

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

.....  
**Tuesday, April 15, 2008**

.....  
**Room 220  
Minnesota Judicial Center**

.....  
**MINUTES**

Meeting was called to order by Chair Wehrwein.

Members present: Ashmore, Bettermann, Boyd, Wehrwein

Others present: Goldsmith, Sigurdson, Swanson staff; Walsh, legal consultant;  
Huwe, counsel

Mr. Heintzeman and Mr. Milbert informed staff that they would be unable to attend the meeting.

**MINUTES** (December 11, 2007)

Ms. Bettermann's MOTION: To approve the December 11, 2007, minutes as drafted.

Vote on MOTION: Unanimously passed.

**CHAIR'S REPORT**

- **Board Meeting Schedule**

Next meeting is scheduled for May 16, 2008, at 8:30 a.m.

- **Board Member Reappointments**

The House Governmental Operations, Reform, Technology, and Elections Committee held a confirmation hearing for Ms. Boyd and Ms. Bettermann prior to today's Board meeting. The committee approved the appointments and referred them to the full House for floor action. No date has been set for Senate confirmation hearings.

- **Board resolution**

Mr. Walsh and Mr. Goldsmith announced that due to the decreased level of need for legal assistance, Mr. Walsh would be terminating his formal volunteer agreement with the Board. Mr. Walsh will still be available to assist on a case basis as needed.

Mr. Wehrwein's MOTION: Resolved, that the Campaign Finance and Public Disclosure Board recognizes Harry Walsh for his service from 2005 to 2008 as a volunteer legal consultant to the Board and offers this resolution in appreciation for his investment of time and energy in support of the mission and objectives of the Minnesota Campaign Finance and Public Disclosure Board.

Vote on MOTION: Unanimously passed.

### **EXECUTIVE DIRECTOR'S REPORT**

Mr. Goldsmith submitted the following written report:

- **Personnel matters**

Jeanne Olson reviewed the performance of Jeff Sigurdson and found it to meet or exceed expectations in all areas. Mr. Sigurdson was awarded a performance-based salary increase and was also eligible for a general salary increase under the terms of the state's Managerial Plan.

LuAnn Swanson reviewed the performance of Sarah Wood and found it to meet all standards. Ms. Wood was given a step increase in salary under the terms of the AFSCME contract.

Gary Goldsmith reviewed the performance of LuAnn Swanson. Her performance met or exceeded all requirements. Ms. Swanson is at the top of her pay scale and is not eligible for a step increase; however, she was awarded the achievement award that is available under the Middle Management Association contract.

- **Staff Activities**

#### **Staff Presentations**

<b>Date</b>	<b>Subject</b>	<b>Trainers</b>	<b>Attendees</b>
Dec. 13, 2007	Campaign Finance Reporter Software Training	Gary Goldsmith	7
Dec. 17, 2007	Campaign Finance Compliance	Jeff Sigurdson	10
Jan. 11, 2008	Report Preparation	Jeff Sigurdson Joyce Larson	28
Jan. 28, 2008	Campaign Finance Compliance	Jeff Sigurdson	14
Feb. 6, 2008	Lobbyist Training	Jeff Sigurdson Gary Goldsmith	72
Feb 8, 2008	Lobbyist and Gift Law -	Gary Goldsmith	13

	U of M Law School Class		
Feb. 15, 2008	Lobbyist and Gift Law – Cont. Legal Ed.	Gary Goldsmith	130
Feb. 27, 2008	CFR software training	Gary Goldsmith	7
Feb. 27, 2008	Campaign Finance Compliance	Jeff Sigurdson	7
March 13	Campaign Finance Introduction A.P Gov. Class – Richfield	Gary Goldsmith	35
March 19	Campaign Finance Compliance	Jeff Sigurdson	27
March 19	CFR Software Training	Gary Goldsmith	14
March 25	CFR Software Training	Gary Goldsmith	7

**Report Filing**

Staff is engaged in obtaining and processing lobbyist and campaign finance reports.

