

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING LIEUTENANT
GOVERNOR CAROL MOLNAU AND THE (TIM) PAWLENTY FOR GOVERNOR
COMMITTEE**

Procedural Background

On February 15, 2005, Alan Weinblatt (Complainant) filed a complaint on behalf of Mike Erlandson and the Minnesota Democratic Farmer Labor Party with the Campaign Finance and Public Disclosure Board (the Board) against Lieutenant Governor Carol Molnau and the (Tim) Pawlenty for Governor Committee (Committee) alleging that Lieutenant Governor Molnau and the Committee violated provisions of Chapter 10A.

Specifically, the Complainant made the following three allegations against Lieutenant Governor Molnau and the (Tim) Pawlenty for Governor Committee:

The Complainant's first allegation is that the vehicle provided to Lieutenant Governor Molnau by the State of Minnesota was used to transport Lieutenant Governor Molnau to campaign related events.

The Complainant's second allegation is that the Committee's 2003 and 2004 calendar year Report of Receipts and Expenditures did not show any reimbursement from the Committee to the State of Minnesota for the use of the state provided vehicle as transportation for Lieutenant Governor Molnau to political events. (Minn. Stat. §10A.25, subd. 3, and Minn. Rules 4503.1300, subp. 3, provide that the principal campaign committees of candidates for governor and lieutenant governor must be merged into one committee after the "ticket" of governor and lieutenant governor are endorsed or file for office. The principal campaign committee for Lieutenant Governor Molnau is the (Tim) Pawlenty for Governor Committee. A principal campaign committee that fails to disclose expenditures on the Report of Receipts and Expenditures filed with the Board is in violation of Minn. Stat. §10A.20, subd. 3 (g).)

The Complainant's third allegation is that Lieutenant Governor Molnau failed to receive reimbursement from the Committee when Lieutenant Governor Molnau used her personal vehicle to travel to campaign related events in 2003 and 2004, or alternatively, Lieutenant Governor Molnau failed to disclose the use of her personal car as an in-kind donation to the Committee when Lieutenant Governor Molnau used her own vehicle as transport to campaign related events in 2003 and 2004. (Failure by a principal campaign committee to disclose contributions is a violation of Minn. Stat. §10A.20, subd. 3 (b). Failure by a principal campaign committee to value the use of a personal car that is not reimbursed as an in-kind donation is a violation of Minn. Rules 4503.0500, subp. 8. Failure by an individual to submit a bill to a principal campaign committee is a violation of Minn. Stat. §10A.18.)

The Complainant provided a copy of a news article from the *Construction Bulletin* dated October 29, 2004, which states that Lieutenant Governor Molnau attended a political rally for President Bush in Mankato, Minnesota. The Complainant also provided a print out of a web site page that lists Lieutenant Governor Molnau as a member of the Bush Cheney 2004 Minnesota Leadership Team. The Complainant provided no specific examples of political events attended by Lieutenant Governor Molnau in 2003, no specific example(s) of the use of the state-provided vehicle allegedly used to transport Lieutenant Governor Molnau to political events, and no specific

examples of Lieutenant Governor Molnau using her personal vehicle as transport to campaign events that benefited the Pawlenty/Molnau campaign in 2003 or 2004.

Richard Morgan, attorney representing Lieutenant Governor Molnau and the Committee, contacted the Board and stated that he was aware of the complaint and would be providing a response. The Board received Mr. Morgan's response on February 28, 2005. Board asked Mr. Morgan for additional information relevant to the complaint on March 9, 2005. Mr. Morgan provided a response to the Board's inquiry on March 11, 2005.

In response to the Complainant's first allegation that Lieutenant Governor Molnau used the vehicle provided by the state as transportation to campaign related events, Mr. Morgan stated, "State law specifically allows the Lieutenant Governor to use the vehicle for both state purposes and non-state purposes." Mr. Morgan further stated, "State law does not require the Lieutenant Governor to keep a log to account for the various uses of the vehicle or to reimburse the State for non-state uses of the vehicle." Mr. Morgan referenced Minn. Stat. §16B.55, subd. 5 as statutory authority for Lieutenant Governor Molnau to use the state provided vehicle for activities unrelated to her official duties as Lieutenant Governor.

In response to the Complainant's second allegation that the Committee did not reimburse the State of Minnesota in 2003 and 2004 for Lieutenant Governor Molnau's use of the state provided vehicle as transport to political events; Mr. Morgan stated, "In 2003 and 2004, the Lieutenant Governor has attended just a handful of Pawlenty/Molnau campaign events in her state vehicle, accumulating at most a total of just over 90 miles of travel for her campaign." In addition, Mr. Morgan provided, "The Lieutenant Governor will follow the Governor's lead and, although not required by law to do so, will provide a voluntary reimbursement to the state for her travel in the state vehicle for the Pawlenty/Molnau campaign in 2003 and 2004. Copies of the amendments to the Committee's 2003 and 2004 Reports reflecting these voluntary reimbursements related to her own campaign of 75 cents for 2003 and \$33.45 for 2004 will be filed separately late this week."

In response to the Complainant's third allegation that Lieutenant Governor Molnau failed to receive reimbursement or alternatively report as an in-kind donation the use of her personal vehicle as transport to campaign related events that benefited the Pawlenty/Molnau campaign in 2003 and 2004; Mr. Morgan stated, "...neither Governor Pawlenty nor Lieutenant Governor Molnau has any recollection of using any of their privately owned vehicles to attend political events that benefited the Pawlenty/Molnau campaign in either 2003 or 2004."

