REGULAR SESSION AGENDA

1. Minutes
   Regular session, June 14, 2017

2. Chair’s report
   A. Meeting schedule

3. Executive director report

4. Administrative rules update

5. Enforcement report

6. Legal report

7. Other business

EXECUTIVE SESSION
Immediately following regular session
STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

June 14, 2017
Room 300N
State Office Building

MINUTES

The meeting was called to order by Chair Rosen.

Members present: Flynn, Leppik, Moilanen, Oliver (arrived during administrative rules update), Rosen

Others present: Sigurdson, Goldsmith, Pope, staff; Hartshorn, counsel

The meeting did not strictly follow the order of business set forth in the agenda.

CHAIR’S REPORT

Meeting schedule

The next Board meeting is scheduled for 9:30 a.m. on Wednesday, July 5, 2017.

EXECUTIVE DIRECTOR TOPICS

Mr. Sigurdson presented members with a memorandum on Board operations that is attached to and made a part of these minutes. Mr. Sigurdson told members that 1,300 of 2,145 lobbyist disbursement reports had not been filed yet and that staff would be busy during the next few days reminding those lobbyists of the upcoming June 15th filing deadline. Mr. Sigurdson also updated members about the outcome of the recent legislative session. Mr. Sigurdson said that the Board had received a small increase in its budget for the next biennium that should be sufficient to fund all staff positions. Mr. Sigurdson also told members that the Board’s rulemaking authority remained intact and that funding had been restored for the Political Contributions Refund Program. Mr. Sigurdson said that the new website was moving forward, that the steps necessary to offer online registration on the site were progressing, and that the legacy website probably would not be maintained much longer than July 4th. Finally, Mr. Sigurdson informed members of recent changes to the Board’s staff and his plans for filling the vacant positions.

ADMINISTRATIVE RULES UPDATE

Mr. Sigurdson and Ms. Pope presented members with a memorandum on this matter that is attached to and made a part of these minutes. Mr. Sigurdson said that because there had been a gap in Board service for Members Leppik and Moilanen, staff was recommending that the chair reappoint these members to the rule committee to preempt any issues regarding their service. The rule committee members then would determine the time and place of the committee’s next meeting. Mr. Sigurdson
also said that because the legislature had enacted the technical rules into law, the technical rulemaking, Revisor’s ID Number 4551, was no longer necessary. Mr. Sigurdson asked members to approve a resolution giving him authority to withdraw that rulemaking.

After discussion, the following motions were made:

Member Rosen’s motion: To appoint Members Leppik and Moilanen to the rule committee.

Vote on motion: Unanimously passed (Oliver absent).

Member Leppik’s motion: To adopt the following resolution:

“RESOLVED, that Jeff Sigurdson, the executive director of the Campaign Finance and Public Disclosure Board, is authorized and directed to give notice that the Board has withdrawn the proposed technical rulemaking identified as Revisor’s ID Number R-04451 because the legislature has enacted the proposed rule amendments into law. The executive director must give notice of the withdrawal to the Office of Administrative Hearings and to all persons who have registered their names with the Board for purposes of receiving rulemaking notices. The executive director also is authorized and directed to do anything else necessary to provide notice of the withdrawal to the governor’s office, the revisor or statutes, and others interested in the rulemaking.

Vote on motion: Unanimously passed.

ENFORCEMENT REPORT

A. Discussion Items

1. Confirmation of lobbyist terminations – Paul Christensen, Linda Jackson, Pam Loftquist, Nola Lynch, and Matthew C Nelson

Ms. Pope told members that AFSCME Council 5 was the principal association for the five lobbyists listed above. AFSCME Council 5 had notified Board staff that the listed individuals no longer worked as lobbyists for the organization and had not responded to repeated requests to terminate their lobbyist registrations. Ms. Pope stated that staff then had administratively terminated the lobbyists’ registrations effective May 1, 2017. Ms. Pope said that staff was asking the Board to confirm these administrative terminations.

After discussion, the following motion was made:

Member Flynn’s motion: To confirm the administrative termination of lobbyist registrations for AFSCME Council 5 for Paul Christensen, Linda Jackson, Pam Loftquist, Nola Lynch, and Matthew C. Nelson.

Vote on motion: Unanimously passed.
2. Confirmation of lobbyist termination – Thomas Grundhoefer

Ms. Pope told members that Mr. Grundhoefer’s principal association, the League of Minnesota Cities, had notified Board staff that Mr. Grundhoefer had passed away on February 19, 2017. Board staff then had administratively terminated Mr. Grundhoefer’s lobbyist registration effective on that date. Ms. Pope said that staff was asking the Board to confirm this administrative termination.

After discussion, the following motion was made:

Member Oliver’s motion: To confirm the administrative termination of Thomas Grundhoefer’s lobbyist registration for the League of Minnesota Cities.

Vote on motion: Unanimously passed.

3. Withdrawal of registration – Hahn for Senate Committee

Ms. Pope told members that Edwin Dale Hahn had self-funded his campaign for state senate and therefore was not required to register a committee. Mr. Hahn had filed a late pre-primary report that disclosed all the expenditures he made while running for office. Ms. Pope said that if Mr. Hahn had not registered a committee, the pre-primary report would have satisfied his reporting obligations as an affidavit-only candidate because he made no other expenditures during the year. Ms. Pope said that if the Board allowed Mr. Hahn to withdraw his registration, any fees and civil penalties accrued for the year-end report effectively would be waived but that this decision would not effect the $450 in late fees that Hahn had incurred for the pre-primary report.

After discussion, the following motion was made:

Member Moilanen motion: To allow Edwin Dale Hahn to withdraw his committee’s registration.

Vote on motion: Unanimously passed.

4. Administrative termination of committee, confirmation of cessation of efforts to obtain report and waiver of late fees – Ranal Abdikader (Hassan K Hassan)

Ms. Pope told members that Ranal Abdikader (Hassan K. Hassan) was the principal campaign committee of Hassan K Hassan. Mr. Hassan also served as treasurer for the committee. Ms. Pope said that although the committee was registered in January 2016, Mr. Hassan did not file for office that year. Mr. Hassan then passed away on December 23, 2016. Ms. Pope stated that staff was asking the Board to administratively terminate this committee’s registration, to confirm the cessation of staff’s efforts to obtain the committee’s year-end report, and to waive the late fees and civil penalties accrued for the year-end report.

After discussion, the following motion was made:

Member Flynn’s motion: To confirm the administrative termination of the Ranal Abdikader (Hassan K Hassan) committee; to confirm the
cessation of staff efforts to obtain a 2016 year-end report from the committee, and to waive the late fees and civil penalties accrued for the year-end report.

Vote on motion: Unanimously passed.

5. Request to refer matter to the attorney general’s office – Roxana Bruins for Senate

Ms. Pope told members that Ms. Bruins had failed to file her 2016 year-end report of receipts and expenditures. The year-end report had incurred the maximum $1,000 late filing fee and, as of June 12, 2017, had reached the maximum $1,000 civil penalty. Ms. Pope said that the committee had received $8,407.98 in public subsidy funds during 2016 and had reported a cash balance of $8,717.66 as of 10/30/2016. Ms. Pope stated that staff was asking the Board to refer the matter to the attorney general’s office to seek an order compelling the filing of the report and a judgment for the accrued late filing fees and civil penalties.

After discussion, the following motion was made:

Member Flynn’s motion: To refer Roxana Bruins for Senate to the attorney general’s office to seek an order compelling the filing of the committee’s year-end report and a judgement for the accrued late filing fees and civil penalties.

Vote on motion: Unanimously passed.

6. Request to refer matter to attorney general’s office – Meyer (Christopher John) for Minnesota

Ms. Pope told members that Mr. Meyer had failed to file his 2016 year-end report of receipts and expenditures. The year-end report had incurred the maximum $1,000 late filing fee and, as of June 12, 2017, had reached the maximum $1,000 civil penalty. Ms. Pope said that Mr. Meyer had registered a committee in 2016 but had never filed to run for office and had never filed any reports with the Board.

Ms. Pope stated that staff was asking the Board to refer the matter to the attorney general’s office to seek an order compelling the filing of the report and a judgment for the accrued late filing fees and civil penalties.

After discussion, the following motion was made:

Member Rosen’s motion: To refer Meyer (Christopher John) for Minnesota to the attorney general’s office to seek an order compelling the filing of the committee’s year-end report and a judgement for the accrued late filing fees and civil penalties.

Vote on motion: Unanimously passed.
7. Balance adjustment request – IBEW PAC Minn

Ms. Pope told members that IBEW PAC Minn was a political fund that, in the past, had reported to the Board on a national basis. Consequently, the fund’s reports were very long and primarily included information that was not required to be reported in Minnesota. Ms. Pope said that reporting on a national basis also raised 24-hour notice issues, such as those discussed in waiver request number 10, because every contribution received by the fund during the 24-hour notice period triggered the reporting requirement and potential penalty even if that contribution was never used for a Minnesota election. Ms. Pope said that for these reasons, effective with its 2016 report, the fund wanted to change its practices and report only its Minnesota transactions to the Board. Ms. Pope stated that to bring about this change, the fund was asking the Board to adjust its beginning cash balance for 2016 from $2,721,222.78 to $0.

After discussion, the following motion was made:

Member Flynn’s motion: To grant IBEW PAC Minn’s request to adjust its 2016 beginning cash balance to $0.

Vote on motion: Unanimously passed.

