

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

**FINDINGS IN THE MATTER OF THE ACCEPTANCE OF
A CONTRIBUTION FROM A LOBBYIST DURING
THE REGULAR 2003 LEGISLATIVE SESSION
BY THE BILL MCLAUGHLIN SENATE 3 CAMPAIGN COMMITTEE**

PROCEDURAL BACKGROUND

In response to an inquiry from the Campaign Finance and Public Disclosure Board ("the Board"), George Broberg, treasurer for the Bill McLaughlin Senate 3 Campaign Committee, submitted a letter on April 23, 2004, which stated, "I have enclosed a copy of the check we received from Mr. Kwilas [Anthony Kwilas #0199]. As you can see he never dated the check which I never noticed when I turned it in to the bank on March 1, 2003. I assume that Bill [McLaughlin] collected the check within a couple of days before I gave it to the bank. Anyway you look at it; it appears as if it was a contribution during the legislative session."

Minn. Stat. 10A.273 subd. 1, prohibits a candidate for state legislative office from accepting a contribution from a lobbyist during a regular session of the legislature. The 2003 legislature was in session from January 7 to May 19, 2003.

Mr. Broberg provided a copy of Mr. Kwilas's undated check for \$200. Minn. Stat. 10A.27, subd. 1, (4) limits the amount a candidate for state senate can accept in a non-election year to \$100.

This matter was considered by the Board in executive session on June 15, 2004.

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

EVIDENTIARY FINDINGS

1. The Bill McLaughlin Senate 3 Campaign Committee reported accepting a \$200 contribution during March 2003 from a lobbyist registered with the Board.
2. Minn. Stat. 10A.273, subd. 1, prohibits a principal campaign committee from accepting a contribution from a registered lobbyist during a regular session of the legislature. The 2003 legislature was in session from January 7 to May 19, 2003.
3. Minn. Stat. 10A.27, subd. 1, (4), prohibits the principal campaign committee for a candidate for state senate from accepting a contribution from a lobbyist in excess of \$100 during a non-election year.
4. Board records show that this is the first calendar year in which the Bill McLaughlin Senate 3 Campaign Committee reported acceptance of contributions from registered lobbyists during the regular legislative session.
5. Board records show that this is the first calendar year in which the Bill McLaughlin Senate 3 Campaign reported acceptance of a facially excessive contribution.

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

FINDING CONCERNING PROBABLE CAUSE

1. There is probable cause to believe that the Bill McLaughlin Senate 3 Campaign Committee violated Minn. Stat. 10A.273 by accepting a contribution from a registered lobbyist during the regular session of the legislature in 2003.
2. There is probable cause to believe that the Bill McLaughlin Senate 3 Campaign Committee violated Minn. Stat. 10A.27, subd. 1 (4), when it accepted a \$200 contribution in March 2003.

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

ORDER

1. In lieu of forwarding the above public finding of probable cause to the county attorney in Itasca County to pursue a judgment in district court, the Board orders the Bill McLaughlin for Senate 3 Campaign Committee to pay a civil penalty of \$400, for acceptance of a contribution from a registered lobbyist during the regular 2003 legislative session.
2. Pursuant to Minn. Stat. 10A.28, subd. 3, there being evidence that the Bill McLaughlin for Senate 3 Campaign Committee accepted a facially excessive contribution, the Board directs staff to enter into the mandatory conciliation process with the Bill McLaughlin for Senate 3 Campaign Committee.
3. If the Bill McLaughlin for Senate 3 Campaign does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the Itasca County Attorney for civil enforcement pursuant to Minn. Stat. 10A.273.
4. The Board investigation of this matter is entered into the public record in accordance with Minn. Stat. 10A.02, subd. 11, and upon receipt of a signed conciliation agreement, and payment of the civil penalty imposed herein, this matter is concluded.

Dated: July 15, 2004 _____

Wil Flugel, Chair

Campaign Finance and Public Disclosure Board