

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

FINDINGS REGARDING JIM PITHAN

Procedural Background

On October 4, 2004, Representative Christopher DeLaForest filed a complaint with the Campaign Finance and Public Disclosure Board (“the Board”) against Jim Pithan alleging that Mr. Pithan violated Minnesota Statutes, Chapter 10A.

On April 16, 2004, Mr. Pithan registered the (Jim) Pithan Volunteer Committee. In his complaint, Representative DeLaForest alleged that a separate committee, the People for Pithan Committee, made expenditures on behalf of Mr. Pithan.

Specifically, Representative DeLaForest alleged that Mr. Pithan violated Minn. Stats. §§10A.105 and 10A.12. Minn. Stat. §10A.105, subd. 1, states that a candidate may only have one principal campaign committee. Minn. Stat. §10A.12, subd. 1, states that an association other than a political committee or party unit may not contribute more than \$100 or make an expenditures on behalf of a candidate unless that contribution or expenditure is made from a political fund. In support of his complaint, Representative DeLaForest provided copies of campaign literature and web site that stated paid for by the “People for Pithan.”

By letter dated October 4, 2004, the Board notified Mr. Pithan of the complaint and afforded him an opportunity to respond. On October 6, 2004, Mr. Pithan notified the Board in writing of his Committee’s name change. On October 26, 2004, Mr. Pithan amended his Registration and Statement of Organization.

This matter was considered by the Board in executive session in its meetings on October 15, 2004, and November 17, 2004. The Board’s decision was based on Representative DeLaForest’s complaint, the documents Representative DeLaForest supplied in support of his complaint, Mr. Pithan’s amended Registration and Statement of Organization, and Board records.

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

EVIDENTIARY FINDINGS

1. There is no evidence that the People for Pithan Committee was a committee separate from the (Jim) Pithan Volunteer Committee, and thus no evidence that Mr. Pithan violated Minn. Stats. §§10A.105, subd. 1, or 10A.12, subd. 1.
2. There is evidence that the Committee failed to amend the Committee’s Registration and Statement of Organization within ten days as required by Minn. Stat. §10A.025, subd. 4.
3. There is no evidence that Mr. Pithan or any agent of his Committee willfully failed to amend the Committee’s Registration and Statement of Organization to disclose the Committee’s name change. Minn. Stat. §10A.025, subd. 4, provides no penalty for an inadvertent violation of this statute

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 Mr. Pithan or the People for Pithan Committee violated Minn. Stats. §10A.105, subd. 1, or 10A.12, subd. 1.
2. There is probable cause to believe that the People for Pithan Committee inadvertently violated Minn. Stat. §10A.025, subd. 4, by failing to amend the committee's Registration and Statement of Organization to disclose the name change within ten days. The reporting violation having been cured, there is no probable cause to believe that this violation continues to exist.

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

ORDER

1. The allegation that Mr. Pithan violated Minn. Stats. §10A. 105, subd. 1, and 10A.12, subd. 1 is dismissed in its entirety.
2. The allegation that Mr. Pithan violated Minn. Stat. §, is dismissed in its entirety.
3. The reporting violation having been cured, the Board's investigation regarding a possible violation of Minn. Stat. §10A.025, subd. 4, is dismissed in its entirety.
4. 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 Representative DeLaForest and Mr. Pithan.

Dated: November 17, 2004

Wil Flugel, Chair
Campaign Finance and Public Disclosure Board