The matter was considered by the Board in executive session at its meetings on February 22, and March 22, 2005. The Board's decision was based upon the complaint and documents provided with the complaint, the responses from Richard Morgan, and records filed with the Board.

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

EVIDENTIARY FINDINGS

1. Minn. Stat. §10A.01, subd. 10, defines a "candidate" to include an individual who seeks election as a state constitutional officer and who has received contributions or made expenditures in excess of \$100. Lieutenant Governor Molnau is a candidate under Chapter 10A.
2. Minn. Stat. §10A.25, subd. 3, and Minn. Rules 4503.1300, subp. 3, provide that candidates for governor and lieutenant governor must have a single principal campaign

committee. The (Tim) Pawlenty for Governor Committee is the principal campaign committee for Lieutenant Governor Molnau.

3. Minn. Stat. §10A.18 provides that a person who has a bill, charge, or claim against a principal campaign committee must submit a bill for the service or material provided.
4. Minn. Stat. §10A.20, subd. 3(b), requires a principal campaign committee to disclose contributions made to the committee in the Report of Receipts and Expenditures filed with the Board.
5. Minn. Stat. §10A.20, subd. 3(g), requires a principal campaign committee to disclosure expenditures made by the committee in the Report of Receipts and Expenditures filed with the Board.
6. Minn. Rules 4503.0500, subp. 8, requires a principal campaign committee to consider the use of an automobile for the committee that is not reimbursed to the owner as an in-kind donation valued at the lowest rate used by the state of Minnesota to reimburse its employees for automobile use.
7. Minn. Stat. §16B.55, subd. 5, provides that the requirement that a state vehicle only be used for authorized state business (Minn. Stat. §16B.55, subd. 2) does not apply to the use of a state vehicle by the lieutenant governor.
8. There is evidence that Lieutenant Governor Molnau voluntarily used personal funds to reimburse the State of Minnesota \$34.20 to cover the cost of using the state vehicle as transport to political events that benefited the Pawlenty/Molnau campaign in 2003 and 2004.
9. There is evidence that the Committee has an unpaid obligation to Lieutenant Governor Molnau for \$34.20 for reimbursement of the \$34.20 paid by Lieutenant Governor Molnau to the State of Minnesota for use of the state vehicle as transportation to campaign events that benefited the Pawlenty/Molnau campaign in 2003 and 2004. At the mileage rate provided by the Board in 2003 and 2004, \$34.20 represents a reimbursement request for approximately 116 miles.
10. There is no evidence that Lieutenant Governor Molnau used her personal vehicle to attend political events that benefited the Pawlenty/Molnau campaign in 2003 or 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 any provision of Minnesota Statutes Chapter 10A takes precedence over or limits the discretion given to the Lieutenant Governor or the Commissioner of Public Safety in Minn. Stat. §16B.55, subd. 5, which provides the Lieutenant Governor with a state vehicle for transportation regardless of the nature of the event the Lieutenant Governor may wish to attend.

2. There is no probable cause to believe that Lieutenant Governor Molnau is required to use funds from the (Tim) Pawlenty for Governor Committee to reimburse the state for the use of the state car.
3. There is probable cause to believe that the amounts that will be reimbursed by the Committee to Lieutenant Governor Molnau for use of the state vehicle are in relation to the amount paid by Lieutenant Governor Molnau to the State of Minnesota for use of the state vehicle to attend political events that benefited the Pawlenty/Molnau campaign.
4. There is no probable cause to believe that Lieutenant Governor Molnau used her own vehicle to attend political events that benefited the Pawlenty/Molnau campaign in 2003 or 2004. Therefore, there is no probable cause to believe that the Committee failed to disclose an in-kind donation from Lieutenant Governor Molnau for the use of her personal car in 2003 or 2004.
5. There is no probable cause to believe that Lieutenant Governor Molnau used her own vehicle to attend political events that benefited the Pawlenty/Molnau campaign in 2003 or 2004. Therefore, there is no probable cause to believe that Lieutenant Governor Molnau failed to submit a bill for reimbursement to the Committee for use of her personal car in 2003 or 2004.
6. There is probable cause to believe that the (Tim) Pawlenty for Governor Committee properly reported an unpaid bill for reimbursements to Lieutenant Governor Molnau on the Committee's amended 2003 and 2004 Report of Receipts and Expenditures.

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

ORDER

1. The complaint regarding the alleged violation of Minn. Stat. §10A.18, is dismissed in its entirety.
2. The complaint regarding the alleged violation of Minn. Stat. §10A.20, subd. 3(b), is dismissed in its entirety.
3. The complaint regarding the alleged violation of Minn. Stat. §10A.20, subd. 3(g), is dismissed in its entirety.
4. The complaint regarding the alleged violation of Minn. Rules 4503.0500, subp. 8 is dismissed in its entirety.
5. The record in this matter and all correspondence is hereby entered into public record in accordance with Minn. Stat. §10A.02, subd. 11. Board staff shall provide copies of these Findings to Lieutenant Governor Molnau, Richard Morgan, Alan Weinblatt, and Mike Erlandson.

Dated: 3-22-05



Terri Ashmore, Chair
Campaign Finance and Public Disclosure Board