

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

**FINDINGS AND ORDER IN THE MATTER OF
A CONTRIBUTION DURING THE REGULAR 2007 LEGISLATIVE SESSION
BY CORT HOLTEN**

Summary of the Facts

Minnesota Statutes, section 10A.273, subdivision 1(b), prohibits a registered lobbyist from making a contribution to a political party organization within the house of the legislature (a political party caucus) during a regular legislative session. A lobbyist that violates this section is subject to a civil penalty imposed by the board of up to \$1,000.

In response to an inquiry from the Campaign Finance and Public Disclosure Board (“the Board”), Thomas Kukielka, deputy treasurer of the DFL Senate Caucus (“the Caucus”) confirmed that Cort Holten made two contributions to the Caucus during the 2007 legislative session. Mr. Holten has been registered with the Board as a lobbyist since 1986.

By letter dated February 22, 2008, the Board notified Cort Holten of the statutory provision that appeared to be violated. On April 7, 2008, responded by letter and stated, “It appears that during the 2007 legislative session I was twice solicited by an outside telemarketing vendor hired by the Caucus. Like a robot, I issued checks in response to the solicitations. Not being accustomed to solicitation during session, I obviously assumed that the request must have been from the Party. ...Recently the Caucus explained to me that my name had been placed onto this particular list by accident”.

This matter was considered by the Board in executive session on April 15, 2008, and May 16, 2008. The Findings are based on the correspondence from Mr. Kukielka, Mr. Holten, and Board records.

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

Findings Concerning Probable Cause

There is probable cause to believe that Cort Holten, a registered lobbyist, inadvertently violated Minnesota Statutes, section 10A.273, subdivision 1(b) when he contributed \$200 to the DFL Senate Caucus during the 2007 regular legislative session.

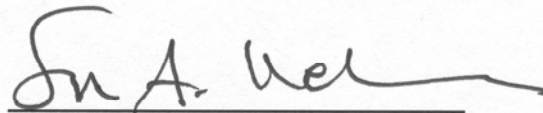
Based on the above Findings, the Board issues the following:

Order

1. The Board imposes a civil penalty of \$200, which is one times the amount of the contributions, on Cort Holten, for contributing to a legislative political party caucus during the 2007 legislative session in violation of Minnesota Statutes, section 10A.273, subdivision 1(b).

2. Cort Holten 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 Cort Holten 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 entered into the public record in accordance with Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by Cort Holten of the civil penalties imposed herein, the matter is concluded.

Dated: May 16, 2008

A handwritten signature in black ink, appearing to read "Sven A. Wehrwein", is written over a solid horizontal line.

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

Relevant Statutes

Minnesota Statutes, section 10A.273, subdivision 1, clause b. **Contributions during legislative session.** A registered lobbyist, political committee, political fund, or dissolving principal campaign committee, or a party unit established by the party organization within a house of the legislature, must not make a contribution to a candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature during a regular session of the legislature.