

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

**Findings and Order in the matter of  
A Complaint Regarding the Tim Faust for MN House Committee**

**Summary of the Allegations and Responses**

On September 25, 2006, David W. Cobb ("Complainant") filed a complaint against the Tim Faust for MN House Committee, (the "Committee"), alleging that the Committee violated Minnesota Statutes Chapter 10A. The Committee is Tim Faust's principal campaign committee.

Complainant alleges that the Committee's 2005 Report of Receipts and Expenditures includes numerous violations because all of the receipts and expenditures reported list the date of February 6, 2006, which is also the date the report was signed by the Committee's treasurer.

Complainant is concerned that the items listed may actually be 2006 campaign expenditures reported in 2005 in an attempt to avoid the 2006 campaign spending limit. Complainant also points out that the beginning cash balance on the committee's 2006 pre-primary Report is not the same as the ending cash balance on the Committee's 2005 Report.

Upon receipt of the complaint, Board staff notified Mr. Faust of the allegations and afforded him an opportunity to respond.

Tim Faust responded by telephone and stated that the treasurer used the date that he prepared the report as the date of every transaction reported rather than the actual transaction dates. Mr. Faust was directed to submit an amended report with the correct dates. A draft amendment was received on October 9, 2006, which disclosed, among other expenditures, a year-end campaign expenditure of \$3,606.10 paid to Tony Doom Supply on December 29, 2005. Staff requested a copy of the invoice for that expenditure to ensure that the expense was reported in the correct period. The draft amendment also included calculation errors.

The current treasurer of the Committee, Geoffrey Saari, informed Board staff that he was not the treasurer in 2005 and that he did not have complete information for the report. Staff advised him to obtain the records. He requested assistance in completing the report correctly and came to the Board offices with all of the committee records on October 18, 2006, at which time he completed and filed an amended report. In addition to providing the missing dates, the amended report corrected a calculation error of \$134 in the amount of contributions reported and corrected the ending cash balance total.

Also on October 18, 2006, Mr. Saari completed an amendment to the Committee's 2006 pre-primary Report of Receipts and Expenditures correcting the beginning cash balance to match the new, corrected, ending cash balance at the end of 2005.

Mr. Saari also provided a copy of the December 29, 2005, invoice from Tony Doom Supply indicating that the purchase and payment were made in 2005.

## **Board Analysis**

An examination of the Committee's 2005 report suggested that the dates used for every transaction were the result of treasurer error in using the date he prepared the report rather than the actual transaction date. The candidate, Tim Faust, confirmed this fact verbally as did the treasurer, Geoffrey Saari. Other than the Report itself, Complainant does not provide any evidence beyond speculation to suggest that the reported transactions actually occurred in 2006.

Performing the addition and subtraction on the transaction summary page of the Committee's original 2005 Report shows that the Treasurer made a calculation error in arriving at the year end balance shown on the report. The amount used as the 2006 beginning balance (calculated and provided by the Board as part of the regular filing process) was the correct amount.

The Committee filed an amended report on October 18, 2006, that included dates for all transactions. The amended report also included a minor correction to the contribution total. Nothing in the records or the amended report suggests any attempt to transfer 2006 campaign expenditures to the 2005 reporting year.

A paid invoice was provided to further document that the late-December payment to the Tony Doom Supply company was for a 2005 purchase.

This matter was considered by the Board in executive sessions on October 17 and November 28, 2006. The Board's decision is based on the complaint, the responses, results of the Board investigation, and Board records.

**Based on the evidence before it, the Board makes the following:**

### **FINDINGS CONCERNING PROBABLE CAUSE**

1. There is probable cause to believe that at the time Tim Faust's 2005 Report of Receipts and Expenditures was filed, it included incorrect dates for every reported transaction.
2. There is probable cause to believe that at the time Tim Faust's 2005 Report of Receipts and Expenditures was filed, it included an incorrect calculation of the ending cash balance, but that the correct amount was reported as the 2006 beginning cash balance.
3. There is probable cause to believe that at the time Tim Faust's 2005 Report of Receipts and Expenditures was filed, it included an incorrect calculation of contributions received.
4. There is no probable cause to believe that the reporting errors were intentional or done to circumvent any limit on campaign expenditures.
5. In view of the Committee's filing of an amended Report, there is no probable cause to believe that reporting violations for the 2005 Report of Receipts and Expenditures continue to exist.

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

**ORDER**

1. The Board's investigation of this matter is concluded and the records of the investigation are hereby made a part of the public records of the Board pursuant to Minnesota Statutes, Section 10A.02, subdivision 11.

Dated: November 28, 2006



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Bob Milbert, Chair  
Campaign Finance and Public Disclosure Board