

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
FINDINGS REGARDING WITCHER CONSTRUCTION CO.**

Procedural Background

In response to an inquiry from the Campaign Finance and Public Disclosure Board (“the Board”). Tara Mattessich, counsel, People in Construction Political Action Committee (#30268), notified the Board that Witcher Construction Co., an association that is not registered with the Board, made a \$200 in-kind contribution to People in Construction Political Action Committee.

Minn. Stat. §10A.27, subd. 13 (b), prohibits an unregistered association from making a contribution to a registered political committee unless, at the time the contribution was made, the unregistered association provides the recipient with the disclosure required by Minn. Stat. §10A.20.

On November 15, 2004, People in Construction Political Action Committee, notified the Board that it had returned \$200 to Witcher Construction Co. on November 2, 2004.

On November 22, 2004, Kenneth Styrlund, Witcher Construction Co., stated, “we have received that refund and it has been deposited in our bank account. A copy of the check we received is attached for your reference. We contribute periodically to AGC events and programs. We missed the fact that the proceeds of our Galyan’s gift card donation that we made to the 2004 AGC annual meeting was to be directed to a PAC.”

This matter was considered by the Board in executive sessions in its meetings on November 17, 2004, and December 17, 2004. The Board’s decision was based upon correspondence from Ms. Mattessich, correspondence from Mr. Styrlund, and Board records.

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

EVIDENTIARY FINDINGS

1. There is evidence that Witcher Construction Co. inadvertently violated Minn. Stat. §10A.27, subd. 13, when it made a contribution in excess of \$100 to the People in Construction Political Action Committee without providing the required disclosure.
2. There is evidence that this contribution was not returned within 60 days. Minn. Stat. §10A.27, subd. 13 (b), provides that an unregistered association that makes a contribution to a political committee without the required disclosure is subject to civil penalty of up to \$1,000.

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

FINDINGS CONCERNING PROBABLE CAUSE

There is probable cause to believe that Witcher Construction Co. inadvertently violated Minn. Stat. §10A.27, subd. 13, by making a contribution to People in Construction Political Action Committee without providing the required disclosure.

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

ORDER

1. The Board imposes a civil penalty of \$100, one times the amount by which the contribution exceeded \$100, on Witcher Construction Co., an unregistered association, for making a contribution to a registered political committee without providing the disclosure required by Minn. Stat. §10A.20.
2. Witcher Construction Co. is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within thirty days of receipt of this order.
3. If Witcher Construction Co. does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the appropriate County Attorney for civil enforcement pursuant to Minn. Stat. §10A.28, subd.4.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minn. Stat. §10A.02, subd. 11, and upon payment by the civil penalty imposed herein, this matter is concluded.

Dated: December 17, 2004

Wil Flugel, Chair
Campaign Finance and Public Disclosure Board