

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

**AGREEMENT TO RESOLVE
MATTER UNDER STAFF REVIEW
#1006**

In the Matter of the Constitution Party of Minn (Registration No. 40855);

1. A routine staff review by the Minnesota Campaign Finance and Public Disclosure Board of the Constitution Party of Minn's 2012 amended year-end Report of Receipts and Expenditures revealed a contribution which, as reported, may have constituted a violation of Minnesota Statutes, Chapter 10A.
2. The Constitution Party of Minn reported that on August 2, 2012, it received a contribution from James Niemackl for Senate in the amount of \$400. An inquiry into the contribution led to the discovery that James Niemackl for Senate is a federally registered committee, which constitutes an unregistered association under Chapter 10A.
3. In 2012, Minnesota Statutes section 10A.27, subdivision 13, prohibited a political committee from accepting a contribution from an unregistered association that exceeded \$100 unless the contributor also provided a written disclosure statement as required by that section. The appropriate disclosure was not provided with the James Niemackl for Senate contribution.
4. To resolve this matter informally and to avoid these violations in the future the Constitution Party of Minn agrees that it will:
 - a. Return the \$400 contribution to James Niemackl for Senate within 30 days and provide a copy of the check and letter used to return the contribution to the Board;
 - b. Send its treasurer to attend the Board's in-person compliance training within 3 months of the date this agreement is approved by the Board;
 - c. Continue to use the CFR software provided by the Board for filing reports and amendments for a period of 4 years;
 - d. Not accept any contributions from associations that are unregistered with the Board for a period of 4 years;
 - e. Within 30 days provide a copy of the committee's 2012 and 2013 year-end bank statements and a statement reconciling the balance shown on those statements with the committee's ending cash balances reported to the board for 2012 and 2013.

5. The Constitution Party of Minn agrees that the Board's acceptance of this agreement constitutes the imposition of a civil penalty in the amount of \$300 against the Constitution Party of Minn for accepting a contribution that was \$300 more than it was permitted to accept without the disclosure required by Minnesota Statutes section 10A.27, subdivision 13. \$100 of the penalty is due within 30 days of the date the agreement is approved by the Board. \$200 of the penalty is, by the terms of this agreement, stayed for a period of four years from the date the agreement is approved by the Board. If the Constitution Party of Minn violates Minnesota Statutes section 10A.27, subdivision 13 within four years of the date the agreement is approved by the Board, the outstanding civil penalty is due immediately. If the Constitution Party of Minn does not violate Minnesota Statutes section 10A.27, subdivision 13 within four years of the date the agreement is approved by the Board, the outstanding civil penalty is waived.

6. If the Constitution Party of Minn does not comply with the provisions of this agreement, this matter may be reopened by the Board and the Board may take such actions as it deems appropriate.

/s/ James Niemackl Dated: 8/6/2014
James Niemackl, Treasurer
Constitution Party of Minn

/s/ Gary Goldsmith Dated: 8/12/2014
Gary Goldsmith, Executive Director
Campaign Finance and Public Disclosure Board

Agreement approved by Board at meeting of August 13, 2014

/s/ Deanna Wiener
Deanna Wiener, Chair
Campaign Finance and Public Disclosure Board