

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

**FINDINGS IN THE MATTER OF THE ACCEPTANCE OF  
A PROHIBITED CONTRIBUTION DURING THE 2007 LEGISLATIVE SESSION  
BY THE DFL SENATE CAUCUS**

**Summary of the Facts**

Minnesota Statutes, section 10A.273, subdivision 1, prohibits a political party organization within a house of the legislature (a political party caucus) from soliciting or accepting a contribution from a lobbyist during a regular legislative session. A political party caucus that violates this section is subject to a civil penalty of up to \$1,000.

The 2007 year-end Report of Receipts and Expenditures for the DFL Senate Caucus (“the Caucus”) disclosed two contributions each in the amount of \$100 from Cort Holten. Mr. Holten is a registered lobbyist. The contributions were received on February 9 and March 10, 2007. In 2007 the legislature was in session from January 3rd to May 21st.

In response to an inquiry from the Campaign Finance and Public Disclosure Board (“the Board”), Thomas Kukielka, deputy treasurer for the Caucus, confirmed the acceptance of the contributions. In a letter dated March 14, 2008, Mr. Kukielka states, “A lobbyist was inadvertently solicited in 2007 by a third party (telemarketing) vendor hired by the Caucus.” Explaining the circumstances under which the contributions were accepted Mr. Kukielka states, “A home address was listed on the check. The lobbyist did not provide a lobbyist registration number on the check. ... Since neither of the checks contained a registration number, the Caucus was unable to identify the individual as a prohibited source.”

Mr. Kukielka indicated that the Caucus had returned the contributions to Mr. Holten and provided the Board with a copy of the check used by the Caucus to make the return. The return of the prohibited contributions did not occur within the 60 day period specified in Minnesota Statutes, Section 10A.15, subdivision 3. Board records show that this is the second violation of Minnesota Statutes, section 10A.273, subdivision 1, by the DFL Senate Caucus.

This matter was considered by the Board in executive session on April 15, 2008, and May 16, 2008. The Board’s decision was based upon correspondence from Mr. Kukielka and Board records.

**Based on the above Summary of the Facts and Relevant Statutes, the Board makes the following:**

**Finding Concerning Probable Cause**

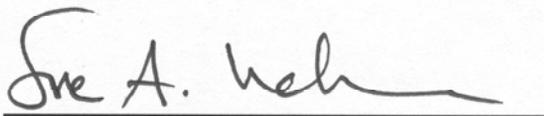
1. There is probable cause to believe that the DFL Senate Caucus inadvertently solicited and accepted two contributions from a registered lobbyist during the 2007 regular legislative session.

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

**ORDER**

1. The Board imposes a civil penalty of \$400, two times the amount of the prohibited contributions, on the DFL Senate Caucus for solicitation and acceptance of contributions from a registered lobbyist during the regular session of the Minnesota Legislature in violation of Minnesota Statutes, section 10A.273, subdivision 1.
2. The DFL Senate Caucus is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.
3. If DFL Senate Caucus does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action on behalf of the Board for the remedies available under Minnesota Statutes, section 10A.34.
4. 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: May 16, 2008



Sven A. Wehrwein, Chair  
Campaign Finance and Public Disclosure Board

### Relevant Statutes

1. 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.