

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

CONCILIATION
AGREEMENT

In the matter of the Volunteers for Russ (Bertsch) Committee (#17037);

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

1. The Volunteers for Russ (Bertsch) Committee (the Committee) is the principal campaign committee of Russell Bertsch. During 2012, the Committee accepted \$8,850 in contributions from special sources. These sources include large givers from whom the Committee accepted \$6,100, registered lobbyists from whom the Committee accepted \$1,050, and political committees or political funds from which the Committee accepted \$1,700. The total amount of these contributions exceeded by \$1,950 the applicable limit on aggregate contributions from special sources, which for a state representative candidate was \$6,900. The \$1,950 in excess contributions was not returned within 60 days, and thus, is deemed accepted under Minnesota Statutes section 10A.15, subdivision 3.

2. In a letter dated April 23, 2013, Shawn Busse, the Committee treasurer, stated that "On the evening of January 31, 2013, upon preparation of the 2012 Year-End Report of Receipts and Expenditures, it was discovered...that excess special source donations of \$1,950 had been unknowingly accepted. ... Upon consultation with Mr. Bertsch, it was determined that the proper, and ethical, course of action would be to return...five individual contributions in their entirety. ...Five cashier's checks, each in the amount of \$500, were processed and mailed to the individual donors on February 1, 2013."

3. Board records show that this is the first calendar year in which the Committee reported acceptance of contributions that exceeded the applicable aggregate contribution limit. The Committee registered with the Board on February 18, 2010.

4. The parties agree that the Committee accepted excessive contributions from special sources resulting in an inadvertent violation of Minnesota Statutes section 10A.27, subdivision 11, in calendar year 2012.

5. The Candidate has returned \$2,500 to contributors described in paragraph 1 to bring the Committee into compliance. Copies of the checks used to return the excess contributions were provided to the Board. The candidate points out that this amount is \$1,500 more than the minimum he would have been required to return to bring his committee within the aggregate special source limit. The candidate requested that the Board credit this amount toward the civil penalty but the Board declined to apply such a credit.

6. The candidate has expressed his desire to terminate his principal campaign committee and plans to do so should the Board accept this agreement. The committee has a cash balance of \$618, which has been verified by staff review of a bank statement provided by the candidate.

7. The Candidate, Russ Bertsch, agrees to a civil penalty imposed by the Board in the amount of one times the amount of the violation, which is \$1,950, for which he is personally liable, subject to the additional terms of this agreement. By adopting this agreement, the Board imposes the aforementioned penalty.

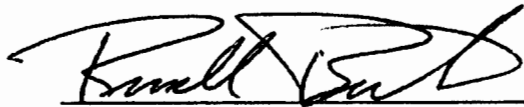
8. The Candidate agrees to pay the remaining committee balance of \$618 toward the civil penalty in this matter by sending a check to the Board payable to the State of Minnesota for deposit in the General Fund of the State within ten days of the Board's acceptance of this agreement. With the payment of the \$618, the committee will submit a termination report which will terminate the committee's registration with the Board.

9. If the candidate registers a new principal campaign committee for any office within four years from the date the Board accepts this agreement, the candidate will pay, either personally or as an obligation of the new principal campaign committee, the remaining balance of \$1,332, which is the difference between the \$1,950 penalty imposed by the Board and the \$618 that will pursuant to paragraph 8 of this agreement. This payment is due not later than 90 days after the date the new committee registers.

10. If the Candidate does not form a new principal campaign committee for a period of four years after the date this agreement is signed by the Board, the balance of the civil penalty imposed under paragraph 7 is waived by the Board.

11. It is understood and agreed that if the payment of \$618 toward the civil penalty is not paid within the time specified in paragraph 8 above or if the candidate does not file its termination report as agreed in paragraph 8, the Board may declare this agreement to be null and void and may take further action to resolve this matter.

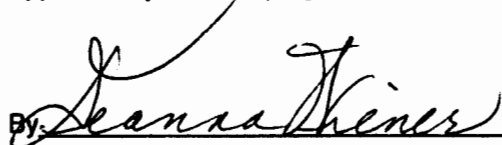
12. It is further understood and agreed that this agreement is confidential until signed by the Candidate and the Board Chair. Once signed, the agreement shall become a matter of public record, and the statutory requirement of confidentiality shall no longer apply. Minnesota Statutes section 10A.02,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



Russell Bertsch

Dated: 9/9/2013

Approved by the Campaign Finance and Public Disclosure Board



Deanna Wiener, Chair
Campaign Finance and Public Disclosure Board

Dated: 9/10/13, 2013