B. Waiver requests

<table>
<thead>
<tr>
<th>Name of Candidate or Committee</th>
<th>Late Fee &amp; Civil Penalty Amount</th>
<th>Reason for Late Reporting</th>
<th>Factors for Waiver</th>
<th>Board Member’s Motion</th>
<th>Motion</th>
<th>Vote on Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sten (Hakanson) for MN Senate</td>
<td>$1,000 LFF</td>
<td>10/28/2016 24-hr</td>
<td>In-kind donation of facility use triggered notice requirement. Failure to report was unintentional, candidate used hundreds of dollars of his own funds to retire campaign debts, and committee has no funds and plans to terminate.</td>
<td>Member Leppik</td>
<td>To reduce the late filing fee to $0.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>CWA Working Voices</td>
<td>$1,000 LFF</td>
<td>11/5/2016 24-hr</td>
<td>Attempt to upload report was made prior to deadline. Filer interpreted pop-up box with checkmark in “Filed” box to mean that report had been filed, but report was never actually uploaded.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $250.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>Ali (Ali) for Minnesota</td>
<td>$1,000 LFF</td>
<td>11/3/2016 24-hr</td>
<td>Candidate did not know that a report was required for personal loan made to committee during 24-hr reporting period. This was candidate’s first run for office.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $500.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>SEIU Healthcare Minn</td>
<td>$1,000 LFF, $1,000 LFF</td>
<td>7/30/2016 24-hr, 11/1/2016 24-hr</td>
<td>New bookkeeper didn’t realize that regular transfers from union general treasury were subject to the 24-hr notice requirement. Date entry error for July transfer and failure to timely enter November transfer prevented bookkeeper from receiving timely alerts from CFR software.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $250 for each violation.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>Coalition of MN Businesses</td>
<td>$1,000 LFF</td>
<td>11/2/2016 24-hr</td>
<td>Error unintentionally occurred when check was delivered directly to bookkeeper who has no access to CFR software. Committee has changed procedures to ensure that all checks are entered into CFR software before bookkeeper processes them.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $250.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>---------------------------</td>
<td>------------</td>
<td>-----------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------</td>
<td>---------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Minn AFL-CIO</td>
<td>$1,000 LFF</td>
<td>7/22/2016 24-hr</td>
<td>Notice requirement was triggered after the fact when pre-primary report was amended to change date of contribution from affiliated association from date of allocation to date of deposit.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $250.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>IATSE #13 PAC Fund</td>
<td>$1,000 LFF</td>
<td>10/28/2016 24-hr</td>
<td>Notice requirement was triggered by contribution from supporting association. Treasurer was unaware of 24-hr notice requirement.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $250.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>AFSCME Council 65 PAC</td>
<td>$1,000 LFF</td>
<td>8/1/2016 24-hr</td>
<td>Notice requirement was triggered by monthly contribution from supporting association. This is the first time where the timing of the monthly contribution has triggered the notice requirement.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $250.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>Firefighters Assn of Mpls Political Fund</td>
<td>$1,000 LFF $1,000 LFF</td>
<td>7/26/2016 24-hr 11/8/2016 24-hr</td>
<td>Reconciliation audit showed discrepancies between Fund’s report and reports of other committees. When Fund amended its report to correctly disclose contributions, there were two contributions that required the 24-hr notice.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $250 for each violation.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>IBEW PAC Minn</td>
<td>$1,000 LFF $1,000 LFF</td>
<td>10/25/2016 24-hr 10/27/2016 24-hr</td>
<td>Notice requirements were triggered by two contributions from supporting association. Treasurer believed 24-hr notices were required only for large contributions from individuals. This is the same fund that is asking for a balance adjustment in discussion item seven.</td>
<td>Member Rosen</td>
<td>To reduce the late filing fee to $250 for each violation.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>David Rinke, Traverse SWCD</td>
<td>$20 LFF 2016 EIS annual</td>
<td>2016 EIS annual</td>
<td>Official not able to write due to medical condition. He sought help completing statement from district but statement was submitted a few days late.</td>
<td>Member Oliver</td>
<td>To waive the late filing fee.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>Robert Brekke Sand Hill River WD</td>
<td>$100 LFF $200 CP</td>
<td>2016 EIS annual</td>
<td>Official left for Texas before 1st notice was mailed and did not return until March. Official resigned from watershed district due to annual requirement.</td>
<td>Member Oliver</td>
<td>To waive the late filing fee and civil penalty.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>Robin Gaustad Acting Comm’r, Dept of Veterans Affairs</td>
<td>$100 LFF $200 CP</td>
<td>2016 EIS annual</td>
<td>Official left position for which annual was required early in 2016. Official left forwarding address with agency but never received initial annual notices. Official filed annual as soon as she received letter notifying her of requirement.</td>
<td>Member Oliver</td>
<td>To waive the late filing fee and civil penalty.</td>
<td>Passed unanimously.</td>
</tr>
<tr>
<td>Name</td>
<td>Occupation or Role</td>
<td>LFF</td>
<td>Date(s)</td>
<td>Reason</td>
<td>Member</td>
<td>Action</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------</td>
<td>-----</td>
<td>---------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Michael Goertz</td>
<td>Medical Services Review Board</td>
<td>$100</td>
<td>2016 EIS annual</td>
<td>Official left board and employment in July to travel. Official did not receive notice until he established residence in California. He then filed his statement.</td>
<td>Member Oliver</td>
<td>To waive the late filing fee. Passed unanimously</td>
</tr>
<tr>
<td>Curt Kleist</td>
<td>N St. Louis SWCD</td>
<td>$100</td>
<td>2016 EIS annual</td>
<td>Official believed he submitted annual before due date but Board records do not show this submission. Official has resigned from SWCD.</td>
<td>Member Oliver</td>
<td>To waive the late filing fee and civil penalty. Passed unanimously</td>
</tr>
<tr>
<td>Janet Moline</td>
<td>for Senate</td>
<td>$700</td>
<td>2016 year-end</td>
<td>Candidate was her own treasurer and has been dealing with medical and legal issues related to a family member’s terminal illness. Committee terminated with year-end report.</td>
<td>Member Leppik</td>
<td>To waive the late filing fee. Passed unanimously</td>
</tr>
<tr>
<td>Scofield (Paul) for Senate</td>
<td></td>
<td>$25</td>
<td>2016 year-end</td>
<td>Treasurer had serious issues with reports and worked with staff to resolve them. Treasurer believed she had uploaded report before deadline. When she double-checked on day after due date, she saw that upload was not received. She then contacted Board for help uploading report.</td>
<td>Member Leppik</td>
<td>To waive the late filing fee. Passed unanimously</td>
</tr>
<tr>
<td>Sherrie Pugh 4 Senate</td>
<td></td>
<td>$425</td>
<td>2016 year-end</td>
<td>Candidate could not be reached because her father unexpectedly passed away. Candidate then had to provide full-time care for mother until mother passed away two months later. When candidate had time to work on report, computer issues prevented her from accessing the report.</td>
<td>Member Leppik</td>
<td>To waive the late filing fee. Passed unanimously</td>
</tr>
<tr>
<td>Jobs Now Coalition</td>
<td></td>
<td>$25</td>
<td>3/15/2016 and 3/15/2017 principal reports</td>
<td>Person responsible for filing reports is a volunteer. She has long-term medical issues that have been complicated by new medical issues, all of which have interfered with her ability to complete tasks like reporting.</td>
<td>Member Leppik</td>
<td>To waive the late filing fees. Passed unanimously</td>
</tr>
<tr>
<td>Coalition of Minnesota</td>
<td>Businesses</td>
<td>$25</td>
<td>3/15/2017 principal</td>
<td>Staff member filed report one day late due to father’s funeral. Staff member also files reports for Minnesota Business Partnership.</td>
<td>Member Leppik</td>
<td>To waive the late filing fee. Passed unanimously</td>
</tr>
<tr>
<td>Minnesota Business Partnership</td>
<td></td>
<td>$25</td>
<td>3/15/2017 principal</td>
<td>Staff member filed report one day late due to father’s funeral. Staff member also files reports for Coalition of Minnesota Businesses.</td>
<td>Member Leppik</td>
<td>To waive the late filing fee. Passed unanimously</td>
</tr>
<tr>
<td>MN Driver &amp; Traffic Safety Assn</td>
<td></td>
<td>$75</td>
<td>3/15/2017 principal</td>
<td>Volunteer responsible for filing report passed away. No one realized that volunteer’s address with Board should be updated until annual meeting in 3/17. New volunteer filed report as soon as he received past due notice.</td>
<td>Member Leppik</td>
<td>To waive the late filing fee. Passed unanimously</td>
</tr>
<tr>
<td>Lois Conroy for Judge</td>
<td></td>
<td>$700</td>
<td>1/31/2017 year-end</td>
<td>Filing notice was sent to candidate because treasurer had only updated address in filing software, which does not amend registration with Board.</td>
<td>Member Moilanen</td>
<td>To reduce the late filing fee to $250. Passed unanimously (Rosen recused).</td>
</tr>
<tr>
<td>Abou Amara</td>
<td></td>
<td>$75</td>
<td>1/17/2017 lobbyist</td>
<td>Lobbyist left employment with principal. He filed lobbyist termination statement and believed that doubled</td>
<td>Postponed to next meeting</td>
<td></td>
</tr>
<tr>
<td>Organization</td>
<td>Filing Amount</td>
<td>Filing Date/Type</td>
<td>Reason for Late Filing</td>
<td>Action Taken</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------</td>
<td>------------------</td>
<td>------------------------</td>
<td>--------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighborhoods Organization for Change (NOC)</td>
<td>$550</td>
<td>3/15/2017 principal</td>
<td>Lobbyist Abou Amara left employment with NOC. He filed a lobbyist termination statement and believed that statement also served as principal report.</td>
<td>Postponed to next meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tavern League of MN</td>
<td>$25</td>
<td>3/15/2017 principal</td>
<td>Staff member filed principal information on lobbyist reporting system. When filed information did not appear to be correct online, he contacted Board after hours to question system. The next day, Board staff helped him file on principal reporting system.</td>
<td>No motion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighbors for Ilhan (Omar)</td>
<td>$150</td>
<td>3/21/2017 year-end amendment</td>
<td>Committee used CFR software on multiple computers, which resulted in inaccurate 2016 year-end report. When committee had not filed promised amendment by March 2017, deadline for amendment was set. Delay in meeting amendment deadline was caused by additional difficulties using CFR software and staff turnover.</td>
<td>No motion</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Informational Items**