The table below summarizes the relevant statistics.

<b>Event</b>	<b>Due Date</b>	<b>Number Expected</b>	<b>Number outstanding</b>
<b>Lobbyist Reports 6/1 – 12/31/07</b>	Jan 15, 2008	1,896	6 reports (3 lobbyists)
<b>Year-end Campaign Finance Reports</b>			
Candidates	Jan 31, 2008	686	14
Other committees	Jan 31, 2008	737	8
<b>Lobbyist Principal Reports</b>	Mar 15, 2008	1,261	71

• **Board Operations**

**On-line employee timekeeping system implemented**

Board staff has been trained and is now using the state’s web-based self-service payroll entry system. This system eliminates the old multi-part paper forms and also eliminates the need for data-entry into the state system of the information from the paper forms.

**Support contracts established with Small Agency Resource Team (SmART)**

The SmART project is a legislative initiative designed to provide technical and administrative support for small agencies. It is funded by an appropriation to the Department of Administration. There is no cost to agencies at this time.

The Board has entered into contracts with the SmART Human Resources group for processing payroll and other personnel transactions in the state system and with the SmART Finance group for services and assistance during the next biennial budget process.

- **Correspondence**

Correspondence received from Representative Tom Emmer alleging the failure of Minnesota 2020 to register as a lobbyist principal was available for Board review. Upon reviewing the letter and supporting materials, it was clear that there were not sufficient facts to allege a violation of Chapter 10A. There is no Minnesota statute that provides for registration of lobbyist principals.

The letter also alleged the failure of Matt Entenza and Conrad deFiebre to register as lobbyists. However, neither the letter nor the supporting documentation included any allegation of conduct that would bring the individuals within the definition of a lobbyist and, thus, require registration.

After review and discussion with the Board Chair, the Executive Director exercised the authority delegated by the Board to make the initial determination as to whether filed documents allege violations of Chapter 10A.

- **Executive Director's Briefing**

**Expenditure compliance review project**

Staff is engaged in a project that will result in the systematic review of all campaign expenditures and noncampaign disbursements disclosed on filed reports. Eventually the project will result in more descriptive reports and more consistent enforcement.

The project will result in:

- 1) development of guidelines describing what constitutes an adequate description for an expenditure transaction;
- 2) development of a series of educational letters to be used to improve the overall adequacy of expenditure disclosure;
- 3) informing committees with inadequate disclosure of the guidelines and the need to improve descriptions on future reports,
- 4) identification of expenditures which appear to be either prohibited by statute or so inadequately described as to require further action and referral those to the compliance officer.

The client contact resulting from the project is intended to be primarily educational and is not expected to result in a significant number of enforcement actions.

**Establishing goals and priorities**

To ensure that the Board and staff have a shared sense of what we would like to accomplish as well as how and when we expect to accomplish each objective, Mr.

Goldsmith will be maintaining a document describing the important things that are being looked at or worked on at any time.

A spreadsheet that reflects the initial key initiatives staff intends to work on was available for Board members. This will be a living document and will change regularly as we learn more about the items on it and identify additional priorities.

### **Board policy on private data**

As directed by the Board, Mr. Goldsmith is establishing a policy on private data received in the office. The policy will be brought to the Board for review when completed.

### **Agency Budget**

Mr. Goldsmith told Board members that staff has been carefully reviewing spending for the remainder of the fiscal and has come to the conclusion that filling a vacant staff position will not be possible during this fiscal year. The problem stems primarily from salaries and benefits that have increased under the terms of various contracts while funding has increased at a much slower rate. A detail and summary budget analysis were provided for review by Board members.

Ms. Boyd's MOTION: To direct the Executive Director to put together an analysis of the agency budget and pursue options in the legislature and with the Governor's office to remedy the shortfall for fiscal year 2009 and to improve our budget position going into fiscal years 2010 and 2011.

