

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

**Findings In The Matter of the Acceptance of
a Prohibited Contribution During the 2010 Legislative Session from Joseph T. O'Neill,
Registered Lobbyist, to the Tom Emmer for Governor Committee**

Summary of the Facts

Minnesota Statutes, section 10A.273, subdivision 1(a), prohibits a candidate for a constitutional office or the candidate's principal campaign committee from soliciting or accepting a contribution from a registered lobbyist during a regular legislative session. A candidate that violates this section is subject to a civil penalty of up to \$1,000.

Minnesota Statutes, section 10A.273, subdivision 1(b), prohibits a registered lobbyist from making a contribution to a candidate for constitutional office, or the candidate's principal campaign committee during a regular legislative session. A lobbyist who violates this section is subject to a civil penalty imposed by the Campaign Finance and Public Disclosure Board ("the Board") of up to \$1,000.

Minnesota Statutes, Section 10A.15, subdivision 5, prohibits a registered lobbyist from making a contribution without providing the lobbyist's name and registration number. A lobbyist that violates this section is subject to a civil penalty imposed by the Board of up to \$1,000.

The 2010 Report of Receipts and Expenditures filed with the Board by the Tom Emmer for Governor Committee (the "Committee") disclosed a \$100 contribution from Joseph T. O'Neill, a registered lobbyist, on April 27, 2010. The 2010 Legislative Session was held from February 4 through May 17, 2010.

In response to a Board inquiry, Tom Emmer, Sr., treasurer, confirmed that the Committee inadvertently accepted the contribution during the 2010 Legislative Session. He further states that the Committee was unaware that Joseph T. O'Neill was a registered lobbyist and the lobbyist registration number was not included with the contribution. The Committee returned \$100 to Mr. O'Neill on October 18, 2010, and provided a copy of the check used to return the contribution.

In a letter dated March 15, 2011, Joseph T. O'Neill confirmed making the contribution during the legislative session. Mr. O'Neill stated "I sent my contribution to the candidate for Governor at that time not from any request on his part, but because he had just won the nomination of his political party in a very spirited contest. I had known his Father and family on a personal basis for many years, and without thinking of the Statute, I sent the campaign the contribution congratulating him on his convention victory." Mr. O'Neill confirmed in a telephone conversation that he did not provide his lobbyist registration number with the contribution to the Emmer Committee.

This matter was considered by the Board in executive session on April 19, 2011. The Board's decision is based on the statements received from Tom Emmer, Sr., Joseph T. O'Neill, and Board records.

Based on the information outlined in the above Summary of the Facts and Relevant Statutes, the Board makes the following:

Finding Concerning Probable Cause

1. There is probable cause to believe that Joseph T. O'Neill violated Minnesota Statutes, section 10A.273, subdivision 1(b) by contributing to the Tom Emmer for Governor Committee during the 2010 regular legislative session.
2. There is probable cause to believe that the Tom Emmer for Governor Committee violated Minnesota Statutes, section 10A.273, subdivision 1(a), when the committee accepted the contribution from Mr. O'Neill during the 2010 regular legislative session.
3. There is probable cause to believe that Mr. O'Neill violated Minnesota Statutes, section 10A.15, subdivision 5, when he failed to indicate his lobbyist registration number on the contribution to the Tom Emmer for Governor Committee.
4. There is probable cause to believe that the Tom Emmer for Governor Committee accepted the contribution from Mr. O'Neill because there was no registration number to identify the donor as a lobbyist.
5. There is no probable cause to believe that the violations were intentional or done with the intent to circumvent the requirements of Minnesota Statutes, Chapter 10A.

Based on the above Findings Concerning Probable Cause, the Board issues the following:

ORDER

1. The Board imposes no civil penalty on the Tom Emmer for Governor Committee for acceptance of a contribution from a lobbyist during the regular 2010 legislative session.
2. The Board imposes a civil penalty of \$100, which is one times the amount of the contribution, on Joseph T. O'Neill, for contributing to a principal campaign committee during the 2010 legislative session in violation of Minnesota Statutes, section 10A.273, subdivision 1(b).
3. The Board imposes an additional civil penalty of \$100 on Joseph T. O'Neill, for failure to provide a lobbyist registration number on the check used to make the contribution to the Tom Emmer for Governor Committee in violation of Minnesota Statutes, section 10A.15, subdivision 5.
4. Joseph T. O'Neill is directed to forward to the Board payment of the \$200 civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.

5. If Joseph T. O'Neill does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action for the remedies available under Minnesota Statute, section 10A.34.
6. The Board investigation of this matter is entered into the public record in accordance with Minnesota Statutes, section 10A.02, subdivision 11. The matter is concluded.

Dated: April 19, 2011

_____/s/ John Scanlon_____

John Scanlon, Chair
Campaign Finance and Public Disclosure Board

Relevant Statutes

1. Minnesota Statutes section 10A.15, subdivision 5. **Registration number on checks.** A contribution made to a candidate by a lobbyist, political committee, political fund, or party unit must show the name of the lobbyist, political committee, political fund, or party unit and the number under which it is registered with the board.
2. Minnesota Statutes, section 10A.273, subdivision 1. **Contributions during legislative session.** (a) A candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature, must not solicit or accept a contribution from a registered lobbyist, political committee, political fund, or dissolving principal campaign committee, or from a party unit established by the party organization within a house of the legislature, during a regular session of the legislature.