

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

CONCILIATION

AGREEMENT

In the matter of the Mary Ellen Otremba Volunteer Committee (#14823);

Pursuant to Minn. Stat. §10A.28, subd. 3, the Campaign Finance and Public Disclosure Board and Representative Mary Ellen Otremba hereby agree as follows:

1. During 2004, the Mary Ellen Otremba Volunteer Committee accepted \$5,900 in contributions from special sources. These sources include registered lobbyists from whom the Committee accepted \$200, and political committees or political funds from which the Committee accepted \$5,700. The total amount of these contributions exceeded by \$200 the applicable limit on aggregate contributions from special sources, which for this candidate was \$5,700. The amount of the excess contributions was not returned to the contributors within 60 days as required by Minn. Stat. §10A.15, subd. 3.

2. By letter dated August 9, 2005, Representative Otremba indicated that she meant to return the excess amount within 60 days, but that she inadvertently misplaced the letter returning the check. Representative Otremba provided a copy of the check and accompanying letter returning the contribution on July 30, 2005.

3. Board records show that this is the first calendar year in which the Mary Ellen Otremba Volunteer Committee reported acceptance of contributions which exceeded the applicable aggregate contribution limit. The Mary Ellen Otremba Volunteer Committee registered with the Board on September 15, 1997.

4. The parties agree that the Mary Ellen Otremba Volunteer Committee accepted excessive contributions from special sources in calendar year 2004 resulting in an inadvertent violation of Minn. Stat. §10A. 27, subd. 11.

5. The Board imposes a civil penalty of \$200, one times the amount by which the contributions exceeded the applicable limit, to be paid to the Board for deposit in the general fund of the state.

6. Representative Otremba hereby agrees to forward to the Board \$200 by check or money order payable to the STATE OF MINNESOTA within 30 days after the date this Agreement is signed by the Board chair. It is agreed by the parties that the copies of the checks and the accompanying letters returning the contributions, payment of the civil penalty of \$200, and this Conciliation Agreement will be a bar to any civil proceeding under Minn. Stat. §10A.28, subds. 3 and 4.

7. It is further understood and agreed that if the civil penalty of \$200 is not paid within the time specified in paragraph 6 above, then Representative Otremba will be personally liable to pay a civil penalty, under Minn. Stat. §§10A.28 and 10A.34, subd. 1, in an amount calculated as follows:

(a) \$400 or two times the amount by which the contributions exceeded the statutory limit, if payment is received 31 to 60 days after the date this Agreement is signed by the Board Chair;

(b) \$600 or three times the amount by which the contributions exceeded the statutory limit, if payment is received 61 to 90 days after the date this Agreement is signed by the Board Chair;

(c) \$800 or four times the amount by which the contributions exceeded the statutory limit, if payment is received 91 to 120 days after the date this Agreement is signed by the Board Chair.

8. It is further understood that if the civil penalty is not paid as agreed within the times specified in paragraphs 6 and 7 above, the Board will proceed to enforce the provisions of Minn. Stat. §10A.28, subd. 4.

9. It is further understood and agreed that this Agreement is confidential until signed by Representative Otremba and the Board Chair; the signed Agreement then shall become a matter of public record, and the statutory requirement of confidentiality shall no longer apply. Minn. Stat. §§10A.02, subd. 11 and 10A.28, subd. 3.

Mary Ellen Otremba Dated: 9-17-05
Representative Mary Ellen Otremba

Approved by the Campaign Finance and Public Disclosure Board

By Terri Ashmore Dated: 9-22-05
Terri Ashmore, chair

Campaign Finance and Public Disclosure Board