Vote on MOTION: Unanimously passed.

## **FINANCIAL STATEMENT AND AGENCY DEPOSITS**

Mr. Sigurdson submitted reports covering July 2007 through March 2008.

## **ENFORCEMENT REPORT**

### **Consent Items**

**Board Action:** Authorization for referral to the Office of the Attorney General for failure to pay late filing fees and/or civil penalties. Two first class letters and one certified letter was sent. Staff contacted or attempted to contact each individual by telephone.

**Steve Dalen**, Clay SWCD, \$65

**Elwyn Manthei**, Elm Creek WMO, \$20

**Dale Schlieman**, Swift SWCD, \$25

**Board Action:** Authorization for referral to the Office of the Attorney General for failure to file the Original Statement of Economic Interest. One first class letter and two certified letters were sent. Staff contacted or attempted to contact the individual by telephone.

**Todd Miller**, Roseau River WD

**Nancy Truax**, Middle St. Croix WMO

**Board Action:** Authorization for referral to the Office of the Attorney General for failure to file a Lobbyist Disbursement Report, due January 15, 2008. Two certified letters were sent. Staff contacted or attempted to contact each lobbyist by telephone.

**Guy Gambill**, Minnesota Council on Crime and Justice

**Albert Garcia**, Alpha Human Services, Inc.

**Albert Garcia**, Base Management, LLC

**Albert Garcia**, FRM Associates

**Albert Garcia**, NRG Energy, Inc

**Board Action:** Authorization for referral to the Office of the Attorney General for failure to file the 2007 Report of Receipts and Expenditures, due January 31, 2008. Two certified letters were sent. Staff contacted or attempted to contact each treasurer by telephone.

**Irene Folstrom for Senate**

**Brian Fulcher Volunteer Committee**

**Paid for by Friends to Elect Mary Gaines**

**Friends of Chad Hobot**

**(Margie) Hoyt for People**

**Neighbors for Dan Johnson**

**Mark Jorgensen for State House**

**Craig Miller Volunteers**

**Friends for Andrew (Scheck)**

**(Paul) Stacek for Senate**

**Libertarian Party of Minnesota**

**TRUTH PAC**

**Secretary of State Project – Minnesota**

**1<sup>st</sup> Congressional District RPM**

**67A House District RPM**

**Board Action:** Authorization to withdraw the registration of a ballot question committee.

**Paul Busch**, treasurer, Saint Paul Better Ballot Campaign - The committee registered with the Board on April 18, 2007. In his letter of January 30, 2008, Mr. Busch stated that he attended the compliance training on January 28, 2008, and realized that the committee, formed for a local ballot initiative, did not need to be registered with the Board.

**Board Action:** Request to terminate with a cash balance in excess of \$100.

**CropLife Political Action Committee** - In October 2007, the Board issued Findings against CropLife Political Action Committee (Committee) regarding the acceptance of a contribution from an unregistered association. At that time, John Apitz, lobbyist for Crop Life America, indicated that the Committee would terminate its registration and would no longer be active in Minnesota. The termination was not completed at that time. On March 12, 2008, Mr. Apitz submitted a request on behalf of the Committee to allow the committee to terminate its registration with a cash balance of more than \$100 effective December 31, 2006. CropLife America remains active as a political committee that files with the Federal Elections Commission.

**Board Action:** Confirmation of the administrative termination for the following lobbyists at the request of the lobbyist association.

**Kathleen Maher**, Lutheran Social Services of Minnesota, registered February 12, 2002, termination effective December 12, 2007. Ms. Maher had authorized another lobbyist to report on her behalf. Mark Peterson from Lutheran Social Services stated that Ms. Maher has terminated her employment and moved out of state.

**Gerald Von Korff**, Joint Powers Natural Resource Board, registered July 25, 2007, termination effective December 12, 2007. Mike Hanson from the Joint Powers Natural Resources Board (Board) stated that Mr. Von Korff represented the Board on a legal issue but had no lobbying contract with the Board.