A. **Payment of a late filing fee for 2015 year-end report of receipts and expenditures**
   Kittson County DFL, $301.80 (Revenue Recapture) Lyndon Johnson, treasurer

B. **Payment of a late filing fee for 2016 year-end report of receipts and expenditures**
   Marla Vagts Campaign, $50
   Anthony Wilder for House, $25
   Building a Greater Minnesota, $250
   Volunteer Fire Fighter Political Committee, $50

C. **Payment of a civil penalty for 2016 October 31 report of receipts and expenditures**
   Republican Liberty Caucus, $150
   Meg Litts for House 9A, $1,000

D. **Payment of a late filing fee for 2016 July 25 report of receipts and expenditures**
   Marla Vagts Campaign, $100
   Tom Whiteside for MN House, $50
   DFL Hunting and Fishing Caucus, $42
   Mining Industry Leadership Fund, $100
E. Payment of a late filing fee for 24-hour notice of large pre-election contribution

Tom Bakk for Senate, $500
Neighbors for Ilhan Omar, $1,000
IBEW Local 34 Political Education Fund, $250
Joint Council 32, $250
Pipefitters Local 539, $250

F. Late filing fee for public official annual economic interest statement

Mark Anderson, Buffalo-Red River Watershed Dist, $75
Rick Hamer, Lincoln County Elected Public Official, $100
Jessica Ratka, Agri Chemical Response Compensation Board, $55
John Sonstegard, Lake of the Woods SWCD, $55
Harlan Tardy, Board of Aging, $35

G. Payment of a civil penalty for public official annual economic interest statement

Rick Hamer, Lincoln County Elected Public Official, $100

H. Late filing fee for candidate economic interest statement

Marla Vagts, $5

I. Payment of a late filing fee for March 15, 2017, annual report of lobbyist principal

Caribou MSP Airport, $150
Conservis Corporation Inc., $150
Consumer Data Industries, $150
Gender Justice, $75
Iron Mining Assn of Minn, $50
Johnson Controls, $125
Knutson Construction, $350
MN Auto Dealers Assn, $25
MN Psychological Assn, $100
Monterrey Security, $25
Northern Metals Recycling, $25
Preservation Alliance of MN, $125
Tesla Motors Inc., $25

J. Payment of a civil penalty for a contribution from an unregistered association

Chisago County RPM, $10
Greg Ryan for Congress, $10

K. Payment of a civil penalty for a lobbyist contribution without the registration number

Connie Lewis, $25
Jodi Olson, $25
L. Deposit to the General Fund:

   Campaign Fund of Jason Weinerman, Return of Public Subsidy, $67.61
   Eric Pratt for Minnesota, carry forward excess, $2,032.39

ANNUAL REPORT OF BOARD ACTIVITIES – FISCAL YEAR 2016

Mr. Sigurdson presented members with a draft copy of the annual report of Board activities that is attached to and made a part of these minutes. Mr. Sigurdson briefly reviewed the report and answered questions from members.

After discussion, the following motion was made:

   Member Leppik’s motion: To authorize the issuance of the annual report of Board activities for fiscal year 2016.

   Vote on motion: Passed unanimously.

LEGAL COUNSEL’S REPORT

Mr. Hartshorn had nothing to add to the legal report that is attached to and made a part of these minutes.

OTHER BUSINESS

There was no other business to report.

EXECUTIVE SESSION

The Chair recessed the regular session of the meeting and called to order the executive session. Upon recess of the executive session, the regular session of the meeting was called back to order and the Chair reported the following matters into regular session:

   Findings, conclusions, and order in the matter of the complaint of David Osmek regarding Jay Nygard

MINUTES (April 5, 2017)

After discussion, the following motion was made:

   Member Rosen’s motion: To approve the April 5, 2017, minutes as drafted.

   Vote on motion: Unanimously passed (Leppik abstained).
There being no other business, the meeting was adjourned by the chair.

Respectfully submitted,

Jeff Sigurdson  
Executive Director

Attachments:
Memorandum regarding executive director topics  
Memorandum regarding administrative rules update  
Draft annual report of Board activities for fiscal year 2016  
Legal report  
Findings, conclusions, and order in the matter of the complaint of David Osmek regarding Jay Nygard
Board Meeting Dates for Calendar Year 2017

Meetings are at 10:00 A.M. unless otherwise noted.

2017

Monday, July 31
Wednesday, September 6
Wednesday, October 4
Wednesday, November 1
Wednesday, December 6
Program Updates

The lobbyist disbursement report for the period January 1 – May 31, 2017, was due on June 15th. A total of 2,145 reports were due. As of the date of this memo, 2,068 reports have been filed. First class and certified letters were sent to lobbyists for the missing 77 reports.

Board Budget

The base operating budget for the Board has increased from $1,028,000 for fiscal year 2017 to $1,036,000 for fiscal year 2018. July 1st is the start of the new fiscal year. Attached for Board review and ratification is the spending plan for fiscal year 2018.

The estimated staff salary and benefits payments reflect an anticipated 2% across the board increase in MAPE and ASCFME contracts, and a 4% increase in insurance costs. The spending plan anticipates that about $23,000 will be available to carryforward into fiscal year 2019. The base budget for fiscal year 2019 is $1,044,000.

Attachment
Fiscal Year 2018 Spending Plan
Operating Budget Detail

<table>
<thead>
<tr>
<th>Acct</th>
<th>Description</th>
<th>Fiscal Year 2018 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>41000</td>
<td>Full time salaries - benefits</td>
<td>796,622</td>
</tr>
<tr>
<td>41030</td>
<td>Part time salaries - benefits</td>
<td>57,017</td>
</tr>
<tr>
<td></td>
<td>Other Payroll Obligations</td>
<td>15,000</td>
</tr>
<tr>
<td>41070</td>
<td>Other Benefits</td>
<td>5,400</td>
</tr>
<tr>
<td></td>
<td>Board Member Per Diem</td>
<td>4,950</td>
</tr>
<tr>
<td></td>
<td>Workers Comp Fee</td>
<td>450</td>
</tr>
<tr>
<td>41100</td>
<td>Space Rental - Office Lease</td>
<td>40,950</td>
</tr>
<tr>
<td>41110</td>
<td>Printing and advertising</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>State Register Rulemaking</td>
<td>3,000</td>
</tr>
<tr>
<td></td>
<td>Subpoena records copying fees</td>
<td>2,000</td>
</tr>
<tr>
<td>41130</td>
<td>Prof Technical Services</td>
<td>7,000</td>
</tr>
<tr>
<td></td>
<td>Court Reporter</td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td>Online training development</td>
<td>5,000</td>
</tr>
<tr>
<td>41145</td>
<td>IT Prof Technical Services</td>
<td>10,000</td>
</tr>
<tr>
<td>41150</td>
<td>Computer systems and services</td>
<td>5,000</td>
</tr>
<tr>
<td>41155</td>
<td>Communications</td>
<td>10,000</td>
</tr>
<tr>
<td></td>
<td>Admin - Central Mail</td>
<td>10,000</td>
</tr>
<tr>
<td>41160</td>
<td>Travel - in state</td>
<td>5,300</td>
</tr>
<tr>
<td></td>
<td>Board Travel and Parking</td>
<td>2,300</td>
</tr>
<tr>
<td></td>
<td>Staff - misc</td>
<td>3,000</td>
</tr>
<tr>
<td>Account</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>41170</td>
<td>Travel - Out of state</td>
<td>3,800</td>
</tr>
<tr>
<td>41180</td>
<td>Employee development</td>
<td>6,600</td>
</tr>
<tr>
<td>41190</td>
<td>State agency provided tech svcs</td>
<td>10,000</td>
</tr>
<tr>
<td></td>
<td>OAH hearings</td>
<td>9,950</td>
</tr>
<tr>
<td></td>
<td>DEED warrant printing</td>
<td>50</td>
</tr>
<tr>
<td>41196</td>
<td>Centralized IT (MN.IT)</td>
<td>19,820</td>
</tr>
<tr>
<td></td>
<td>Voice Services</td>
<td>3,000</td>
</tr>
<tr>
<td></td>
<td>Computing Services</td>
<td>4,200</td>
</tr>
<tr>
<td></td>
<td>Wan Services</td>
<td>1,620</td>
</tr>
<tr>
<td></td>
<td>Microsoft licensing</td>
<td>1,500</td>
</tr>
<tr>
<td></td>
<td>MN.IT Contingency</td>
<td>9,500</td>
</tr>
<tr>
<td>41300</td>
<td>Supplies</td>
<td>5,000</td>
</tr>
<tr>
<td>41400</td>
<td>Equip. rental</td>
<td>3,500</td>
</tr>
<tr>
<td>41500</td>
<td>Maintenance and repairs</td>
<td>2,150</td>
</tr>
<tr>
<td>43000</td>
<td>Other operating costs</td>
<td>500</td>
</tr>
<tr>
<td>47160</td>
<td>Equipment</td>
<td>4,000</td>
</tr>
</tbody>
</table>

**Operating exp total**

1,012,660

**Appropriation**

1,036,000

**Carry forward in from prior year**

0

**Total available**

1,036,000

**Carryforward to Fiscal Year 2019**

23,340
DATE:       June 28, 2017

TO:         Board Members

FROM:       Jeff Sigurdson, Executive Director
            Jodi Pope, Legal Analyst

TELEPHONE:  651-539-1189
            651-539-1183

SUBJECT:    Administrative rule update

At the June 14, 2017, meeting, Members Leppik and Moilanen were reappointed to the rule committee. The Board also authorized the executive director to take the steps necessary to withdraw the technical rulemaking, Revisor’s ID Number 4451, because those rule amendments had been enacted into statute.

