

**STATE OF MINNESOTA  
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

**Findings and Order in the Matter of the Jim Cohen for U.S. Senate Committee**

**Summary of the Facts**

Minnesota Statutes, section 10A.27, subdivision 13(b), prohibits an association that is not registered with the Campaign Finance and Public Disclosure Board (“the Board”) from making a contribution in excess of \$100 to a candidate, political party unit, or political committee that is registered with the Board unless, at the time the contribution was made, the unregistered association provides the recipient with disclosure of the unregistered association’s receipts and expenditures in the form specified by statute. An unregistered association that fails to provide the appropriate disclosure with the contribution is subject to a civil penalty of up to \$1,000.

In the 2007 year-end Report of Receipts and Expenditures filed with the Board the 15<sup>th</sup> Senate District DFL Committee disclosed receipt of a contribution of \$150 from the Jim Cohen for U.S. Senate Committee. The Jim Cohen for U.S. Senate Committee is an association that is not registered with the Board.

In a letter received on April 9, 2008, Mr. Cohen states “...the \$150 check...was for my attendance at an ... Annual Wellstone Dinner... To the extent that we may have violated the Minnesota Statutes...we apologize and assure you that any such violation was inadvertent and unintended. We were unaware of any required registration and simply thought that the payment was for attendance at the dinner.”

This matter was considered by the Board in executive session at its meeting on May 16, 2008. The Board’s decision was based upon correspondence from Mr. Cohen and Board records.

**Board Analysis**

Many candidates, political party units, and political committees rely on the sale of tickets to fundraiser dinners or other similar events to raise money to finance political activity. Purchasing a ticket to a fundraiser is a contribution to the organization holding the event. This is stated in the simplest terms by Minnesota Rules 4503.0500, subpart 1, which provides in part that “All receipts are contributions”. Therefore, the purchase of tickets to attend the Paul and Sheila Wellstone Fundraising Dinner was a \$150 contribution to the 15<sup>th</sup> Senate District DFL Committee.

**Based on the above Summary of the Facts and the Relevant Statute, the Board makes the following:**

**Findings Concerning Probable Cause**

1. There is probable cause to believe that the Jim Cohen for U.S. Senate Committee, an association that is not registered with the Board, inadvertently violated Minnesota Statutes, section 10A.27, subdivision 13(b), when it made a contribution in excess of \$100 to the 15<sup>th</sup> Senate District DFL Committee without providing the required disclosure.

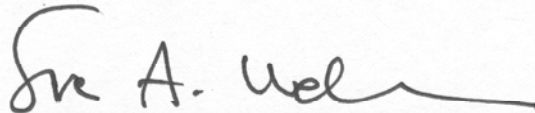
2. There is no probable cause to believe that this violation was intentional or done with the intent to circumvent the requirements of Minnesota Statutes, Chapter 10A.

**Based on the above Findings, the Board issues the following:**

**Order**

1. The Board imposes a civil penalty of \$50, one times the amount by which the contribution exceeded \$100, against the Jim Cohen for U.S. Senate Committee for making a contribution in excess of \$100 to political party units without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13(b).
2. The Jim Cohen for U.S. Senate Committee is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.
3. If the Jim Cohen for U.S. Senate Committee does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action for the remedies available under Minnesota Statute, section 10A.34.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by the civil penalty imposed herein, this matter is concluded.

Dated: May 16, 2008



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Sven A. Wehrwein, Chair  
Campaign Finance and Public Disclosure Board

**Relevant Statute**

**Minnesota Statutes, section 10A.27, subdivision 13. Unregistered association limit;**

**statement; penalty.** (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must not accept a contribution of more than \$100 from an association not registered under this chapter unless the contribution is accompanied by a written statement that meets the disclosure and reporting period requirements imposed by section 10A.20. This statement must be certified as true and correct by an officer of the contributing association. The committee, fund, or party unit that accepts the contribution must include a copy of the statement with the report that discloses the contribution to the board. This subdivision does not apply when a national political party contributes money to its affiliate in this state.

(b) An unregistered association may provide the written statement required by this subdivision to no more than three committees, funds, or party units in a calendar year. Each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An unregistered association or an officer of it is subject to a civil penalty imposed by the board of up to \$1,000, if the association or its officer:

(1) fails to provide a written statement as required by this subdivision; or

(2) fails to register after giving the written statement required by this subdivision to more than three committees, funds, or party units in a calendar year.

(c) The treasurer of a political committee, political fund, principal campaign committee, or party unit who accepts a contribution in excess of \$100 from an unregistered association without the required written disclosure statement is subject to a civil penalty up to four times the amount in excess of \$100.