**Board Action:** Authorization to grant an extension to file an amended Report of Receipts and Expenditures.

**Gerald Pestka**, Olmsted County RPM - In a letter dated April 4, 2008, Mr. Pestka responded to a written request from staff to file an amended 2007 Report of Receipts and Expenditures. Mr. Pestka would like an extension of 60 days, to June 4, 2008, to file the amendment.

Ms. Ashmore's MOTION: To authorize the action specified in the consent items.

Vote on MOTION: Unanimously passed.

### **Discussion Items**

#### **Waiver Requests**

- **Original Statements of Economic Interest**

**Ross Aigner**, Wilkin SWCD, \$700 civil penalty - Mr. Aigner filed his Economic Interest Statement on January 8, 2008. On March 20, 2008, he submitted a check for \$100 for a late filing fee and requested a waiver of the \$700 civil penalty.

**Dave Berglund**, Cook County SWCD, \$100 late filing fee, \$1,000 civil penalty - Mr. Berglund filed his Economic Interest Statement and a waiver request on February 11, 2008. He stated that it is his first term as a SWCD supervisor and he did not understand the new statute mandate.

**Connie Carlson**, Middle St. Croix WMO, \$100 late filing fee, \$800 civil penalty - Ms. Carlson filed her Economic Interest Statement and a waiver request on January 10, 2008. She stated that she did not understand that as an alternate board member she was required to file the statement. She also stated that she was dealing with a family issue at the time the letters from the Board arrived.

**Ned Carroll**, Shingle Creek Watershed Commission, \$25 late filing fee - Mr. Carroll filed his Economic Interest Statement on October 30. On January 3, 2008, Mr. Carroll submitted a request for a waiver stating that he was on vacation at the time the statement was mailed. As of February 2008, Mr. Carroll is no longer with the Commission.

**Stuart Christian**, Sand Hill WD, \$100 late filing fee, \$1,000 civil penalty - Mr. Christian filed his Economic Interest Statement and a waiver request on February 8, 2008. He stated that because it is an appointed position and he is reimbursed for meetings only, he misunderstood the filing requirement.

**Douglas Root**, Grass Lake WMO, \$100 late filing fee, \$700 civil penalty – Mr. Root filed his Economic Interest Statement and a waiver request on January 11, 2008. He stated that he filed a Statement with the City of Roseville as a local official and he was not aware of the requirement to file another Statement with the Board.

**Brenda VanBergen**, Lake SWCD, \$30 late filing fee - On January 7, 2008, Ms. VanBergen submitted payment of the \$30 late filing fee and a request for a reimbursement. Ms. VanBergen, chair of the conservation district, stated that the members had discussed the requirement to file. She initially disagreed with the requirement. The statement was filed on November 1, 2007.

Ms. Boyd's MOTION: To approve the requests of Ross Aigner, Dave Berglund, Connie Carlson, Ned Carroll, Stuart Christian, Douglas Root, and Brenda VanBergen and to waive the outstanding late filing fees and civil penalties.

Vote on MOTION: Unanimously passed.

- **2004 Pre-general Report of Receipts and Expenditures**

**Twin Cities Republican Association**, \$350 late filing fee - In his request dated December 9, 2007, John Dahl, current treasurer for the committee, apologized for not settling the issue promptly. Mr. Dahl became treasurer with the filing of the 2005 Report of Receipts and Expenditures. The 2004 pre-general report was filed on November 7, 2004. Three notices of the late filing fee that accrued were sent to the previous treasurer's address with no response. Staff contacted Mr. Dahl by letter November 9, 2007, to inform him of the outstanding debt. He stated that they are not a large organization and \$350 would be a substantial setback to the committee. The 2007 report disclosed an ending balance of \$4,864.80. No motion was made.