The next rule committee meeting is scheduled for Thursday, June 29, 2017, at 2 p.m. in the Nokomis Room in Centennial Office Building. All Board members are welcome to attend. The agenda for the meeting and the meeting materials are attached below.

At the June 29th meeting, the rule committee will hear comments on and discuss the first draft of the proposed rules related to noncampaign disbursements and other expenditures. The committee then will consider changes to the proposed coordination rules. Finally, the committee will discuss the proposed rules regarding disclaimers and other nonexpenditure provisions.

At the Board’s July 28th meeting, committee members and staff will provide a verbal update to members about the rule committee meeting.

Attachments
Agenda for June 29, 2017, meeting
Draft resolution regarding withdrawal of technical rulemaking
Current version of proposed coordination rules
Current version of proposed disclaimer rules
Minnesota

Campaign Finance and
Public Disclosure Board
Rule Committee Meeting

Thursday, June 29, 2017
2:00 PM
Nokomis Room, 3rd Floor, Centennial Office Building
658 Cedar St., St. Paul, MN

AGENDA

1. Discuss proposed language for noncampaign disbursement amendments and other provisions related to expenditures

2. Discuss changes to proposed language on coordination

3. Discuss changes to proposed language for disclaimer amendments and provisions not related to expenditures

4. Committee discussion of next steps

Please contact Jodi Pope at 651-539-1183 or jodi.pope@state.mn.us if you would like to make a formal comment in person at the committee meeting.

Written comments also can be submitted by email to jodi.pope@state.mn.us; by fax to 651-539-1180 or toll free to 800-657-3889; or by U.S. mail to Jodi Pope, Minnesota Campaign Finance and Public Disclosure Board, 190 Centennial Building, 658 Cedar St., St. Paul, MN  55155

All written comments received will be distributed to the committee and made available to the public.
Draft disclaimer and other non-expenditure provisions

4501.0100 DEFINITIONS

[For text of subparts 1 – 3, see M.R.]

Subp. 3a. Campaign material. “Campaign material” has the meaning given this term in Minnesota Statutes section 211B.01, subdivision 2.

[For text of subparts 4-9, see M.R.]

4501.0200 SECURITIES

Subpart 1. Items which are securities. Securities include any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper, in any corporation, partnership, mutual fund, trust, or other association.

Subp. 2. Items which are not securities. Securities do not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds or notes, dividends from securities, shares in a mutual fund, or holdings in a pension or retirement plan.

4503.0500 CONTRIBUTIONS

[For text of subpart 1, see M.R.]

Subp. 2. Time of receipt of contributions.

A. A monetary contribution not made through electronic means is received by a political committee or political fund, for reporting and contribution limit purposes, when the instrument conveying the contribution, such as cash, check, or money order, is physically received by the treasurer, the candidate, or a committee or fund worker.

B. A contribution delivered through the United States mail is received on the date the mail is gathered from the delivery point by the treasurer, the candidate, or a committee or fund worker.

C. A monetary contribution made through electronic means is received for purposes of the registration requirements in section 10A.14; the reporting requirements in section 10A.20; the sessional contribution prohibition in section 10A.273; and the affidavit of contributions requirement in section 10A.323, on the date that the contributor makes the contribution to the contribution processor.

D. A monetary contribution made through electronic means is received for purposes of the deposit requirements in section 10A.15, subdivision 3, on the date that the treasurer, the candidate, or a committee or fund worker has access to the funds under the terms of the agreement with the contribution processor.

[For text of subparts 3 – 9, see M.R.]

Subp. 10. Electronic contribution processors. An organization that provides contribution processing and delivery services, when acting in the ordinary course of business by collecting and disbursing contributions to a committee or fund that was designated by the contributor, is

Commented [PJ (1): This definition is needed for the disclaimer section below.

Commented [PJ (2): This amendment is intended to remove mutual funds from the list of securities that must be disclosed on a statement of economic interest. This amendment was in the potential technical changes. There may be minor changes to this provision discussed at the June 29th meeting.

Commented [PJ (3): These amendments are intended to clarify when contributions made through electronic means are received. They were in the potential technical package.

Commented [SJ (4): This section provides that for the various reporting deadlines and cutoff requirements of 10A the date the electronic contribution is made is used.

Commented [SJ (5): This section provides that the deposit deadline is set when the electronic contribution may be downloaded to the committee account.

Commented [PJ (6): This amendment is to clarify that contribution processors do not need to register or report under Chapter 10A.
not required to register under Minnesota Statutes section 10A.14 or report under Minnesota Statutes section 10A.20.

4503.1400 PUBLIC SUBSIDY AGREEMENTS.

[For text of subparts 1-3, see M.R.]

Subp. 3a. Effect on contributions to independent expenditure committees and funds. By signing a public subsidy agreement, a candidate agrees that the provision in Minnesota Statutes section 10A.25, subdivision 3a, prohibiting a candidate’s principal campaign committee from making independent expenditures also prohibits a candidate’s principal campaign committee from making contributions to independent expenditure political committees or funds.

Subp. 10. Special elections held under Minnesota Statutes section 204B.13, subdivision 2, paragraph (c). The filing deadlines below apply to a special election held under Minnesota Statutes section 204B.13, subdivision 2, paragraph (c), for which there is no filing period:

A. The candidate must sign and submit the public subsidy agreement to the board not later than eight days after the general election.
B. The candidate must submit the affidavit of contributions not later than 12 days after the general election.

4503.XXXX DISCLAIMERS

Subpart 1. Independent expenditures in opposition to candidate. An independent expenditure in opposition to a candidate that uses the language below in the communication satisfies the disclaimer requirements in Minnesota Statutes section 10A.17, subdivision 4, and Minnesota Statutes section 211B.04:

This is an independent expenditure in opposition to ……………(insert candidate name or names) prepared and paid for by ……………….(insert name of entity participating in the expenditure), ……………….(insert address). It is not approved by any candidate nor is any candidate responsible for it.

Subp. 2. Independent expenditures in support of candidate. An independent expenditure in support of a candidate that uses the language below in the communication satisfies the disclaimer requirements in Minnesota Statutes section 10A.17, subdivision 4, and Minnesota Statutes section 211B.04:

This is an independent expenditure in support of ……………(insert candidate name or names) prepared and paid for by ……………….(insert name of entity participating in the expenditure), ……………….(insert address). It is not approved by any candidate nor is any candidate responsible for it.

Subp. 3. Independent expenditures without cost. If an independent expenditure is produced and disseminated without cost, the words “and paid for” may be omitted from the disclaimer.

Subp. 4. Independent expenditures supporting one candidate and opposing another candidate. An independent expenditure that supports one candidate and opposes another candidate that uses the language below in the communication satisfies the disclaimer...
requirements in Minnesota Statutes section 10A.17, subdivision 4, and Minnesota Statutes section 211B.04:

This is an independent expenditure in support of …………..(insert candidate name or names) and in opposition to ………….. (insert candidate name or names) prepared and paid for by …………..(insert name of entity participating in the expenditure). It is not approved by any candidate nor is any candidate responsible for it.

Subp. 5. Independent expenditures supporting more than one candidate or opposing more than one candidate. When an independent expenditure that requires a disclaimer under Minnesota Statutes section 10A.17, subdivision 4, supports more than one candidate or opposes more than one candidate, the disclaimer requirements in section 10A.17, subdivision 4, and Minnesota Statutes section 211B.04 are satisfied if the disclaimer

A. specifically lists the names of all candidates supported or opposed by the communication; or
B. uses the phrase “the candidates named” in place of the list described in item A.

Subp. 6. Independent expenditures; more than one participant. When more than one entity participates in making an independent expenditure that requires a disclaimer under Minnesota Statutes section 10A.17, subdivision 4, the name of every participating entity must be included in the disclaimer. The address of each entity must be listed after the entity's name.

Subp. 7. Campaign material; more than one participant. When more than one entity participates in the preparation or dissemination of campaign material that requires a disclaimer, under Minnesota Statutes section 211B.04, paragraph (a), the name of every participating entity must be included in the disclaimer. The address of each entity must be listed after the entity’s name.

Subp. 8. Disclaimer requirements; services for a constituent. Communications prepared as services for a constituent under Minnesota Statutes section 10A.01, subdivision 26, paragraph (6), must include the disclaimer required by Minnesota Statutes section 211B.04 when the communications are disseminated after adjournment sine die of the legislature in the election year for the office held.

Subp. 9. Disclaimer requirements; conspicuous type and prominent display. A disclaimer in a written communication satisfies the requirement in Minnesota Statutes section 10A.17, subdivision 4, that an independent expenditure disclaimer be in conspicuous type and the requirement in Minnesota Statutes section 211B.04 that campaign material prominently include a disclaimer when the disclaimer meets the criteria listed in items A and B.

A. The disclaimer meets the following type size requirements:

a. For written communications of not more than 8 ½ by 11 inches, the disclaimer is printed in at least X point type.

b. For written communications of more than 8 ½ by 11 inches but not more than 24 by 26 inches, the disclaimer is printed in at least X point type.
c. For written communications of more than 24 by 36 inches, the disclaimer is
printed in letters equal to or greater than four percent of the vertical height of the
communication.

d. For written communications on a website or social media page, the disclaimer is
printed in the same point type as the text in the body of the website or social
media page.

