

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING
CITIZENS AGAINST GAMBLING EXPANSION**

Procedural Background

On February 27, 2004, David Hoch ("Complainant") filed a complaint on behalf of Minnesotans for Responsible Gaming against Citizens Against Gambling Expansion alleging that Citizens Against Gambling Expansion violated Minnesota Statutes, Chapter 10A.

Citizens Against Gambling Expansion (#40918) is a registered political committee. David Strom is the chair and treasurer of this committee and a registered lobbyist for a separate association. In his complaint Mr. Hoch stated that in February 2004, Citizens Against Gambling Expansion mailed a pamphlet to 60,000 individuals that urged its recipients to "Go to your precinct caucuses March 2nd. Pass a resolution opposing state-sponsored gambling." The pamphlet also contained sample language to add opposition to expanded gambling as a plank to state political party platforms.

The complaint contends that the purpose of the pamphlet is to influence legislative and administrative actions, and that Citizens Against Gambling Expansion violated Chapter 10A by failing to register with the Board as a Lobbyist Principal when it paid for and distributed the pamphlet. In support of his complaint, Mr. Hoch provided a copy of the pamphlet.

By letter dated February 27, 2004, and by telephone calls from Board staff, Mr. Strom was notified of the complaint and offered an opportunity to respond to the complaint. No response was received.

This matter was considered by the Board in executive session at its meeting on April 28, 2004. The Board's decision was based upon the complaint, the documents provided in support of the complaint, and Board records.

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

EVIDENTIARY FINDINGS

1. Minnesota Rules 4511.0100, subp. 3, defines "lobbying" as attempting to influence legislative action, administrative action, or the official action of a metropolitan governmental unit by communicating with or urging others to communicate with public officials or local officials in metropolitan governmental units. Advocating a position for a party platform is not lobbying under Minnesota Rules 4511.0100, subp. 3.
2. A "principal" is defined by Minn. Stat. 10A.01, subd. 33, as an individual or association that spends more than \$500 in the aggregate to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist or spends a total of at least \$50,000 in any calendar year on lobbying efforts. Principals are not required to register with the Board. Lobbyist principals are identified when lobbyist register on behalf of associations. An association that does not employ a lobbyist but which spends at least \$50,000 on lobbying efforts (including mailings) is also a lobbyist principal.

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

FINDINGS CONCERNING PROBABLE CAUSE

Advocating a position for a party platform is not a form of lobbying as defined by Minnesota Rules 4511.0100, subp. 3. and thus there is no probable cause to believe that Citizens Against Gambling Expansion meets the definition of lobbyist principal.

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

ORDER

1. The complaint alleging that Citizen Against Gambling Expansion violated Minnesota Statute Chapter 10A is dismissed in its entirety.
2. 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 Mr. Strom and Mr. Hoch.

Dated: April 28, 2004

Wil Fluegel, Chair

Campaign Finance and Public Disclosure Board