- **2006 Pre-general and Year-end Report of Receipts and Expenditures**

**Committee to Elect Bob Larson Sr. for State Senator**, \$500 late filing fee, \$1,000 civil fine for the pre-general report, \$35 late filing fee for the year-end report - In his letter dated February 27, 2008, Mr. Larson stated that it was his first time as a candidate and after he lost [in the primary] he didn't think he had to file any more reports. The 2006 pre-primary report was filed on time. The pre-general and year-end reports were filed on March 9, 2007. The committee marked the year-end report as a termination. Mr. Larson was contacted regarding a negative \$211 cash balance. He amended the report by letter indicating he contributed \$211 to his committee to cover expenses.

Ms. Ashmore's MOTION: To approve Mr. Larson's request to waive the \$535 in late filing fees and the \$1,000 civil penalty due to the termination of the committee.

Vote on MOTION: Unanimously passed.

- **Lobbyist Disbursement Reports due January 15, 2008**

**Peter Grills**, Rock Tenn Company, \$45 late filing fee - Mr. Grills filed the Lobbyist Disbursement Report, a termination statement, and a request for a waiver of the late filing fee on February 19, 2008. Mr. Grills stated that due to health problems he has not been an active lobbyist for three years. He now lives in Indianapolis, Indiana and has terminated all lobbyist registrations.

Ms. Boyd's MOTION: To approve Mr. Grills request and to waive the late filing fee.

Vote on MOTION: Unanimously passed.

**Mary Culler**, Ford Motor Co., \$45 late filing fee - Ms. Culler filed the Lobbyist Disbursement Report and requested a waiver of the late filing fee on February 19, 2008. Ms. Culler stated that she had been without an assistant since the middle of December 2007 and she was unaware that the reporting deadline was missed. No motion was made.

- **2007 Report of Receipts and Expenditures due January 31, 2008**

**Dale Wilkinson**, Guarding Rights Auditing State Systems (candidate), \$20 late filing fee - Mr. Wilkinson filed the 2007 Report of Receipts and Expenditures and requested a waiver of the late filing fee on March 6, 2008. Mr. Wilkinson, who is also the treasurer for the Grassroots Party Committee, stated that his mailing address changed in September 2007. The change was not made for his principal campaign committee. He received a second certified letter notification but when he went to the post office, they could not find the letter. He assumed the first certified letter was notification regarding the Grassroots Party report which had been filed. No motion was made.

**Authorization for Staff to Administratively Terminate the following Committees**

**Maureen Anderson**, (Maureen) Anderson Volunteer Committee – The committee registered in 1998. The treasurer resigned and the candidate's husband took over as treasurer in January, 2002. The Report of Receipts and Expenditures for 2002 disclosed an ending cash balance of a negative \$857.25. No Reports of Receipts and Expenditures have been received for 2003 through 2006. In the fall of 2006, staff contact with the candidate indicated that her husband had become ill and his health had deteriorated. Staff has since learned that Mr. Anderson has died. Staff suggested to Ms. Anderson that she request a waiver for the accrued late filings fees and civil penalties. She did not respond. In May, 2007, notice of requirement to terminate the committee was sent. No response was received. Ms. Anderson has been referred to Department of Revenue Collections Division (DORCD) for collection of \$3,450.40 in late filing fees and civil penalties. Another \$1,100 is owed but has not been referred to DORCD. Committee reports show that campaign expenditures equaled or were greater than public subsidy received.

Ms. Boyd's MOTION: To direct staff to administratively terminate the (Maureen) Anderson Volunteer Committee.

Vote on MOTION: Unanimously passed.