B. The disclaimer is contained in an outlined box set apart from the other contents of the
communication.

Subp. 10. Disclaimer requirements; websites and social media pages. The disclaimer
requirements in Minnesota Statutes section 10A.17, subdivision 4, and Minnesota Statutes
section 211B.04 are satisfied for an entire website or social media page when the required
disclaimer appears once on the homepage of the site.

4525.0330 SUBMISSION TO BOARD; MATTERS UNDER STAFF REVIEW RESOLVED BY
CONCILIATION AGREEMENT.

Suppart 1. Matter under staff review resolved by conciliation agreement. A matter
under staff review that is resolved by conciliation agreement under part 4525.0320 must be
presented to the board for approval at a meeting closed to the public under part 4525.0200,
subpart 5.

The respondent must be given an opportunity to be heard by the board prior to the
board’s decision regarding the agreement.

The executive director must send notice of the meeting to the respondent. The notice
must be sent not later than the time that the agreement is provided to the board and must
include a copy of the agreement. The notice must include the date of the meeting at which the
board will consider the matter and a statement that the respondent has the opportunity to be
heard by the board before the board’s determination regarding the agreement.

A conciliation agreement made under part 4525.0320 to resolve a matter under staff
review is final only after the board approves the agreement.

If the board does not approve a conciliation agreement to resolve a matter under staff
review, the board must lay the matter over until its next meeting and:

A. provide guidance and direct the executive director to continue the staff review; or

B. direct the executive director to prepare the matter for resolution by the board without
an agreement pursuant to part 4525.0340.

If an agreement proposed under this subpart is not approved by the board, any
admissions by the respondent and any remedial steps taken or agreed to by the respondent are
not evidence of a violation in any subsequent proceeding.

Subp. 2. Matter under staff review resolved; no violation. The executive director
must close a matter under staff review when the staff review establishes that no violation of the
campaign finance laws has occurred. The executive director must report the closure of the
matter to the board at a meeting closed to the public under part 4525.0200, subpart 5, and must send notice of the closure to the respondent.

Subp. 3. Matter under staff review resolved without formal investigation. A matter under staff review that is resolved without a formal investigation under part 4525.0340 must be submitted to the board for approval at a meeting closed to the public under part 4525.0200, subpart 5.

The respondent must be given an opportunity to be heard by the board prior to the board’s decision regarding the staff review.

The executive director must send notice of the meeting to the respondent. The notice must be sent not later than the time when the written document resolving the matter is provided to the board and must include a copy of the written document resolving the matter. The notice must include the date of the meeting at which the board will consider the matter and a statement that the respondent has the opportunity to be heard by the board before the board’s determination regarding the resolution of the staff review.

A written document concluding a matter under staff review without a formal investigation is final only after the board approves the document.

If the board does not approve the written document resolving a matter under staff review without a formal investigation, the board must:

A. provide guidance and direct the executive director to continue the staff review;
B. initiate a formal investigation of the matter; or
C. direct the executive director to prepare the matter for resolution by the board pursuant to part 4525.0340.

If a written document resolving a staff review without a formal investigation under this subpart is not approved by the board, any admissions by the respondent and any remedial steps taken or agreed to by the respondent are not evidence of a violation in any subsequent proceeding.

4525.0340 SUBMISSION TO BOARD; BOARD-INITIATED INVESTIGATIONS AND NOT RESOLVED BY CONCILIATION AGREEMENT.

Subpart 1. Submission to board. The executive director must submit the following matters to the board for decision under this part:

A. a matter under staff review that is not resolved by conciliation agreement under parts 4525.0320 and 4525.0330; and
B. any other matter that the board is to consider for the authorization of a formal investigation, other than a matter arising from a filed complaint.

The submission must be in writing, must describe the potential violation involved, and must include any supporting information. The submission must explain the actions undertaken
in any summary proceedings and any points of disagreement preventing resolution of the matter.

The respondent must be given an opportunity to be heard by the board prior to the board’s decision regarding the submission.

The executive director must send notice of the submission to the respondent. The notice must be sent not later than the time that the submission is provided to the board and must include a copy of the submission. The notice must include the date of the meeting at which the board will consider the matter, and a statement that the respondent has the opportunity to be heard by the board before the board’s determination regarding the submission.

Subp. 2 Board action on submission. When it receives a submission under this part, the board must take one of the following actions:

A. provide guidance and direct the executive director to begin or to continue a staff review;
B. dismiss the matter without prejudice;
C. order a formal investigation of the matter; or
D. issue findings, conclusions, and an order resolving the matter.

The board must consider the evidence in the executive director’s submission and the information and arguments in any statement submitted by the respondent.

In making its determination, the board must consider the type of possible violation; the magnitude of the violation if it is a financial violation; the extent of knowledge or intent of the violator; the benefit of formal findings, conclusions, and orders compared to informal resolution of the matter; the availability of board resources; whether the violation has been remedied; and any other similar factor necessary to decide whether the matter under review warrants a formal investigation.

Unless the board directs the executive director to continue an existing staff review, the board’s determination must be made in writing. The executive director must promptly notify the respondent of the board’s determination.

[For text of subpart 3, see M.R.]
Note: This is a draft of the proposed rules that clarify what conduct, actions, or relationships can prevent an expenditure from being independent. The proposed rules are likely to change in the coming weeks based on comments received from the public and discussion of those comments by committee members.

4503.0XXX COORDINATED EXPENDITURES.

Subp. 1. Candidate. For purposes of this part, “candidate” means a candidate as defined in Minn. Stat. section 10A.01, subdivision 10, the candidate’s principal campaign committee, or the candidate’s agent.

Subp. 2. Election segment. For purposes of this part, “election segment” means:

A. For a regular election, the period from January 1 of the year prior to an election year through December 31 of the election year.

B. For a special election, the entire special election cycle.

Subp. 3. Coordinated. For purposes of this part, “coordinated” means with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of the candidate. A coordinated expenditure is an approved expenditure under Minnesota Statutes section 10A.01, subdivision 4.

Subp. 4. Spender. The definitions in Minn. Stat. section 10A.01 apply to the terms used in this subpart. For purposes of this part, “spender” means any of the following:

A. An individual.
B. An association.
C. A political committee.
D. A political fund.
E. An independent expenditure political committee.
F. An independent expenditure political fund.
G. A party unit.

Subp. 5. Agent. For purposes of this part, “agent” means a person who served during the election segment as the candidate’s chairperson, deputy chairperson, treasurer, deputy treasurer, fundraiser, advisor, or business representative, or any other person authorized to act on the candidate’s behalf.

Subp. 6. Consultant. For purposes of this part, “consultant” means a person or an association that provides consulting services.

Subp. 7. Consulting services. For purposes of this part, consulting services includes polling, communications planning and design, advertising, messaging, and any other service that involves campaign strategy. Consulting services does not include printing or mailing campaign material, legal services that do not involve campaign strategy, accounting services, or costs for the use of a medium for communications purposes.

Subp. 8. Coordinated expenditures. An expenditure listed below, when expressly advocating for the election of the candidate or the defeat of the candidate’s opponent, is a coordinated expenditure that is not independent under Minn. Stat. section 10A.01, subd. 18:
A. An expenditure made during an election segment by a spender for which the candidate has engaged in fundraising during that same election segment.

1. Fundraising includes:
   a. Soliciting, collecting, or directing non-general treasury money for or to the spender;
   b. Providing names of potential donors to the spender; and
   c. Appearing as a speaker at an event raising non-general treasury money for the spender.

2. This item applies to fundraising by an individual prior to the individual meeting the definition of a candidate in Minn. Stat. section 10A.01, subd. 10.

3. This item does not apply to a candidate’s fundraising on behalf of a party unit.

B. An expenditure that reproduces or disseminates, in whole or in part, campaign material designed, produced, paid for, or distributed by the candidate.

1. This item does not apply to:
   a. Campaign material incorporated into a communication that advocates the defeat of the candidate who prepared the material;
   b. Campaign material used in a news story or editorial; or
   c. The reproduction or dissemination of a candidate’s campaign materials if the reproduction or dissemination costs $20 or less.

C. An expenditure made during an election segment for consulting services from a consultant that has also provided consulting services to the candidate or the candidate’s opponent during that same election segment.

1. This item does not apply when the following conditions are met:
   a. The consultant assigns separate personnel to the spender and the candidate;
   b. The consultant has a written policy that describes the measures that the consultant has taken to prohibit the flow of information between the personnel providing services to the spender and the personnel providing services to the candidate;
   c. The written policy has been distributed to all personnel and clients covered by the policy including the candidate and the spender;
   d. The consultant has implemented the measures described in the written policy; and
   e. No information has been shared between the spender and the personnel provided services to the spender and the candidate and the personnel providing services to the candidate.

D. An expenditure made by a spender when the formation of the spender was coordinated with the candidate during the election segment.
E. An expenditure made by a spender that:

1. Is not a party unit; and

2. Is established, financed, directed, or managed during the election segment by any of the following:
   a. The candidate,
   b. An individual who meets the definition of a candidate under Minn. Stat. section 10A.01, subd. 10, during the same election segment.
   c. The candidate’s spouse, child, parent, grandparent, sibling, or half-sibling, or the spouses of such persons.
   d. An agent of the candidate.

F. An expenditure made after the spender receives from the candidate information that is not publicly available regarding the candidate’s campaign plans, strategy, or needs.

