

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

**Findings and Order in the Matter of a Contribution to the 1st Congressional District RPM
Committee from the Republican Party of Minnesota Federal Committee**

Summary of the Facts

The routine reconciliation by the Campaign Finance and Public Disclosure Board (the Board) of contributions reported made and received on the 2010 year-end Report of Receipts and Expenditures disclosed that the 1st Congressional District RPM received \$6,000 from the Republican Party of Minnesota. However, the report filed by the Republican Party of Minnesota disclosed making contributions that total \$5,000.

In response to a Board inquiry, William Fisher, treasurer of the 1st Congressional District RPM stated, "I have been in contact with the Republican Party of Minnesota (RPM) and indeed the \$1,000 contribution that was made to us in April 2010 was from RPM's Federal Account. Until recently CD1RPM was not aware of this fact." The 1st Congressional District RPM refunded \$1,000 to the Republican Party of Minnesota Federal Committee on August 1, 2011, and provided a copy of the check used for the refund to the Board.

On July 29, 2011, Mai Thao responded on behalf of the Republican Party of Minnesota. Ms. Thao stated, "On April 23rd, 2010 the Republican Party of Minnesota issued a check to the First Congressional District for general party building efforts from our Federal account in error. ...The \$1,000 check should have been drawn from our State account. We were not aware of the error until earlier this year when the Minnesota Campaign Finance and Public Disclosure Board brought it to our attention."

Pursuant to Minnesota Statutes, Section 10A.27, subdivision 13, candidates, political party units, and political committees registered with the Campaign Finance and Public Disclosure Board (the Board) may not accept a contribution in excess of \$100 from an association that is not registered with the Board unless the contribution is accompanied by financial disclosure of the donating association's receipts and expenditures in the form specified by statute. Acceptance of a contribution in excess of \$100 without the required disclosure is punishable by civil penalty of up to four times the amount of the contribution over \$100.

An unregistered association that makes a contribution of more than \$100 without the required disclosure is in violation of Minnesota Statutes, Section 10A.27, subdivision 13(b). Failure to provide the appropriate disclosure with a contribution of more than \$100 is punishable by civil penalty of up to \$1,000.

The Republican Party Federal Account is not registered with the Board. The 1st Congressional District RPM accepted the \$1,000 contribution from the Republican Party Federal Account without the required disclosure. The Republican Party Federal Account made the \$1,000 contribution without providing the required disclosure.

This matter was considered by the Board in executive session on November 1, 2011. The Board's decision is based on the correspondence received from William Fisher, Mai Thao, and Board records.

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

Findings Concerning Probable Cause

1. There is probable cause to believe that the 1st Congressional District RPM Committee inadvertently violated Minnesota Statutes, Section 10A.27, subdivision 13, when it accepted a contribution in excess of \$100 from an unregistered association without receiving the appropriate disclosure with the contribution.
2. There is probable cause to believe that the Republican Party of Minnesota Federal Account Committee violated Minnesota Statutes, Section 10A.27, subdivision 13 (b), when it made a contribution in excess of \$100 without providing the required disclosure.
3. There is probable cause that the contribution was not returned within 60 days as permitted under Minnesota Statutes, Section 10A.15, subdivision 3.

Based on the above Findings Concerning Probable Cause, the Board issues the following:

ORDER

1. The Board imposes a civil penalty of \$900, one times the amount by which the contribution exceeded \$100, on the 1st Congressional District RPM for accepting and depositing a contribution from an unregistered association without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13.
2. The 1st Congressional District RPM 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. The Board imposes a civil penalty of \$900, on the Republican Party of Minnesota Federal Account Committee for making a contribution in excess of \$100 to a party unit without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13 (b).
4. The Republican Party of Minnesota Federal Account Committee 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.
5. If the 1st Congressional District RPM or the Republican Party of Minnesota Federal Account Committee 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.
6. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by the civil penalties imposed herein, this matter is concluded.

Dated: November 1, 2011

/s/ John Scanlon

John Scanlon, Chair
Campaign Finance and Public Disclosure Board

Relevant Statutes

10A.27, subdivision 13. Unregistered association limit; statement; penalty. (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must not accept a contribution of more than \$100 from an association not registered under this chapter unless the contribution is accompanied by a written statement that meets the disclosure and reporting period requirements imposed by section 10A.20. This statement must be certified as true and correct by an officer of the contributing association. The committee, fund, or party unit that accepts the contribution must include a copy of the statement with the report that discloses the contribution to the board. This subdivision does not apply when a national political party contributes money to its affiliate in this state.

(b) An unregistered association may provide the written statement required by this subdivision to no more than three committees, funds, or party units in a calendar year. Each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An unregistered association or an officer of it is subject to a civil penalty imposed by the board of up to \$1,000, if the association or its officer:

(1) fails to provide a written statement as required by this subdivision; or

(2) fails to register after giving the written statement required by this subdivision to more than three committees, funds, or party units in a calendar year.

(c) The treasurer of a political committee, political fund, principal campaign committee, or party unit who accepts a contribution in excess of \$100 from an unregistered association without the required written disclosure statement is subject to a civil penalty up to four times the amount in excess of \$100.