**Kevin Trainor**, Taxpayers for (Kevin) Trainor - The committee registered in 2002. The last Report of Receipts and Expenditures filed by the Committee was the year end report due January 31, 2003, disclosing an ending cash balance of \$732.63. No reports were filed for 2003 and 2004. Mr. Trainor filed a Report of Receipts and Expenditures and a Statement of Termination on July 22, 2004, disclosing an ending cash balance of zero. When staff questioned the ending cash balance discrepancy, Mr. Trainor said he did not have the Committee records and they were not available through the bank. Mr. Trainor stated in a letter of July 14, 2006, that the computer used by the committee malfunctioned and records were lost in a move. At the October 29, 2007, meeting Mr. Trainor testified before the Board by telephone call from his home in the state of Virginia and told Board members that he could not explain the cash balance discrepancy and cited several personal reasons for the late filing of the 2003 and 2004 reports. Board members directed staff to work with Mr. Trainor to obtain the Committee bank records, amend the reports accordingly, and bring the matter back to the next meeting.

Mr. Trainor was contacted by staff on January 16, 2008, and stated he was not able to get the bank records.

Ms. Ashmore's MOTION: To direct staff to administratively terminate the Taxpayers for (Kevin) Trainor committee.

Vote on MOTION: Unanimously passed.

### **Informational Items**

#### **Payment of Late Filing Fees**

- **Original Statement of Economic Interest**

Ross Aigner, Wilkin SWCD, \$100

Lori Brown, Emergency Medical Services Regulatory Board, \$60 (Rev Recap)

Marcus Campbell, Attorney General's Office, \$85

Lynn Darling, Nobles SWCD, \$40

Erik Hansen, Bassett Creek WMO, \$20

Melanie Kern, Upper Rum River WMO, \$100

Daniel Klein, Electricity Board, \$50.00

Jay Lewis, Electricity Board, \$30  
Jeff O'Donnell, Warroad WD, \$25  
Clinton Schuerman, Swift SWCD, \$100  
Mark Slater, Kamaranzi-Little Rock WD, \$55  
Brenda VanBergen, Lake SWCD, \$25 (previously paid \$5)  
Robert Winter, North Cannon River WMO, \$35

- **Lobbyist Disbursement Reports due January 15, 2008**

Wendell Anderson, Blue Cross/Blue Shield, \$35  
Wendell Anderson Hubbard Broadcasting, \$35  
Wendell Anderson, Medica, \$35  
Wendell Anderson Thrivent Financial, \$35  
Coleen Colburn, Minnesota Chiropractic Association, \$15  
David Dickerson, National Marine Manufacturers Association, \$20  
Todd Guerrero, Otter Tail Power Company, \$15  
Todd Guerrero, Minnesota Transmission Owners, \$15  
Judy Hawley, American Physical Therapy Association Minnesota Chapter, \$65  
Cynthia Jepsen, Shoot In Minnesota, \$5  
Robert Meller, TIAA/CREF, \$5  
Donald Parmeter, American Property Coalition, \$10  
Misti Rice, Coalition Against Bigger Trucks, \$15  
Gary Thaden, Minnesota Mechanical Contractors, \$5  
Gary Thaden, National Electric Contractors, \$5  
Kari Thurlow, Minnesota Health and Housing Alliance, \$5  
Kingsley Wilson, Allied Charities of Minnesota, \$5

- **Lobbyist Disbursement Reports due June 16, 2007**

Peter Grills, Rock Tenn Company, \$10

- **Lobbyist Disbursement Reports due January 16, 2007**

Peter Grills, Rock Tenn Company, \$100

- **Report of Receipts and Expenditures due January 31, 2008**

1<sup>st</sup> District Constitution Party, \$15  
MAIDA, \$5  
MAMPAC, \$20  
Minnesota IFAPAC, \$10  
Minnesotans for the Outdoors Amendment, \$25  
WAMP, \$10  
65B House District RPM, \$30  
Mahnomen County RPM, \$5  
Rob Broberg for Senate, \$30  
Volunteers for Dorian Eder, \$40  
Campaign Fund of Geri Evans, \$5  
Del Ray Flom Volunteer Committee, \$5  
Becky Hall Volunteer Committee, \$5  
Tim Little for Judge, \$15  
Jessica Peterson for Senate, \$40  
Bud Philbrook for Governor, \$15

