

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

CONCILIATION
AGREEMENT

In the matter of the Committee to Elect Michael J Germain to State Senate (#16318);

Pursuant to Minnesota Statutes, section 10A.28, subdivision 3, the Campaign Finance and Public Disclosure Board and Michael Germain (hereinafter referred to as "the Candidate") hereby agree as follows:

1. During 2005, the Committee to Elect Michael J Germain to State Senate ("the Committee") accepted \$500 contributions from two individuals. The total amount of these contributions facially exceeded by \$800 the applicable nonelection year limit on contributions from individuals, set out in Minnesota Statutes, section 10A.27, subdivision 1, clause 4. The amount of \$800 in excess contributions was not returned within 60 days as required by Minnesota Statutes, section 10A.15, subdivision 3.
2. In a letter to the Board, Michael Germain states, "This was not done intentionally. I do not know how I could have misread so completely the contribution limits for 2005, but I did."
3. Board records show that this is the first calendar year in which the Committee reported acceptance of contributions that facially exceeded the applicable contribution limit. The Committee registered with the Board on November 4, 2005.

4. The parties agree that the Committee accepted facially excessive contributions from individuals resulting in an inadvertent violation of Minnesota Statutes, section 10A.27, subdivision 1, in calendar year 2005.

5. The Board imposes a civil penalty of \$200, to be paid to the Board for deposit in the general fund of the state. Copies of the checks returning the contributions have been forwarded to the Board.

6. The Candidate 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 payment of the civil penalty of \$200 and this Conciliation Agreement will be a bar to any civil proceeding under Minnesota Statutes, section 10A.28, subdivisions 3 and 4.

7. It is further understood and agreed, however, that if the civil penalty of \$200 is not paid within the time specified in paragraph 6 above, then the Candidate will be personally liable to pay a civil penalty, under Minnesota Statutes, sections 10A.28 and 10A.34, subdivision 1, in an amount calculated as follows:

(a) \$400 which is two times the amount of the civil penalty, if payment is received 31 to 60 days after the date this Agreement is signed by the Board Chair,

(b) \$600 which is three times the amount of the civil penalty, if payment is received 61 to 90 days after the date this Agreement is signed by the Board Chair;

(c) \$800 which is four times the amount of the civil penalty, if payment is received more than 90 days after the date this Agreement is signed by the Board Chair.

8. It is further understood and agreed that this Agreement is confidential until signed by the Candidate 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. Minnesota Statutes, section 10A.02, subdivision 11 and section 10A.28, subdivision 3.

Michael J. Germain

Dated: 4-17-06

Michael Germain

Approved by the Campaign Finance and Public Disclosure Board

By Bob Milbert

Dated: 4/24/06

Bob Milbert, Chair

Campaign Finance and Public Disclosure Board