

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
CONCILIATION
AGREEMENT

In the matter of the (Joseph) Opatz Volunteer Committee;

Pursuant to Minn. Stat. §10A.28, subd. 3, the Campaign Finance and Public Disclosure Board (“the Board”) and Representative Joseph Opatz hereby agree as follows:

1. During calendar year 2003, the (Joseph) Opatz Volunteer Committee accepted aggregate contributions totaling \$200 from the Minnesota Funeral Services PAC, a registered political committee. These contributions cumulatively exceeded by \$100 the \$100 non-election year limit for a political committee contribution as set out in Minn. Stat. §10A.27, subd. 1(a)(5). The amount of the excess contribution was not returned by the committee within 60 days as required by Minn. Stat. §10A.15, subd. 3.

2. In a letter received February 20, 2004, Representative Opatz stated “I discovered an error I made in accepting a second \$100 PAC contribution from Minnesota Funeral Services PAC...that put me over the \$100 limit. I immediately send them a check for \$100.” Representative Opatz provided the Board with a copy of the check returning the contribution.

3. The (Joseph) Opatz Volunteer Committee registered with the Board on February 20, 1992. This is the first calendar year in which the (Joseph) Opatz Volunteer Committee reported acceptance of a contribution that exceeded the applicable contribution limit.

4. The parties agree that the (Joseph) Opatz Volunteer Committee accepted a cumulatively excessive contribution in calendar year 2003, resulting in an inadvertent violation of Minn. Stat. §10A. 27, subd. 1(a)(5).

5. The Board imposes a civil fine totaling \$100 to be paid to the Board for deposit in the general fund of the state. This civil fine represents one times the amount by which the contribution exceeded the applicable contribution limit.

6. Representative Opatz hereby agrees to forward to the Board \$100 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 fine of \$100, 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, however, that if the civil fine of \$100 is not paid within the time specified in paragraph 6 above, then Representative Opatz will be personally liable to pay a civil fine, under Minn. Stat. §§10A.28 and 10A.34, subd. 1, in an amount calculated as follows:

- (a) \$200, two times the amount by which the contribution exceeded the statutory limit, if payment is received 31-60 days after the date this Agreement is signed by the Board Chair;

(b) \$300, three times the amount by which the contribution exceeded the statutory limit, if payment is received 61-90 days after the date this Agreement is signed by the Board Chair;

(c) \$400, four times the amount by which the contribution exceeded the statutory limit, if payment is received 91-120 days after the date this Agreement is signed by the Board chair.

8. It is further understood that if the civil fine 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 Opatz 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.

Representative Joseph Opatz

Dated: May 29, 2004

Approved by the Campaign Finance and Public Disclosure Board

By _____
Wil Fluegel
Chair, Campaign Finance and Public Disclosure Board

Dated: June 3, 2004