- **2006 Pre-general Report of Receipts and Expenditures**

Roseau County DFL, \$60.87 (Rev Recap)

- **2006 Pre-primary Report of Receipts and Expenditures**

Rochester Area Chamber of Commerce, \$303.62 (Rev Recap)

- **2005 Year end Report of Receipts and Expenditures**

Mahnomen County RPM, 2005 Year-end Report, \$5

- **Annual Report of Lobbyist Principal due March 15, 2007**

Mary Culler, Ford Motor Company, \$15

**Payment of Civil Fines**

- **Original Statement of Economic Interest**

Melanie Kern, Upper Rum River WMO, \$1,000

Clinton Schuerman, Swift SWCD, \$700

- **2006 Pre-general Report of Receipts and Expenditures**

Roseau County DFL, \$126.96 (Rev Recap)

- **Exceeding the Aggregate Contribution Limit from Political Party Units**

Del Ray Flom Volunteer Committee, \$57.66

### **Deposits to the State Elections Campaign Fund**

- **Anonymous contributions**

Patricia Torres Ray for State Senate, \$214.63

Friends of Tom Tillberry, \$50

- **Forwarded contribution the committee could not keep**

Tim Pawlenty for Governor, \$900

- **Committee required to terminate**

Charles Weaver for AG, \$162.16

### **Follow-up from previous Board Meeting**

The Del Ray Flom Volunteer Committee failed to comply with the orders of Findings issued by the Board on October 29, 2007. The matter was referred to the Office of the Attorney General for civil enforcement. Mr. Flom sent a check for \$57.66 to the Office of the Attorney General for the civil penalty which was forwarded to the Board. Staff also verified that \$57.66 was returned to a party unit that contributed to the Del Ray Flom Volunteer Committee.

Brian Fulcher Volunteer Committee failed to comply with the orders of Findings issued by the Board on December 11, 2007. The matter was referred to the Office of the Attorney General for civil enforcement on January 17, 2008.

### **ADVISORY OPINION REQUESTS**

The following Advisory Opinion requests are nonpublic data.

**Advisory Opinion Request #395 – Activities related to promoting or defeating a ballot question; political fund registration requirement**

Board members reviewed a request from the representative of a non-profit corporation registered in the state of Minnesota who asked if putting a statement in support of a ballot question on the corporate website and publishing it in a newsletter to be distributed to its regular distribution list would constitute actions for the purpose of promoting a ballot question and require the corporation to register a political fund under Minnesota Statutes Chapter 10A.

Board members reviewed and discussed a draft Advisory Opinion.

Ms. Boyd's MOTION: To approve Advisory Opinion 395 as drafted.

Vote on MOTION: Unanimously passed.

SUMMARY: ADVISORY OPINION #395 signed by Chair Sven Wehrwein, April 15, 2008:  
A statement identifying a constitutional amendment ballot question and explaining reasons that passage of the amendment would benefit the state of Minnesota is an action to promote a ballot question. If an organization spends more than \$100 to promote a ballot question, it must register a political fund with the Board and make its ballot question expenditures through that fund.

**Advisory Opinion Request #396 – Gift to Officials of informational digital video disc**

Board members reviewed a request from a registered lobbyist who asked if the distribution to legislators and the Governor of a commercially available documentary which focuses on issues that are of concern to the organization would be an exception to the prohibition of gifts found in Minnesota Statutes, Section 10A.071.

Board members reviewed a draft Advisory Opinion. Members discussed whether the commercially available documentary should be considered informational material under Minnesota Statutes, Section 10A.071, subdivision, 3(2). It was noted that the cost may be more than minimal and that the video was in some movie theaters and is now commercially available for anyone interested in purchasing it.

