

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

**FINDINGS IN THE MATTER OF
A CONTRIBUTION ACCEPTED
DURING THE REGULAR 2004 LEGISLATIVE SESSION
BY THE PAUL GARDNER FOR MINNESOTA HOUSE COMMITTEE**

PROCEDURAL BACKGROUND

On its Report of Receipts and Expenditures for the period covering January 1, 2004, through August 23, 2004, Carpenter's Union Local #87 PAF disclosed to the Campaign Finance and Public Disclosure Board ("the Board") a \$500 contribution to the Paul Gardner for Minnesota House Committee on April 21, 2004. Minn. Stat. §10A.273, subd. 1 (a), prohibits a candidate for legislative office from accepting a contribution from a political fund during a regular session of the legislature. The regular 2004 legislative Session was held from February 2, 2004, to May 16, 2004.

In response to an inquiry from Board staff, Paul Gardner, candidate, Paul Gardner for Minnesota House Committee, stated that he deposited the contribution from the Carpenters Union Local #87 PAF on May 19, 2004. In a letter dated December 20, 2004, Mr. Gardner stated "I do not have any records confirming that the Carpenter's Local 87 contribution was received on May 17th or 18th."

This matter was considered by the Board in executive sessions on January 25, 2005, and February 22, 2005. The Board's decision was based on correspondence from Mr. Gardner and Board records.

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

EVIDENTIARY FINDINGS

1. There is sufficient evidence that the Paul Gardner for Minnesota House Committee, a registered principal campaign committee, inadvertently accepted a \$500 contribution from Carpenters Local #87 PAF, a registered political fund, during the regular 2004 legislative session.
2. There is no evidence that the Paul Gardner for Minnesota House Committee returned this contribution. Minn. Stat. §10A.273, subd. 1 (a), prohibits a candidate for legislative office from accepting a contribution from a political fund during a regular session of the legislature. The regular 2004 legislative Session was held from February 2, 2004, to May 16, 2004.

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

FINDING CONCERNING PROBABLE CAUSE

There is probable cause to believe that the Paul Gardner for Minnesota House Committee inadvertently violated Minn. Stat. §10A.273, subd. 1 (a), by accepting a contribution from a political fund during the regular session of the legislature in 2004.

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

ORDER

1. The Paul Gardner for Minnesota House Committee is directed to return \$500 to Carpenters Local #87 PAF and to provide the Board with a copy of the check returning the contribution and the accompanying letter within 30 days of the public posting of this order.
2. In lieu of forwarding the above public finding of probable cause to the appropriate county attorney to pursue a judgment in district court, the Board imposes a civil penalty of \$500 on the Paul Gardner for Minnesota House Committee for acceptance of a contribution during the regular 2004 legislative session.
3. The Paul Gardner for Minnesota House Committee is directed to forward to the Board payment of the civil penalty, by check or money order payable to the STATE OF MINNESOTA, within thirty days after receipt of this order.
4. If the Paul Gardner for Minnesota House Committee does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the Ramsey County Attorney for civil enforcement pursuant to Minn. Stat. § 10A.273.
5. The Board investigation of this matter is entered into the public record in accordance with Minn. Stat. §10A.02, subd. 11, and upon payment by the Paul Gardner for Minnesota House Committee of the civil penalty imposed herein, the matter is concluded.

Dated: February 22, 2005



Terri Ashmore, Chair
Campaign Finance and Public Disclosure Board