G. An expenditure made when:

1. The spender provides information to the candidate regarding the expenditure’s contents, intended audience, timing, location or mode, volume, or frequency; and

2. The information is provided to the candidate before the expenditure is communicated to the public.

H. An expenditure made with the candidate’s participation in the following:

1. Any of the processes required for the creation and development of the expenditure, including budgeting decisions, media design, acquisition of graphics and text, production, and distribution of the final product; or

2. Any decision regarding the content, timing, location, means or mode, intended audience, volume of distribution, or frequency of the expenditure.

I. An expenditure that was independent under Minnesota Statutes section 10A.01, subdivision 18, when made that is later used in whole or in part by a candidate as campaign material.

Subp. 9. Non-coordinated expenditures. An action listed below, by itself, does not establish that an expenditure made by the spender was coordinated with the candidate:

A. A candidate asks a spender not to make any expenditure to support the candidate or oppose the candidate’s opponent.

B. An expenditure uses a photograph obtained from a publicly available source or public event.

C. An expenditure uses information obtained from a biography, position paper, press release, or similar material about the candidate from a publicly available source or public event.

Commented [PJ(4): This item was added to ensure that if a candidate uses all or part of an independent expenditure communication in his or her own campaign material, the cost of the used part of the communication would be counted as an in-kind contribution to the candidate.

Commented [PJ(5): This subpart was renumbered to reflect the addition of the “consulting services” definition.
D. The spender contributes to the candidate or endorses the candidate.

E. An expenditure includes a hyperlink to the candidate’s website or social media page.

F. An expenditure appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication.

G. The spender discusses the candidate’s position on a legislative or policy matter with the candidate.

H. The spender invites the candidate to appear before the spender’s members, employees, or shareholders including the candidate’s participation in the event, unless the event promotes the election of the candidate or the defeat of the candidate’s opponent, or the candidate requests or accepts campaign contributions at the event.
4503.XXXX  EXPENDITURES AND NONCAMPAIGN DISBURSEMENTS; GENERAL PROVISIONS

Subpart 1. Reimbursements. A. When a committee reimburses an individual or association for an expenditure or a noncampaign disbursement, the reimbursement is not required to be itemized on a report of receipts and expenditures unless the total payments made by the committee during the year to the vendor supplying the good or service for which reimbursement was made exceed $200.

B. When a committee reimburses an individual or association for an expenditure or noncampaign disbursement that requires itemization on a report of receipts and expenditures and chooses under Minnesota Statutes section 10A.20, subdivision 13, to report the expenditure or noncampaign disbursement as a reimbursement to a third party, the committee must disclose the information below on the report:

1. The name and address of the vendor supplying the good or service for which reimbursement was made;
2. The name and address of the individual or association to which reimbursement was made;
3. The date of the expenditure or noncampaign disbursement for which reimbursement was made;
4. The date of the reimbursement;
5. A description of the specific good or service purchased; and
6. If the reimbursement was for a noncampaign disbursement, the specific noncampaign disbursement category in Minnesota Statutes section 10A.01, subdivision 26, or this chapter that is applicable to the good or service for which reimbursement was made.

Subp. 2. Allocating ongoing expenses. When an ongoing expense has both a campaign purpose and a purpose listed as a noncampaign disbursement in Minnesota Statutes section 10A.01, subdivision 26, or this chapter, the committee must allocate the cost of the expense between the two purposes according to the proportion of actual use for each purpose.

Subp. 3. Cellular telephone plans. When a candidate’s committee pays for the candidate’s cellular telephone plan, the committee must purchase a single-user plan that covers only the candidate’s telephone and data usage.

Subp. 4. Mileage. The recordkeeping requirements in Minnesota Statutes sections 10A.025, subdivision 3, and 10A.13, subdivision 2, are satisfied for mileage expenses paid by a committee when the committee obtains a mileage log that shows the information listed below:

A. The date of each trip taken;
B. The purpose of each trip taken;
C. The distance traveled during the trip; and
D. If the mileage is not being paid at the lowest rate used by the state to reimburse its employees for automobile use, the actual cost of fuel, maintenance, repairs, and insurance directly related to the use of the automobile.
Subp. 5. Purpose of expenditure or noncampaign disbursement. When an expenditure or noncampaign disbursement must be itemized on a report of receipts and expenditures under Minnesota Statutes section 10A.20, subdivision 3, the report must establish the purpose of the expenditure or noncampaign disbursement by identifying the specific good or service purchased.

4503.0900 NONCAMPAIGN DISBURSEMENTS.

Subpart 1. Additional definitions. In addition to those listed in Minnesota Statutes, section 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

A. transportation, meals, and lodging paid to attend a campaign school;

B. costs of campaigning incurred by a person with a disability, as defined in Minnesota Statutes, section 363A.03, subdivision 12, and which are made necessary by the disability;

C. the cost to an incumbent or a winning candidate of providing services to residents in the district after the general election in an election year for the office held;

D. payment of advances of credit in a year after the year in which the advance was reported as an expenditure;

E. payment of fines assessed by the board; and

F. costs of running a transition office for a winning gubernatorial candidate during the first six months after election;

G. a contribution to a fund established to support a candidate’s participation in a recount of ballots affecting that candidate’s election;

H. costs paid by a candidate’s principal campaign committee for a single reception given in honor of the candidate’s retirement from public office after the filing period for affidavits of candidacy for that office has closed;

I. a donation from a terminating principal campaign committee to the state general fund; and

J. a donation from a terminating principal campaign committee to a county obligated to incur special election expenses due to that candidate’s resignation from state office.

Subp. 2. [Repealed, 21 SR 1779]

Subp. 3. Reporting purpose of noncampaign disbursements. Itemization of an expense which is classified as a noncampaign disbursement must include sufficient information to justify the classification.

Subp. 4. Services for a constituent. A. A candidate’s committee may claim the expenses listed below as services for a constituent during the periods listed in Minnesota Statutes section 10A.01, subdivision 26, paragraph (6).

1. The cost of a charter bus to transport constituents to an educational day held at the state capitol during a legislative session;

Commented [PJ (6)]: This subpart is intended to clarify confusion about the level of specificity required on reports to describe the purpose of a payment.


Commented [PJ (8)]: Subparts 4 through 7 are intended to clarify confusion about which expenses may be claimed under the different noncampaign disbursement categories. The language in each subpart is intended to be a starting point for discussion of these issues at the June 29th meeting.
2. The costs of hiring an intern that are directly attributable to the intern’s provision of services for constituents;
3. Congratulatory letters sent to the office holder’s constituents that include information about government services available to the recipient or how the recipient can register to vote; and
4. The cost of printing and distributing a review of legislative action and issues to the office holder’s constituents if the distribution occurs prior to the sine die adjournment of the legislature.

If the review of legislative action described in subitem 4 is distributed after the legislature adjourns sine die, the printing and distribution costs must be prorated between noncampaign disbursements and campaign expenditures as described in Minnesota Statutes section 10A.01, subdivision 26, paragraph (6), even if the printing occurred prior to adjournment.

B. A candidate’s committee may not claim the expenses listed below as services for a constituent under Minnesota Statutes section 10A.01, subdivision 26, paragraph (6).

1. The cost of food or beverages consumed by a constituent during a meeting with the office holder; or
2. The cost of a communication to constituents that advocates for the re-election of the office holder, solicits campaign contributions to the candidate or a political party, or advocates for or against the election of candidates of a political party.

Subp. 5. Food and beverages while campaigning. A candidate’s committee may not claim the expenses listed below as payments for food and beverages consumed by a candidate or volunteers while they are engaged in campaign activities under Minnesota Statutes section 10A.01, subdivision 26, paragraph (7).

A. The cost of food and beverages consumed by the candidate or volunteers when the candidate or volunteers are distributing communications that qualify as a service to a constituent under Minnesota Statutes section 10A.01, subdivision 26, paragraph (6); or

B. The cost of food and beverages consumed by the candidate and volunteers when the candidate and volunteers are campaigning outside of the candidate’s district.

Subp. 6. Food and beverages; legislative duties. A candidate’s committee may not claim the expense of food and beverages consumed by individuals other than the legislator at a reception or meeting as a noncampaign disbursement under Minnesota Statutes section 10A.01, subdivision 26, paragraph (8).

Subp. 7. Expenses for serving in public office. A. A candidate’s committee may claim the expenses listed below as expenses for serving in public office under Minnesota Statutes section 10A.01, subdivision 26, paragraph (10).

1. The cost of transportation, lodging, and other expenses necessary to attend meetings and conferences when the reason that the candidate attends the event is to assist the candidate in performing the duties of the office held and the candidate would not attend the event if the candidate were not an office holder;
2. The cost of traveling to the state capitol for scheduled legislative committee meetings and regular legislative and special legislative sessions when those costs are not reimbursed by another source;
B. A candidate’s committee may not claim the expenses listed below as expenses for
serving in public office under Minnesota Statutes section 10A.01, subdivision 26, paragraph
(10).

1. The cost of meals for staff;
2. The cost of membership fees and dues necessary to belong to organizations located
   in the office holder’s district;
3. Costs incurred for transportation, lodging, and other expenses for trips taken outside
   of the office holder’s district for the purpose of relationship building with individuals
   who are not the office holder’s constituents; or
4. Costs incurred for transportation, lodging, and other expenses by an individual
   accompanying an office holder on a trip unless the office holder is a person with a
disability, as defined in Minnesota Statutes, section 363A.03, subdivision 12, and the
accompanying individual is providing services that are made necessary by the
disability.

C. Item B, subitem 4, does not require a committee to allocate a travel expense
between an office holder and an individual accompanying the office holder on a trip when the
presence of the accompanying individual does not increase the amount of the expense.

Subpart 1. Services paid with personal funds of candidate.

A. Constituent services which a principal campaign committee would report as
noncampaign disbursements under Minnesota Statutes, section 10A.01, subdivision 26, clause
(6), and which are paid for with the personal funds of an incumbent are not reportable.