Mr. Wehrwein's MOTION: To direct staff to draft two Advisory Opinions based on the discussion for Board consideration and to lay the matter over to the next Board meeting.

Vote on MOTION: Unanimously passed.

**Advisory Opinion Request #397 – Definition of first time candidate**

Board members reviewed a request from an individual with a registered principal campaign committee who asked if a candidate who registered a campaign committee for a given office that raised more than \$100 in contributions but did not receive party endorsement, file an affidavit of candidacy for office, nor appear on a primary or general election ballot in a previous election cycle still remains eligible in a subsequent election for the 10% increase in expenditure limits accorded to candidates who are running for office for the first time.

Mr. Goldsmith stated that the request was received too late to draft an Advisory Opinion.

Mr. Wehrwein's MOTION: To lay the matter over to the next Board meeting.

Vote on MOTION: Unanimously passed.

### **LEGAL COUNSEL'S REPORT**

Board members reviewed a memo from Counsel Huwe outlining the status of cases that have been turned over to the Attorney General's office ([see copy of memo attached](#)).

### **REPORT FROM EXECUTIVE SESSION**

- **Findings and Orders issued**

**In the matter of the investigation regarding Elwyn Tinklenberg and the Tinklenberg Group** - The Board found no probable cause to believe that Elwyn Tinklenberg or any Tinklenberg Group staff member is required to register as a lobbyist for the City of Ramsey. The Board ordered that the Findings and the record of the investigation be made a part of the public records of the Board ([see copy of Findings attached](#)).

**In the matter of the investigation regarding Gary Botzek** – The Board found that there is probable cause to believe that Mr. Botzek inadvertently violated Minnesota Statutes, section 10A.15, subdivision 5, when he failed to indicate his lobbyist registration number on a contribution to the People for (Rick) Hansen Committee. The Board ordered that the Findings and the record of the investigation be made a part of the public records of the Board ([see copy of Findings attached](#)).

**In the matter of the investigation regarding Brian Rice** - The Board found that there is probable cause to believe that Mr. Rice inadvertently violated Minnesota Statutes, section 10A.15, subdivision 5, when he failed to indicate his lobbyist registration number on a contribution to the People for (Rick) Hansen Committee. The Board ordered that the Findings and the record of the investigation be made a part of the public records of the Board ([see copy of Findings attached](#)).

**In the matter of the investigation regarding the 7<sup>th</sup> Senate District DFL** - The Board found probable cause to believe that the 7<sup>th</sup> Senate District DFL committee violated Minnesota Statutes, section 10A.27, subdivision 13, when it accepted a contribution in excess of \$100 from the Friends of Jim Oberstar Committee, an association not registered with the Board, without receiving the required disclosure. The Board ordered that the Findings and the record of the investigation be made a part of the public records of the Board ([see copy of Findings attached](#)).

**In the matter of the investigation regarding the 8<sup>th</sup> Congressional District DFL** - The Board found probable cause to believe that the 8<sup>th</sup> Congressional District DFL committee violated Minnesota Statutes, section 10A.27, subdivision 13, when it accepted a contribution in excess of \$100 from the Friends of Jim Oberstar Committee, an association not registered with the Board, without receiving the required disclosure. The Board ordered that the Findings and the record of the investigation be made a part of the public records of the Board ([see copy of Findings attached](#)).

**In the matter of the investigation regarding the Friends of Jim Oberstar** - The Board found probable cause to believe that the Friends of Jim Oberstar, an association not registered with the Board, inadvertently violated Minnesota Statutes, section 10A.27, subdivision 13, when it made contributions in excess of \$100 to the 7<sup>th</sup> Senate District DFL Committee and the 8<sup>th</sup> Congressional District DFL Committee without providing the required disclosure. The Board ordered that the Findings and the record of the investigation be made a part of the public records of the Board ([see copy of Findings attached](#)).

Respectfully submitted,

Gary Goldsmith  
Executive Director

attachments (7)