

**STATE OF MINNESOTA  
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD  
FINDINGS IN THE MATTER OF A COMPLAINT REGARDING  
SENATOR JOHN MARTY**

**Procedural Background**

On September 9, 2003, Ron Eibensteiner, Chair, Republican Party of Minnesota, filed a complaint with the Campaign Finance and Public Disclosure Board (“Board”) against Senator John Marty alleging that Senator Marty violated Minn. Stats. §10A.025, and §10A.09.

Mr. Eibensteiner alleged that Senator Marty filed economic interest statements with the Board that either contained false information or omitted information required to be disclosed. Specifically, Mr. Eibensteiner alleged that Senator Marty failed to disclose compensation he received as a writer/editor for the Apple Pie Alliance.

In support of his complaint, Mr. Eibensteiner provided a copy Senator Marty’s biography from the Senate web site, printouts from the Apple Pie Alliance web site and copies of previously filed Statements of Economic Interest.

By letter dated September 11, 2003, the Board notified Senator Marty of the complaint and afforded him an opportunity to respond. Senator Marty responded on October 2, 2003, and stated that he volunteered his time and services to the Apple Pie Alliance and did not receive any compensation. Senator Marty stated, “I volunteered my time writing and speaking for numerous organizations last year, and did not receive compensation.”

This matter was considered by the Board in executive session at its meetings on September 17, 2003, and October 22, 2003. The Board’s decision was based on the complaint, the response, and Board records.

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

**EVIDENTIARY FINDINGS**

1. Minn. Stat §10A.01, subd. 5, defines an “associated business” as “an association from which the individual receives compensation in excess of \$50, except for actual and reasonable expenses, in any month as a director, officer, owner, member, partner, employer, or employee, or whose securities the individual holds worth \$2,500 or more at fair market value.”
2. Minn. Stat. §10A.09, subd. 5, (2) requires that an individual filing a statement of economic interest disclose any associated business and the nature of that association.
3. There is no evidence that Senator Marty received compensation in excess of \$50 for his work as a writer for the Apple Pie Alliance.

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

**FINDINGS CONCERNING PROBABLE CAUSE**

1. There is no probable cause to believe that Senator Marty was required to disclose any compensation received for his work as a writer on his Statements of Economic Interest, under Minn. Stat. §10A.09.
2. There is no probable cause to believe that Senator Marty violated Minn. Stat. §10A.025, subd. 2, by knowingly omitting required information.

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

**ORDER**

1. The complaint alleging that Senator Marty violated Minn. Stat. §10A.025 by knowingly filing a false report is dismissed in its entirety.
2. The complaint alleging that Senator Marty violated Minn. Stat. §10A.09, subd. 5, by failing to disclose compensation received for his work as a self-employed attorney is dismissed in its entirety.
3. The record in this matter and all correspondence is entered into the public record in accordance with Minn. Stat. §10A.02, subd. 11. Board staff shall provide copies to Senator Marty and Mr. Eibensteiner.

Dated: October 22, 2003

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Clyde Miller, Chair  
Campaign Finance and Public Disclosure Board