland to amend her Lobbyist Disbursement Report for Public Intervenors Network, Inc. for the period covering January 1, 2002, through June 30, 2002, to disclose the name and address of all original sources of funding, as required by Minn. Stat. 10A.04, subd. 4, (d).

The amended Lobbyist Disbursement Report must be submitted to the Board within 30 days of the date that these findings are signed by the Board Chair.

The record in this matter and all correspondence is hereby entered into the public record in accordance with Minn. Stat. §10A.02, subd. 11. Board staff shall provide copies to Mr. Reinhardt and Ms. Overland.

Dated June 25, 2003

Clyde Miller, Chair
Campaign Finance and Public Disclosure Board