B. Services for a resident in the candidate’s district after a general election, through the
end of the year, paid for with the personal funds of an incumbent or the winning candidate are
not reportable.

Subp. 2. Constituent services provided as part of official duties and paid through
legislative appropriation. Constituent services provided by an incumbent as a part of the
duties of serving in office and paid for with state funds designated for that use are not reportable
under Minnesota Statutes, chapter 10A.
DATE: June 28, 2017

TO: Board Members
Counsel Hartshorn

FROM: Jodi Pope, Legal/Management Analyst

SUBJECT: Enforcement report for consideration at the July 5, 2017, Board meeting

A. Consent Item - Confirmation of lobbyist termination – Joshua Esmay

Joshua Esmay lost his job on May 12, 2016, when his employer/principal, the Council on Crime and Justice, went out of business. Mr. Esmay timely filed a June 2016 lobbyist report that showed he had not made any disbursements on the principal’s behalf. Mr. Esmay, however, did not realize that he needed to file a termination statement to end his registration with the principal or that his reporting obligations would continue until he filed that statement. Because the Council no longer existed, Mr. Esmay did not receive the notices sent to him at that address. Mr. Esmay therefore did not know that he needed to file the January 2017 lobbyist report or that his report was overdue. When staff located Mr. Esmay at his new job and notified him of the missing report, he promptly filed a termination statement with an effective date of May 31, 2016. Staff asks that the Board confirm the termination of Mr. Esmay’s lobbyist registration for the Council on Crime and Justice effective May 31, 2016. Confirmation of the termination will have the effect of waiving the $1,000 in late fees and $1,000 in civil penalties that have accrued for the January 2017 report.

B. Waiver Requests

<table>
<thead>
<tr>
<th>Committee/Entity</th>
<th>Late Fee or Civil Penalty</th>
<th>Report Due</th>
<th>Factors</th>
<th>Most Recent Balance</th>
<th>Previous Waivers Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jayd Newman State Designer Selection Board</td>
<td>$5 LFF</td>
<td>2016 EIS annual</td>
<td>Official left position for which annual was required in February 2016. Agency received communications regarding annual but did not forward information to former official. Official therefore did not know that annual was required or late.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Wade Scepurek State Designer Selection Board</td>
<td>$5 LFF</td>
<td>2016 EIS annual</td>
<td>Official left position for which annual was required in September 2016. Agency received communications regarding annual but did not forward information to former official. Official therefore did not know that annual was required or late.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Abou Amara</td>
<td>$75 LFF</td>
<td>1/17/2017 lobbyist</td>
<td>Lobbyist left employment with principal. He filed lobbyist termination statement and believed that doubled as his final lobbyist disbursement report. When filed, lobbyist disbursement report showed lobbyist had no disbursements during reporting period.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Neighborhood Organization for Change (NOC)</td>
<td>$550 LFF</td>
<td>3/15/2017 principal</td>
<td>Lobbyist Abou Amara left employment with NOC. He filed a lobbyist termination statement and believed that statement also served as principal report. When filed, principle report showed principal did not spend anything on lobbying in 2016.</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
C. Informational Items

A. Payment of a late filing fee for 24-hour notice of large pre-election contribution:

   Council 65 Political Action Committee, $250
   SEIU Healthcare Minn, $500

B. Late filing fee for 2016 candidate economic interest statement:

   Bobby Champion, Minnesota Senate, $100

C. Payment of a civil penalty for a contribution from an unregistered association:

   8th Congressional District DFL, $125
   IBEW Local 294, $50
Hello Joyce,

We spoke last week about filing the needed lobbying disbursement reports for the now defunct Council on Crime and Justice (CCJ).

I believe that I have now filed the needed report, and I apologize for the delay. I think that I still need to file a lobbyist termination form. Is that correct? If so, I have found the termination form on the CFB website, but I have a question about it. When asked for the date of the termination, should I use today's date, or should I back date it to May, 2016 when CCJ closed?

Also, I would like to request that the late filing fee and civil penalty be waived for the following reasons. CCJ closed its doors on May 12th of 2016, and thus I was not employed there, nor doing any lobbying work, for the entirety of this reporting period. I also lost access to my CCJ email account and no longer received any mail that was sent to CCJ. Thus, I did not receive any notices or reminders that were sent to my by CFB. Until we spoke last week, I was not aware that this report needed to be filed.

Finally, CCJ was a non-profit, and my work there was on behalf of people with criminal records - in particular indigent people with criminal records. Nether CCJ, nor its employees, had a financial stake in these polices. In July, 2016 I took a new job at the Legal Rights Center, which is another non-profit assisting indigent people charged with crimes. As a lawyer in the non-profit sector, I receive a smaller salary than my peers in the private and for-profit world. As such the late filing fee and civil penalty would be a significant financial burden to my wife and me.

Thank you for your assistance on this matter, and for your consideration of my fine/fee waiver request. If there is any other information I can provide please let me know.

--
Joshua Esmay
Attorney, Legal Rights Center
1611 Park Ave. South | Minneapolis, MN 55404
jesmay@legalrightscenter.org | 612-677-2138
CLASSIFICATION: UNCLASSIFIED

Ms. Larson,

Please see my email string below. I had been in conversation with Andrew Schons regarding two former employees with the Department of Military Affairs. These two employees represented our department as a voting member with the State Designer Selection Board. I had received mail from the Campaign Finance and Public Disclosure Board addressed to these individuals after they had left the department. I had not forwarded these letters to their home addresses at that time. Later our office had received a second set of letters from the board requiring that a $5 late fee be paid for each of these employees. I had discussed this issue with Andrew, and he asked that I get in contact with these former employees and have them respond to the board regarding their situation, or if I were able to talk to the employees and respond to the board on their behalf.

I noted below, I did get in contact with these two and both were okay with me to respond on their behalf. Based on the situation of these two former employees, I ask that the $5 late fee be forgiven.

If you have any questions, please call or email me.

Thank you for your consideration in this manner.

Dennis Arntson  
Architectural Supervisor  
Facilities Management Office  
MN Department of Military Affairs  
15000 Hwy. 115  
Camp Ripley  
Little Falls, MN 56345  
Office (320)616-2609  
Cell (320)412-6037

-----Original Message-----
From: Arntson, Dennis M NFG NG MNARNG (US)
Sent: Monday, June 05, 2017 3:41 PM
To: 'Schons, Andrew (CFB)' <Andrew.Schons@state.mn.us>
Subject: RE: Campaign Finance Disclosure forms for two former state employees (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Andrew,

I know we had talked since the last email on this string of emails regarding a $5 penalty for a late response with each of the two past state employees. Each were sent a letter from the Board (sent to my office) noting that a $5 dollar penalty for a late response.

Since this time, I have been in contact with each of them, and both had given me authorization to speak in their behalf. We ask that the Board waive the $5 dollar late fee in each of their cases. As you will remember, both are no longer employed with the State of Minnesota (Jayd Newman had left for the private sector, and Wade Scepurek retired).

If there is anything else you need from me, please let me know.
Thanks!

Dennis Arntson  
Architectural Supervisor  
Facilities Management Office  
Camp Ripley  
Little Falls, MN 56345  
Office (320)616-2609  
Cell (320)412-6037

-----Original Message-----
From: Schons, Andrew (CFB) [mailto:Andrew.Schons@state.mn.us]  
Sent: Wednesday, February 08, 2017 8:27 AM  
To: Arntson, Dennis M NFG NG MNARNG (US) <dennis.m.arntson.nfg@mail.mil>  
Subject: [Non-DoD Source] RE: Campaign Finance Disclosure forms for two former state employees

Dennis,

Thank you for the email.

Yes, please forward the letters on to them. It would help expedite their filings to our office.

In regards to Wade Scepurek, did he leave both his position with the Dept of Military Affairs and the Designer Selection Board on September 6, 2016?

Thank you again for your assistance in this matter.

Kind Regards,

Andrew M Schons  
Campaign Finance and Public Disclosure Board  
190 Centennial Office Building  
658 Cedar Street  
St Paul, MN  55155-1603  
651-539-1184

-----Original Message-----
From: Arntson, Dennis M NFG NG MNARNG (US) [mailto:dennis.m.arntson.nfg@mail.mil]  
Sent: Wednesday, February 08, 2017 7:54 AM  
To: Schons, Andrew (CFB) <Andrew.Schons@state.mn.us>  
Cc: Hegna, Marie C NFG NG MNARNG (US) <marie.c.hegna.nfg@mail.mil>  
Subject: RE: Campaign Finance Disclosure forms for two former state employees

Andrew,

I have the letters sent to Wade Scepurek and Jayd Newman since they were addressed to this office. I could have these letters forwarded on to their home addresses, or would you prefer to resend them letters directly? If so, I can have someone send you their home addresses. Please advise.

Jayd Newman: Separated from state employment. His last day was Friday February 12, 2016.

Wade Scepurek: Retired from state employment. His last day was Tuesday September 6, 2016.
Thanks!

Dennis

Dennis Arntson
Architectural Supervisor
Facilities Management Office
15000 Hwy 115
Camp Ripley
Little Falls, MN 56345-4173
Phone (320)616-2609
Cell (320)412-6037
dennis.m.arntson.nfg@mail.mil

-----Original Message-----
From: Schons, Andrew (CFB) [mailto:Andrew.Schons@state.mn.us]
Sent: Friday, February 03, 2017 2:14 PM
To: Arntson, Dennis M NFG NG MNARNG (US) <dennis.m.arntson.nfg@mail.mil>
Subject: [Non-DoD Source] RE: Campaign Finance Disclosure forms for two former state employees

Hi Dennis,

Thank you for the message.

Two things:

1. Could you provide us with both of their effective dates of separation/resignation from the State? We can then officially purge them from our system.

