

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

FINDINGS REGARDING THE PINE COUNTY DFL

Procedural Background

On October 14, 2004, Mark Nisley filed a complaint with the Campaign Finance and Public Disclosure Board (“the Board”) against the Pine County DFL alleging that the Pine County DFL violated Minnesota Statutes, Chapter 10A.

In his complaint, Mr. Nisley provided a copy of a newspaper advertisement run in the *Hinkley News* by the Pine County DFL in June 2004. Mr. Nisley stated that the newspaper advertisement was “clearly an effort to defeat” Representative Judy Soderstrom, and thus should be disclosed as either an independent expenditure by the Pine County DFL or as an in-kind contribution to the Tim Faust for MN House Committee by the Pine County DFL.

Ms. Nisley stated that the Pine County DFL may have violated Minn. Stat. §10A. 20, subd. 3 (g) by not reporting any independent expenditures against Representative Judy Soderstrom or any in-kind contributions to the Tim Faust for MN House Committee on the Pine County DFL’s Report of Receipts and Expenditures for the period covering January 1, 2004, through August 23, 2004.

By letter dated October 28, 2004, the Board notified Fran Levings, treasurer, Pine County DFL of the complaint and afforded Ms. Levings an opportunity to respond. Ms. Levings responded on November 8, 2004, and November 15, 2004. In her November 15, 2004, response, Ms. Levings stated’ “the Pine County DFL established an Ad Committee in March of this year. The Ad Committee was assigned the task of preparing for publication a series of ads all centered around four main issues-health care, education, transportation, and property taxes...Tim Faust, candidate for MN House, was not only not aware of the content of the ads, but also had no input into the work of the committee. These ads were issue-oriented ads prepared by the committee with the goal of raising awareness of theses issues.”

The Board considered this matter in executive session at its meetings on October 15, 2004, and November 17, 2004. The Board’s decision was based on the complaint, the document provided in support of the complaint, Ms. Leving’s responses and Board records.

Based on the record before it, the Board issues the following:

EVIDENTIARY FINDINGS

1. There is no evidence that the advertisement that ran in the *Hinkley News* was an in-kind contribution to the Tim Faust for MN House Committee.
2. There is no evidence that the Pine County DFL was required to disclose the advertisement in the *Hinkley News* as an in-kind contribution on its Report of Receipts and Expenditures for the period covering January 1, 2004, through August 23, 2004.

3. There is no evidence that the advertisement that ran in the *Hinkley News* met the definition of independent expenditure as provided for in Minn. Stat. §10A.01, subd. 18, because the advertisement did not “expressly advocate” the election or defeat of any candidate.
4. There is no evidence that the Pine County DFL was required to disclose the advertisement in the *Hinkley News* as and independent expenditure on its Report of Receipts and Expenditures for the period covering January 1, 2004, through August 23, 2004.

Based on the above Statement of the Evidence, the Board makes the following:

FINDINGS CONCERNING PROBABLE CAUSE

1. There is no probable cause to believe that the Pine County DFL violated Minn. Stat. §10A.20, subd. 3 (g), by not reporting any in-kind contributions to the Tim Faust for MN House Committee on the Pine County DFL’s Report of Receipts and Expenditures for the period covering January 1, 2004, through August 23, 2004.
2. There is no probable cause to believe that the Pine County DFL violated Minn. Stats. §§10A. 20, subd. 3 (g) or 10A.20, subd. 6a, by not reporting any independent expenditures against Representative Soderstrom on the Pine County DFL’s Report of Receipts and Expenditures for the period covering January 1, 2004, through August 23, 2004.

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

ORDER

1. The allegation that the Pine County DFL violated Minn. Stat. §10A.20, subd. 3 (g), is dismissed in its entirety.
2. The allegation that the Pine County DFL violated Minn. Stat. §10A.20, subd. 6a, is dismissed in its entirety.
3. The Board’s investigation of this matter is hereby made a part of the public records of the Board pursuant to Minn. Stat. §10A.02, subd. 11. Board staff is directed to forward copies of these Findings to Mr. Nisley and Ms. Levings.

Dated: November 17, 2004

Wil Flugel, Chair
Campaign Finance and Public Disclosure Board