

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
CONCILIATION
AGREEMENT

In the matter of the Education Minnesota PAC (#30558);

Pursuant to Minn. Stat. §10A.28, subd. 3, the Campaign Finance and Public Disclosure Board and Jan Alswager, treasurer, Education Minnesota PAC, hereby agree as follows:

1. During calendar year 2003, the Education Minnesota PAC contributed \$200 to the Tom Rukavina Campaign Committee which cumulatively exceeded the \$100 non-election year limit for a political committee contribution as set out in Minn. Stat. §10A.27, subd. 1(a)(5), and resulted in a violation of Minn. Stat. §10A.28, subd. 2. Education Minnesota PAC contributed \$100 to the Tom Rukavina Campaign Committee on January 6, 2003, and \$100 on August 29, 2003. Cumulatively, these contributions exceeded the applicable limit by \$100. The amount of the excess contribution was not returned by the Tom Rukavina Campaign Committee within 60 days as required by Minn. Stat. §10A.15, subd. 3.

2. In a letter dated August 11, 2004, Harley M. Ogata, counsel, stated “we made an error and should have only issued one check to the Rukavina Committee in the year 2003. We have revised our record keeping system to ensure that a similar incident will not recur.”

3. Education Minnesota PAC registered with the Board on September 15, 1998. Prior to August 1, 2002, there was no penalty for a committee that made a contribution in excess of the applicable limits.

4. The parties agree that Education Minnesota PAC made a cumulatively excessive contribution to the Tom Rukavina Campaign Committee in calendar year 2003, resulting in an inadvertent violation of Minn. Stat. §10A.28, subd. 2.

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. Jan Alswager 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. Jan Alswager also agrees to forward a copy of the check received from the Tom Rukavina Campaign Committee within 30 days after the date this Agreement is signed by the Board chair. It is agreed by the parties that a copy of the check received from the Tom Rukavina Campaign Committee, the 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 Jan Alswager, will be personally liable to pay a civil fine, under Minn. Stat. § 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 to 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 to 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 to 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 Jan Alswager 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: September 7, 2004
Jan Alswager

Approved by the Campaign Finance and Public Disclosure Board

By _____ Dated: September 14, 2004
Wil Fluegel
Chair, Campaign Finance and Public Disclosure Board