2. They would still need to file their "Annual" statement for the time they served in these positions during 2016. After they do so, their filing obligations with us will be complete. If there is anything you can do in addition to our attempts to contact them and notify them of their filing requirement that would be greatly appreciated.

If they have been replaced and there are new Military Affairs representatives that need to be registered with us, we can work on that as well.

Thank you again, and please do not hesitate to contact our office with any further questions or concerns.

Kind Regards,

Andrew M Schons
Campaign Finance and Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St Paul, MN  55155-1603
651-539-1184

-----Original Message-----
From: Arntson, Dennis M NFG NG MNARNG (US) [mailto:dennis.m.arntson.nfg@mail.mil]
Sent: Wednesday, February 01, 2017 7:54 AM
To: Schons, Andrew (CFB) <Andrew.Schons@state.mn.us>
Subject: Campaign Finance Disclosure forms for two former state employees

Mr. Schons,

I have received in the mail "Annual statement of economic recertification" forms for two former State of Minnesota employees for whom I had supervised. These employees; Mr. Wade Scepurek and Mr. Jayd Newman had ended their employment with the state in 2016, and should no longer be on our list of "alternate Military Affairs Voting Reps".

Is there anything I need to do on-line for this? Please let me know if there is anything I need to do. I can check my records, but I thought we had altered our list of alternate voting representatives to reflect this change.

Thank you!

Dennis Arntson
Architectural Supervisor
State of Minnesota
Dept. of Miliary Affairs
Facilities Management Office
15000 Hwy 115
Camp Ripley
Little Falls, MN 56345-4173
Phone (320)616-2609
Cell (320)412-6037
dennis.m.arntson.nfg@mail.mil

-----Original Message-----
From: Hegna, Marie C NFG NG MNARNG (US)
Sent: Thursday, December 10, 2015 9:04 AM
To: Arntson, Dennis M NFG NG MNARNG (US) <dennis.m.arntson.nfg@mail.mil>
Subject: FW: [Non-DoD Source] RE: State Designer Selection Board (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Dennis, please see note below and verify. Thanks Marie

-----Original Message-----
From: Schons, Andrew (CFB) [mailto:Andrew.Schons@state.mn.us]
Sent: Thursday, December 10, 2015 8:40 AM
To: Hegna, Marie C NFG NG MNARNG (US) <marie.c.hegna.nfg@mail.mil>
Subject: [Non-DoD Source] RE: State Designer Selection Board (UNCLASSIFIED)

----

Hi Marie,

Thanks for the message. Would you please review the Designer Selection Board information on our website here:
Caution-http://www.revenue.state.mn.us/individuals/individ_income/Pages/Refund_for_Political_Contribution.aspx

Please confirm that the information for Military Affairs representatives is currently correct. We will then process the new registrations for Lois Erickson and Russ Ekholm.
Kind Regards,

Andrew M Schons  
Campaign Finance and Public Disclosure Board  
Centennial Office Building, Suite 190  
658 Cedar Street  
St Paul, MN 55155-1603  
651-539-1184

-----Original Message-----
From: Hegna, Marie C NFG NG MNARNG (US) [Caution-mailto:marie.c.hegna.nfg@mail.mil]  
Sent: Wednesday, December 09, 2015 3:26 PM  
To: CFBEmail  
Cc: Ekholm, Russell A NFG NG MNARNG (US); Erickson, Lois R NFG NG MNARNG (US); Foley, Patrick T  
CPT USARMY NG MNARNG (US); Rolph, Patrick T NFG NG MNARNG (US); Arntson, Dennis M NFG NG  
MNARNG (US)  
Subject: State Designer Selection Board (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Good Day:

Please find attached appointment letters and Original Statement of Economic Interest for Appointed Public Officials  
for Lois Erickson and Russ Ekholm of the Department of Military Affairs.  Point of Contact is Dennis Arntson at  
320-616-2609.  Thanks

Marie Hegna  
Administrative Assistant  
Facilities Management Office  
15000 Highway 115, Camp Ripley  
Little Falls, MN 56345  
(320) 616-2604  
marie.c.hegna.nfg@mail.mil

CLASSIFICATION: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED
CLASSIFICATION: UNCLASSIFIED
CLASSIFICATION: UNCLASSIFIED
Hello,

I hope this message finds you doing well. My name is Abou Amara, and I am writing to request a waiver for good cause of the late filing fees for my Lobbyist Principal Report.

While still working at Neighborhoods Organization for Change (NOC) and registered as their Director of Public Policy, I closed my account as a lobbyist. Within that, I was under the impression that I had also filed my annual report. I was under the impression that one cannot terminate a report that isn't filed, but that impression was incorrect. Moreover, as I no longer was employed by NOC, I was unable to access my work email which [I assume] would have received an e-mail from the campaign finance and public disclosure board notifying me that while I had submitted my termination of my registration for 2017 and moving forward, it did not constitute a filing of the annual report and that I needed to further comply.

Moreover, I did not become aware that my submission of terminating my registration was not sufficient until nearly April of 2017. In addition to not having a work email in which any correspondence from the board would have been sent to notify me, I also did not have access to U.S. mail sent to NOC. Once I became aware, I called the campaign finance board to clarify my situation. Upon speaking with a staff member there and understanding I needed to further comply, I immediately went online and submitted the annual report. Again, I was under the impression I had already complied. But, my impression was incorrect.

My apologies for the confusion. I truly believed that I was in full compliance.

I politely request that the fees accrued as a result be waived. This will not happen again.

Thank you for your consideration and understanding,

Abou Amara, Jr.
Hello,

I hope this message finds you doing well. My name is Abou Amara, and I am writing to request a waiver for good cause of the late filing fees for my Lobbyist Principal Report.

While still working at Neighborhoods Organization for Change (NOC) and registered as their Director of Public Policy, I closed my account as a lobbyist. Within that, I was under the impression that I had also filed my annual report. I was under the impression that one cannot terminate a report that isn't filed, but that impression was incorrect. Moreover, as I no longer was employed by NOC, I was unable to access my work email which [I assume] would have received an e-mail from the campaign finance and public disclosure board notifying me that while I had submitted my termination of my registration for 2017 and moving forward, it did not constitute a filing of the annual report and that I needed to further comply.

Moreover, I did not become aware that my submission of terminating my registration was not sufficient until nearly April of 2017. In addition to not having a work email in which any correspondence from the board would have been sent to notify me, I also did not have access to U.S. mail sent to NOC. Once I became aware, I called the campaign finance board to clarify my situation. Upon speaking with a staff member there and understanding I needed to further comply, I immediately went online and submitted the annual report. Again, I was under the impression I had already complied. But, my impression was incorrect.

My apologies for the confusion. I truly believed that I was in full compliance.

I politely request that the fees accrued as a result be waived. This will not happen again.

Thank you for your consideration and understanding,

Abou Amara, Jr.
### ACTIVE FILES

<table>
<thead>
<tr>
<th>Candidate/Treasurer/ Lobbyist</th>
<th>Committee/Agency</th>
<th>Report Missing/ Violation</th>
<th>Late Fee/ Civil Penalty</th>
<th>Referred to AGO</th>
<th>Date S&amp;C Served by Mail</th>
<th>Default Hearing Date</th>
<th>Date Judgment Entered</th>
<th>Case Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Berglund</td>
<td>Cook Soil and Water Conservation District</td>
<td>Unfiled Economic Interest Statement due January 25, 2016</td>
<td>$100 LF $1,000 CP</td>
<td>7/7/16</td>
<td>12/30/16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Untimely Filing of 2015 Economic Interest Statement</td>
<td>$80 LF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Untimely Filing 2011 Economic Interest Statement</td>
<td>$100 LF $100 CP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brenden Ellingboe</td>
<td>Ellingboe (Brenden) for House</td>
<td>Unfiled 2015 Year-end Report of Receipts and Expenditures</td>
<td>$1,000 LF $1,000 CP</td>
<td>11/29/16</td>
<td>5/26/17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kirsten Johnson</td>
<td></td>
<td>Unfiled Economic Interest Statement due June 14, 2016</td>
<td>$100 LF $1,000 CP</td>
<td>1/17/17</td>
<td>5/26/17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tim Johnson</td>
<td></td>
<td>Unfiled Economic Interest Statement due June 14, 2016</td>
<td>$100 LF $1,000 CP</td>
<td>1/17/17</td>
<td>5/26/17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Candidate/Treasurer/Lobbyist</td>
<td>Committee/Agency</td>
<td>Report Missing/Violation</td>
<td>Late Fee/Civil Penalty</td>
<td>Referred to AGO</td>
<td>Date S&amp;C Served by Mail</td>
<td>Default Hearing Date</td>
<td>Date Judgment Entered</td>
<td>Case Status</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------</td>
<td>---------------------------</td>
<td>------------------------</td>
<td>-----------------</td>
<td>--------------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Meg Litts</td>
<td>Meg Litts for House 9A</td>
<td>2016 Pre-General Election Report of Receipt and Expenditures</td>
<td>$1,000 CP</td>
<td>3/14/17</td>
<td>6/12/17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2016 Year-End Report of Receipt and Expenditures</td>
<td>$1,000 LF $1,000CP</td>
<td>3/14/17</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CLOSED FILES**

<table>
<thead>
<tr>
<th>Candidate/Treasurer/Lobbyist</th>
<th>Committee/Agency</th>
<th>Report Missing/Violation</th>
<th>Late Fee/Civil Penalty</th>
<th>Referred to AGO</th>
<th>Date S&amp;C Served by Mail</th>
<th>Default Hearing Date</th>
<th>Date Judgment Entered</th>
<th>Case Status</th>
</tr>
</thead>
</table>