

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
CONCILIATION
AGREEMENT

In the matter of the Minnesota Funeral Services PAC;

Pursuant to Minn. Stat. §10A.28, subd. 3, the Campaign Finance and Public Disclosure Board and, Kelly Guncheon, treasurer, hereby agree as follows:

1. During calendar year 2003, the Minnesota Funeral Services PAC contributed \$200 to four principal campaign committees which 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) (4) and (5), and resulted in violations of Minn. Stat. §10A.28, subd. 2. On January 6, 2003, the committee made contributions to the following principal campaign committees, the Ellen Anderson for Senate Volunteer Committee, the Dave Knutson Volunteer Committee, the Committee to Elect Bill Kuisle, and the (Joseph) Opatz Volunteer Committee. These excess contributions were not returned by these parties within 60 days as required by Minn. Stat. §10A.15, subd. 3.

2. In a letter received on February 13, 2004, Kelly Guncheon, treasurer, stated "we were late in sending 2002 contributions to the legislators and ended up sending them in January 2003. When we determined contributions we would make again in the fall of 2003, I had forgotten about these

late contributions we had made in January. It was entirely a bookkeeping error on my part, with absolutely no intent to circumvent the rules.”

3. The Minnesota Funeral Services PAC registered with the Board on August 30, 1974. Prior to August 1, 2002, there was no penalty for a political committee that made contributions in excess of the applicable limits.

4. The parties agree that the Minnesota Funeral Services PAC made cumulatively excessive contributions to the four aforementioned principal campaign committees in calendar year 2003, resulting in an inadvertent violation of Minn. Stat. §10A.28, subd. 2.

5. Kelly Guncheon hereby agrees to provide the Board with copies of the checks and accompanying letters received from the four aforementioned committees returning the excess amounts. The copies should be received within thirty days after the date this Conciliation Agreement is signed by the Board chair.

6. The Board imposes a civil fine totaling \$400 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 contributions exceeded the applicable contribution limit.

7. Kelly Guncheon hereby agrees to forward to the Board \$400 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. Kelly Guncheon also agrees to forward copies of the checks received from the four aforementioned principal campaign committees within 30 days after the date this Agreement is signed by the Board chair. It is agreed by the parties that copies of the checks, the payment of the civil fine of \$400, and this Conciliation Agreement will be a bar to any civil proceeding under Minn. Stat. §10A.28, subds. 3 and 4.

8. It is further understood and agreed, however, that if the civil fine of \$400 is not paid within the time specified in paragraph 7 above, then Kelly Guncheon, chair, will be personally liable to pay a civil fine, under Minn. Stat. § 10A.34, subd. 1, in an amount calculated as follows:

- (a) \$800, two times the amount by which the contribution exceeded the statutory limit, if payment is received 31 to 60 days after the date this Agreement is signed by the Board Chair;
- (b) \$1,200, three times the amount by which the contribution exceeded the statutory limit, if payment is received 61 to 90 days after the date this Agreement is signed by the Board Chair;
- (c) \$1,600, four times the amount by which the contribution exceeded the statutory limit, if payment is received 91 to 120 days after the date this agreement is signed by the Board chair;

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

10. It is further understood and agreed that this Agreement is confidential until signed by Kelly Guncheon 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.

_____ Dated:
Kelly Guncheon

Approved by the Campaign Finance and Public Disclosure Board

By _____ Dated: June 15, 2004
Wil Fluegel
Chair, Campaign Finance and Public Disclosure Board